

**LDC Discussion topics for possible amendment – August 2024 Council discussion**

**Items referenced within the 2024 Draft Comprehensive Plan**

1. **Assisted living and CCRC within D6 and D8:** Existing assisted living and continuing care retirement community facilities are as follows:

Use	Permitted Zoning District	Facility
Assisted living	D2,D3,D4,D5,D6,D8	The Elms, Heritage of Hudson
Continuing Care Retirement Community	D3,D6,D8	Laurel Lake Retirement Community, Hudson Grande, Hudson Meadows, Springwood-Danbury

These facilities can cause a strain on safety services and have been developed within commercial/industrial districts which have a primary focus on income tax generating development. The applicable districts where these uses are allowed could be reduced by removing them from D6 and D8. Each of the above uses could continue to operate as non-conforming uses except for Laurel Lake which is within D3 and could continue under its current conditional use status.

Amendment: Remove assisted living and Continuing Care Retirement Communities from allowed uses within District 6 and 8.

2. **Establish D7-D8 overlay along South St Rt 91**

The draft 2024 Comprehensive Plan includes a South Darrow Road Corridor Focus area. In addition to desired streetscape enhancements the plan recommends an extension of the commercial development present to the north along the east side of Darrow Road extending south across the frontage of the Joann’s facility. Page 79 notes:

*The east side of Darrow Road, south of Terex Road, has the opportunity for new development to enhance the streetscape and soften the industrial scale of this portion of the corridor.*

This zoning amendment could be accomplished as an overlay to District 8 that is a blend of the current D8 Business/Industrial and the D7 Commercial to the north to help transition between these two areas.

3. **Additional items referenced in the Draft Comprehensive Plan**

In addition to the two specific items above, the draft plan also references the below specific action items that could be pursued as stand-alone efforts or as part of a larger scale update.

1.1.1: Update the zoning code and map, as needed, to support the comprehensive plan and future land use map.

1.2.1: Limit new residential development in undeveloped areas while protecting open spaces, and being compatible in scale, density, and design to surrounding homes.

2.1.1: Update or amend zoning regulations to allow for desired housing types and density. Refer to the statistically valid community survey regarding desired housing types and density until the Land Development Code is updated.

5.7.1: Evaluate updates to the zoning code that promote sustainable land development practices.

**Items relevant to recent Council inquiry-discussion:**

**4. Subdivision – Compatibility Review Step Public Hearing:**

The Land Development Code calls for a three-step process for review of subdivisions as follows(1203.10)(d):

- a. Compatibility review – Public meeting (not a hearing)
  - i. No mandated notice or testimony although such steps are following on a courtesy basis.
  - ii. Step 1: pre-application conceptual review. ... *the PC shall review the conceptual plan of the proposed subdivision and comment on it and its compatibility with existing adjacent development prior to the scheduling of a public hearing on a preliminary subdivision plan application. The applicant shall address comments received on the conceptual plan to supplement the application for preliminary subdivision approval.*
- b. Preliminary Subdivision Plan – Public hearing
  - i. Mandated 15 day notice to residents, website posting, and sign on the property.
- c. Final Subdivision Plan – Public hearing

The LDC does not give much guidance on the initial compatibility review step. Staff understands this step is intended to be a high level concept plan review for the applicant to engage with the Planning Commission early and receive feedback (with no formal decision) prior to the applicant preparing a submittal for the Preliminary Plan Step. Staff understands surrounding property owners may wish to be more involved at this step and have the right to provide public testimony.

Amendment: Revise the compatibility review step to also require a public hearing and add specific submittal requirements to clarify the concept plan level review.

## 5. Meeting processes for PC and BZBA

### a. **Notice of application to the community** - 1203.10(d)(1):

The LDC requires a 15 day public notice requirement. This could be increased to 17 days as an option to provide residents an extended time between notice and the meeting. Staff does note that the current 15 day notice along with a submittal deadline four weeks prior to the meeting does work well from a workflow standpoint to not have multiple review cycles overlapping each other.

### b. **Review timeline 1203.01(i)**: The Planning Commission will often discuss the date an application was certified as complete and feel rushed to act on the application within 60 days as required by the LDC. Staff has reviewed this potential rushed feel to review and notes that 1203.01(i) provides any decision making body the ability to extend an extra 60 days and even further with consent of the applicant.

Staff will communicate this information to the review boards.

### c. **Discussion time limits**: Council discussed the time limits relevant to public testimony (typically 5 minutes) and applicant presentations (typically no time limit). These procedures are not incorporated into the LDC; however, the administrative rules state:

*The Chair may at any time limit the length of time or the number of times a witness may speak at a public hearing of a case*

Amendment: Council may wish to request PC and BZBA amend administrative rules to set specific time limits on public testimony as well as initial applicant presentations.

### d. **Comment for items not on the agenda**:

Council has commented on the confusion of the process regarding the general public comment period at the beginning of board meetings. Meeting order is called out in the Administrative Rules including reference to public comment.

Amendment: Council may wish to request PC and BZBA amend administrative rules to state discussion/comment of "any item under the Planning Commission (or BZBA) purview" as suggested or perhaps "Public Comment on any matters not scheduled for public hearing"

### e. **Meeting discussion** (Administration recommendation): Lengthy meeting discussions can lead to late evening meetings and the need to continue cases to future dates. Typical meeting flow involves the Chair individually asking each member for any questions or comments after initial presentations and a second time after the public testimony.

Amendment: Revise meeting flow by having the chair ask if any member has question/comment rather than asking each individually.

**2. Definition of Open Space Conservation Subdivision – language can be mis-interpreted**

Council has noted considering some review of the Open Space Conservation Subdivision regulations by the Planning Commission due to how the code has been interpreted or implemented. Additional direction from Council would be helpful to assist Planning Commission on the desired amendments to consider.

**Items Relevant to Planning Commission or Staff comments**

**1. Large Scale Update or rewrite of the Land Development Code**

Planning Commission has expressed a desire to advance a large-scale review and update of the Land Development Code. This update could establish a completely new regulation or could be scoped as a large scale update while keeping the current document framework, terminology, and zoning districts. If such an effort is pursued, \$100,000 has been incorporated within the 2024 budget for possible consultant services for this multi-year effort. Some items relevant to a large scale update:

1. Streamline regulations so topics such as landscaping or sidewalks do not appear in multiple portions of the document
2. S 91 Traffic Corridor Plan- update the code references to this traffic plan.
3. Study housing needs as referenced in the Comprehensive Plan
4. Tools to make the regulations more searchable and accessible for residents and businesses.

**2. Certification on licensing (1206.02(c)(4):**

The LDC requires many uses to submit an annual report with evidence of state/federal certification. Historically staff and the PC has administered this text to require proof of certification upon request. Revising the regulation to note such would align with staff administration to date and protect city interests without being too intrusive to businesses.

Amendment: *Where applicable, certification or licensing by the sponsoring state or federal governmental agency shall be a prerequisite to issuance of a zoning certificate by the City. A copy of an annual report with evidence of continuing certification shall be submitted to the Community Development Director ~~in January of each year~~ upon request.*

**3. Marijuana facilities**

Resolution 23-166, adopted 12.12.23, established a 12 month moratorium on the filing, consideration, review and approval of all new applications for marijuana related facilities. Since that time the State of Ohio has adopted the applicable regulations for dispensaries and grow facilities. The state law does allow cities to fully ban such facilities. The

recently adopted 23-154 established regulations for various uses including vape shops, tattoo parlors, and marijuana facilities. Council may wish to pull marijuana facilities from the LDC and establish a permanent ban.

Amendment: Consider a permanent ban on marijuana related facilities.

#### 4. Density definition

The LDC regulates the maximum number of housing units permitted per acre based on the below net density definition (rather than gross density). The intent of this definition is to capture “buildable” acreage than gross acreage; however, this definition is a bit difficult to administer and can be interpreted differently by staff, applicant, residents, and the Planning Commission. Revised to a simpler text could address these items.

"Density, net" shall mean the measure of dwelling units permitted per acre of land area contained in the development, excluding streets, easements, public open space, land under water, and certified wetlands and floodplains. Wetland and other sensitive area setbacks and private open space shall not be excluded in calculating net density. Unless otherwise indicated in this Code, any specified residential density shall be net density.

Amendment: Revise the net density definition to ease administration and reduce variations in interpretation.

#### 5. Consultant Services for AHBR (1202.04(b)):

The AHBR utilizes the services of a consultant on several cases a year within the historic district. Historically the AHBR has utilized the services of a state historic preservation consultant; however, the consultant was not a registered architect. The AHBR and staff changed consultants in 2023 to better align with the LDC standard; however, this has led to increase costs of several thousand dollars per year. Amending the LDC to the below would provide a large range for a larger range of consultants to consider and reduced costs.

*(3) Advice of consultant. When requested by official action of the AHBR, the City Manager is hereby authorized and directed to employ a qualified, licensed architect **or State of Ohio Historic Preservation Office qualified consultant** to consult with and assist the AHBR on any and all matters set forth in this Code. If the Historic District and/or historic landmarks are involved, such architect shall be a qualified restoration architect. Such consultation and assistance shall be strictly advisory and the AHBR shall not be bound by the architect's recommendation or opinion.*

#### 6. Submittal Requirements

Submittal requirements for all application types are listed within the Appendix of the LDC. Staff notes amendment may be appropriate to align the requirements with current workflow (ex. not requested list of property owners within 500 ft) and to better streamline requirements across the various application types.