

# Hudson Codified Ordinances: References to the Comprehensive Plan

Compiled December 2022

*The purpose of this document is to highlight portions of the Land Development Code in which the Comprehensive Plan is referenced. Portions of the Code are pasted for context but much of the Code is omitted for brevity. Refer to Hudson's [Land Development Code Online](#) for the full Code.*

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# **CHARTER : PREAMBLE**

## **ARTICLE VIII - Operating and Staff Divisions and Departments**

### **SECTION 8.05 MUNICIPAL PARKS.**

The Municipality shall operate and maintain public parks and public lands acquired or designated by Council. The Park Board shall, make recommendations as to the following matters: the operation of the parks, an annual budget with the advice of the City Manager for the Council's approval and appropriation of funds, park expenditures in accordance with the appropriation therefor, conservation and recreation activities within the Parks System and it shall perform such other tasks as may be designated by Council.

Tax levies designated for the operation of the public park system shall be recommended by the Park Board and may be approved by Council for placement on the ballot. Funds collected and appropriated for park purposes shall be maintained as a Special Revenue Fund by the Finance Director of the Municipality.

With the approval of the Council, the Park Board shall provide for lands suitable for park activities and programs, and for lands suitable for natural preserves. Land acquisitions for park purposes shall be recommended by the Park Board and may be approved by Council and shall conform to the **Comprehensive Plan** and enacting ordinances in effect at the time of the acquisition. Except by a vote of a majority of the electors of the Municipality, land owned by the Municipality and devoted to public park purposes shall not be sold or otherwise transferred to another owner, nor used by the Municipality for purposes other than public park purposes, which would result in a net reduction of the land area of the public park, unless the reduction in land area would be for a public purpose that enhances the function of that particular park or for a public right-of-way for vehicular, pedestrian and/or utility purposes. (Amended 11-7-00; 11-2-10; 11-3-15)

## **ARTICLE IX – Planning**

### **SECTION 9.03 CONTINUING **COMPREHENSIVE PLAN.****

The **Comprehensive Plan** in effect shall be the operative growth management policy for the Municipality, and as such shall guide Council in taking action with respect to the physical development of the Municipality and expenditures for capital improvements.

The Planning Commission shall review and make any needed recommendations for the timely modification updating of the Continuing **Comprehensive Plan** of the Municipality. Recommendations for modification or amendment of such Plan may be made to Council at any time. Notwithstanding the foregoing, the Plan shall be reviewed by the Commission for revisions every ten (10) years or more often if requested by Council. When a section has been reviewed by the Planning Commission, the Chairperson of the Commission, within thirty (30) days of the completion of the review, shall submit the text of that section, with or without proposed amendments, to the Council. If any amendment is proposed, Council shall hold a public hearing with respect to the section and proposed amendment, and shall thereafter adopt, reject or modify the amendment.

Council shall initiate the review of the **Comprehensive Plan** of the Municipality for any needed changes or modifications no less than every ten (10) years. Either Council or Planning Commission may make recommendations for revision to the **Comprehensive Plan** at any time. Any recommendation for modification or amendment of the **Comprehensive Plan** shall receive public hearing by the Planning Commission and within six (6) months following public hearing, recommendation shall be made by the Planning Commission to Council. Council shall hold a public hearing and take action to adopt, reject or modify the amendment of the **Comprehensive Plan** within six (6) months of receipt of a recommendation from the Planning Commission. (Amended 11-7-00; 11-2-10)

## **PART TWO : ADMINISTRATION CODE**

### **CHAPTER 288 - Hudson Park Board**

#### **288.01 ESTABLISHMENT; AUTHORITY.**

(a) The Municipality shall operate and maintain public parks and public lands acquired or designated by Council. The Park Board shall make recommendations as to the following matters: the operation of the parks, an annual budget with the advice of the City Manager for the Council's approval and appropriation of funds, park expenditures in accordance with the appropriation therefor, conservation and recreation activities within the Parks System, and it shall perform such other tasks as may be designated by Council.

(b) With the approval of the Council, the Park Board shall provide for lands suitable for park activities and programs, and for lands suitable for natural preserves. Land acquisitions for park purposes shall be recommended by the Park Board and may be approved by Council and shall conform to the **Comprehensive Plan** and enacting ordinances in effect at the time of the acquisition. Except by a vote of a majority of the electors of the Municipality, land owned by the Municipality and devoted to public park purposes shall not be sold or otherwise transferred

to another owner, nor used by the Municipality for purposes other than public park purposes, which would result in a net reduction of the land area of the public park, unless the reduction in land area would be for a public purpose that enhances the function of that particular park or for a public right-of-way for vehicular, pedestrian and/or utility purposes.

(Ord. 94-78. Passed 7-5-94; Ord. 01-130. Passed 7-18-01; Ord. 16-132. Passed 9-6-16.)

## **CHAPTER 1012 - Sidewalks, Culverts, Driveways, Treelawns and Curblawns**

### **1012.05 SIDEWALK/CULVERT CONSTRUCTION POLICY.**

(a) Existing Sidewalk Replacement. The City will maintain a record of citizen requests for sidewalk repair and, annually, will review the condition of all of the existing sidewalks within the City. Based on the approved capital budget for any given year, a priority list will be developed and funds will be spent on the replacement of sidewalks, in order of priority, until funds are exhausted. It shall be the City's general policy to replace all existing sidewalk with concrete, and the City will pay 100 percent of the cost of individual sidewalk replacement if concrete is used as the replacement material. The City will, however, replace existing sandstone sidewalks with new sandstone if an abutting property owner agrees to pay the cost difference between replacement with concrete sidewalk and sandstone sidewalk, in accordance with the procedure established below. In no event shall City funds be used to replace existing sandstone sidewalk with sandstone. When existing sandstone sidewalk is replaced, the abutting property owner, with respect to individual blocks of sandstone, will have the option to keep the removed sandstone for his or her own use, or to have the City dispose of the sandstone as it deems appropriate.

If a sidewalk replacement project involves existing sandstone sidewalk, the City will notify abutting property owners, as well as the Historic District Subcommittee of the City's Architectural and Historic Board of Review, following the award of a contract for the replacement work, but in advance of the construction work associated with the sidewalk replacement. Individual abutting property owners will have ten calendar days from the date of such notice to advise the City if any of those abutting property owners are willing to pay the cost difference between concrete sidewalk replacement and new sandstone sidewalk replacement with respect to the sidewalk abutting their respective properties.

In the case of sidewalk replacement projects that involve more than one abutting property, replacement need not be uniform. Individual abutting property owners may request and pay for replacement of sandstone sidewalk with sandstone, and others may elect to have their abutting sandstone sidewalks replaced with concrete.

The City shall require all expressions of interest in replacing sandstone sidewalk with sandstone or declining the opportunity to be submitted in writing. If an abutting property owner agrees to pay the additional cost of replacing sandstone with sandstone, he or she must make payment to the City in the appropriate amount, in cash or by check, prior to the commencement of construction of the sidewalk replacement project by the City. If such payment is not received by the City within the prescribed time frame, the City will proceed by replacing the existing sandstone sidewalk with concrete sidewalk.

(b) Driveway Aprons and/or Associated Culvert. All appurtenances (including sidewalks) within the road right-of-way are considered to be a benefit to the City in general and to a neighborhood specifically, except for driveway aprons and their associated culverts. Driveway aprons and any associated culverts are considered to be a specific benefit to individual property owners and, thus, the responsibility for maintaining and repairing driveway aprons and any associated culverts falls on respective individual property owners. If a property owner's activity with respect to his or her driveway apron or associated culvert affects the adjacent sidewalk or the adjacent flow of storm water, the property owner shall be responsible for carrying out construction and paying costs associated with modifying that sidewalk or culvert to bring it within established City design and safety standards. In the event that City activity with respect to an existing sidewalk or culvert affects a property owner's driveway apron, the City will be responsible for replacing the driveway apron or culvert, or for carrying out such construction work necessary to return the existing driveway apron and/or associated culvert to the previously existing construction, but not less than established City design and safety standards, and shall also be responsible for paying the associated costs of such work.

(c) New Sidewalk Construction. Abutting property owners may petition for installation of new sidewalks in areas where sidewalks have not previously been installed. Such petitions shall be prepared and filed in accordance with Chapter 727 of the Ohio Revised Code. All costs associated with the construction and installation of new sidewalks shall be paid by affected property owners, either by cash payment or through the levy of special assessments, in accordance with the Ohio Revised Code. Any new sidewalk project shall cover, at a minimum, one complete block or segment of the City street or streets named in a petition.

All new sidewalks shall be connected to an existing sidewalk if the proposed new sidewalk ends within 500 feet of an existing sidewalk, and the cost of construction of the connecting sidewalk length, plus any additional required construction work, shall be included in the costs associated with the construction and installation of the petitioned for sidewalk. The cost of any additional work necessary in connection with the construction of a new sidewalk shall also be included in the costs of construction of the new sidewalk and shall be paid by the abutting property owners in accordance with Chapter 727 of the Revised Code. Such additional costs may include, but are not limited to, the cost of installing curbs and/or storm sewers in areas that presently have roadside ditches. With respect to corner property lots, and in determining the appropriate apportionment of project costs among affected property owners, the City shall consider only the longest side of the lot when using front footage as the basis for apportioning project costs.

On receipt of a petition for installation of a new sidewalk, the City Engineering Department will conduct a field investigation of the area covered in the petition to ascertain the feasibility of constructing and installing a new sidewalk in that area. In addition, the Engineering Department will determine appropriate sidewalk configuration, location and width in accordance with City zoning and land development requirements and the City's **Comprehensive Plan**. Based upon the feasibility study and associated preliminary determinations, the Engineering Department will prepare a preliminary project cost estimate. The preliminary project cost estimate shall be distributed to affected property owners for their review. If the original petitioners are still interested in pursuing installation of new sidewalk after review of the preliminary cost estimate, the City shall proceed in accordance with Chapter 727 of the Revised Code to authorize and carry out the project and levy associated special assessments.

Construction and installation of new water lines shall be governed by Chapter 1044 of these Codified Ordinances. Construction and installation of all other new infrastructure facilities, including, but not limited to, concrete curbs, storm sewers, street and pedestrian lighting and electric utility lines, shall be governed by the City's Infrastructure Policy (implemented by Ordinance 99-74, passed on July 7, 1999).

(Ord. 00-54. Passed 5-3-00; Ord. 04-154. Passed 8-18-04.)

## **PART TWELVE : PLANNING AND ZONING CODE**

### **CHAPTER 1201 - General Provisions**

#### **1201.03 PURPOSE AND INTENT.**

The regulations of this Land Development Code are intended to implement the City of Hudson **Comprehensive Plan**, as amended, and more specifically are intended to:

- (a) Promote the public health, safety, convenience, comfort, prosperity, and general welfare;
- (b) Secure safety of persons and property from fire, flood, and other dangers, and to secure adequate open spaces for light, air, and amenity;
- (c) Conserve and stabilize property values through the most appropriate uses of land in relation to one another;
- (d) Preserve and protect forests and woodlands, existing trees and vegetation, agricultural lands, floodplains, stream corridors, wetlands, and other sensitive environmental areas from adverse impacts of urban and suburban development;

- (e) Facilitate the economic provision of adequate public facilities such as transportation, water supply, sewage disposal, drainage, electricity, public schools, parks, and other public services and requirements;
- (f) Prevent congestion in travel and transportation, reduce community dependence on automobile travel, and encourage trip consolidation;
- (g) Preserve and protect the architecture, history, and small-town character of the historic village core;
- (h) Encourage innovative residential development so that growing demand for housing may be met by greater variety in type, design, and layout of dwellings, and by conservation and more efficient use of open space ancillary to such dwellings;
- (i) Encourage nonresidential development that preserves and protects the character of the community, including its natural landscape, and that minimizes objectionable noise, glare, odor, traffic and other impacts of such development, especially when adjacent to residential uses or to the historic village core;
- (j) Manage overall community growth, including population and employment growth, to benefit the community and to encourage fiscally efficient and orderly development; and
- (k) Encourage a balance of residential and non-residential uses and development in the community so that future growth occurs in a fiscally prudent manner.

(Ord. 18-93. Passed 10-15-19.)

## **1201.06 RULES OF CONSTRUCTION AND INTERPRETATION.**

- (a) Meaning and Intent. All provisions, terms, phrases, and expressions contained in this Land Development Code shall be construed according to this Code's stated purpose and intent.
- (b) Text. In case of any difference of meaning or implication between the text of this Code and any heading, drawing, table, or figure, the text shall control.
- (c) Computation of Time. Periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.
- (d) Delegation of Authority. Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.
- (e) Technical and Non-Technical Words. Words and phrases not otherwise defined in this Code shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Code that may have acquired a



peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(f) Mandatory and Discretionary Terms. The word "shall" is always mandatory, and the words "may" or "should" are always permissive.

(g) Conjunctions. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(1) "And" indicates that all connected items, conditions, provisions, or events shall apply; and

(2) "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

(h) Tense and Usage. Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

(i) Gender. The masculine shall include the feminine.

(j) Interpretation of Zone District Boundaries. Where uncertainty exists as to the boundaries of zone districts as shown on the Official Zoning Map, the following rules shall apply:

(1) Boundaries indicated as appearing to follow the center lines of streets or highways shall be construed as following such center lines;

(2) Boundaries indicated as appearing to follow platted lot lines shall be construed as following such platted lot lines;

(3) Boundaries indicated as appearing to follow City limits shall be construed as following City limits;

(4) Boundaries indicated as following railroad lines shall be construed as midway between the main tracks;

(5) Boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed as moving with the actual body of water and following the centerline; and

(6) When there is disagreement over the location of zone district boundaries, a decision on the correct location shall be rendered by the City Manager with an appeal from this decision made to the Board of Zoning and Building Appeals. In making his decision, the City Manager shall consider the rules set forth in this division, the **Comprehensive Plan** policies and map of the area in dispute, adjacent and surrounding land uses, and if deemed necessary, an inspection of the area in dispute.

(Ord. 18-93. Passed 10-15-19.)

# CHAPTER 1202 - Administrative and Review Roles

## 1202.02 PLANNING COMMISSION.

(a) Powers and Functions. As amended by the Charter of the City of Hudson from time to time, the powers and functions of the Planning Commission ("PC") with respect to administering this Code are as follows:

(1) Conditional uses. Hold public hearings, review, and take final action on proposed conditional use applications.

(2) Subdivisions. Hold public hearings, review, and take final action on proposed preliminary and final subdivision plat applications.

(3) [Reserved.]

(4) Site plans—major developments. Hold public hearings, review, and take final action on proposed site plans for major developments, unless the site plan application is called up by the City Council for its review.

(5) Site plans—minor and basic developments. Review and take final action on proposed site plans for minor and basic developments referred to the Commission from the City Manager or called up by the PC.

(6) Design review and zoning certificate approval—development in Districts 6 and 8. As appointed to the Design Subcommittee for Development in Districts 6 and 8, review plans for the design of buildings and other structures, for proposed major developments and make recommendations to the Planning Commission. Take final action on zoning certificates for major development.

(7) Development agreements. Review and make recommendations to the City Council on proposed development agreements.

(8) Planned developments. Review and make recommendations to the City Council on applications for preliminary planned developments and take final action on final planned developments.

(9) Amendments to Code. Hold public hearings, review, and make recommendations to the City Council on proposed text or map amendments to this Code.

(10) Annual residential development allocation. Make recommendations to the City Council regarding an annual residential development allocation pursuant to Chapter [1211](#).

(11) Comprehensive Plan. Annually review and make any needed recommendations to the City Council for the timely modification or amendment of the Comprehensive Plan.

(12) Updates of Land Development Code and Official Zoning Map. Periodically review this Code and the Official Zoning Map to determine if they remain relevant in light of the Comprehensive Plan and in light of current development trends and planning concerns, and make recommendations to the City Council for any changes.

(b) Operations.

(1) Membership.

A. As amended by the Charter of the City of Hudson from time to time, the PC shall consist of seven qualified electors of the City, appointed by the City Council and not holding other public office, to serve without compensation for staggered four year terms.

B. Each member shall have been a resident of the City of Hudson for a minimum of two years preceding the appointment and shall continue to remain a resident during the member's term. At the time of the appointment or re-appointment of any member of the Planning Commission, the Planning Commission shall have no less than one member from each ward in the Municipality.

C. No member of the PC shall serve for more than three consecutive full four-year terms. In the event of a vacancy, the City Council shall appoint a qualified elector to fill the unexpired term.

D. The City Manager shall serve as ex-officio Secretary of the Commission, but shall have no voting rights on any matter.

(2) Quorum. Four members of the PC shall constitute a quorum.

(3) Meetings, hearings, and rules.

A. Conduct of public meetings/hearings. The conduct of public meetings and hearings before the PC shall be governed by the Planning Commission Administrative Rules. If any provisions set forth in the PC Administrative Rules conflict with the provisions of this Code, the provisions of this Code shall apply.

B. The Chairperson, or in the Chairperson's absence the acting Chairperson, has the authority to administer oaths and the Commission may compel the attendance of witnesses and evidence through the power of subpoena within the municipal boundaries of the City. The subpoena powers shall be exercised through procedures established by the Commission in its Administrative Rules.

(4) Decisions.

A. Findings. All decisions of the PC shall be based on written findings of fact related to the relevant standards or criteria set forth in this Code.

(Ord. 16-57, § 1. Passed 12-20-16; Ord. 16-148, § 3. Passed 2-21-17; Ord. 18-93. Passed 10-15-19; Ord. 21-46. Passed 8-17-21)

## **CHAPTER 1203 - Development Review and Administration Procedures**

### **1203.02 CORE DEVELOPMENT REVIEW PROCEDURE.**

All development applications are subject to the following seven-step "core" approval procedure, unless variations or exceptions to the core procedure are expressly provided for in the particular development application requirements set forth in this chapter.

<b><i>Core Development Review Procedure</i></b>	
<b><i>Core Development Review Procedure</i></b>	
Step 1	Pre-Application Conceptual Review
Step 2	Application
Step 3	Staff Review and Report
Step 4	Planning Commission Action or Recommendation
Step 5	City Council Review and Action
Step 6	AHBR Review and Action
Step 7	Zoning Certificate

(a) **Step 1: Pre-Application Conceptual Review.**

(1) **Purpose.** The purposes of the pre-application conceptual review meeting are to provide an opportunity for the applicant and the City Manager to discuss the review process, the scope of appropriate submittal requirements, and compliance with this Code. Major potential problems can be identified before a formal application is submitted.

(2) **Applicability.** Pre-application conceptual review is mandatory for all applications relating to site plans except minor development, preliminary planned development plans, and preliminary subdivisions except for minor subdivisions. Pre-application conceptual review

meetings for all other types of applications are voluntary. However, the City Manager may determine that some application submittal requirements are not necessary if the applicant attends a pre-application conceptual review meeting.

(3) Attendance. In addition to the City Manager, other City participants in the pre-application conceptual review meeting may include the Community Development Director, the City Community Development Staff, the City Engineer, representatives from City Safety Services and City utility providers, Design Subcommittee for Development in Districts 6 and 8, and representatives from the Summit County Department of Environmental Service, Summit Soil and Water Conservation District, and any other person or entity the City deems appropriate.

(4) Request for pre-application conceptual review. To request a pre-application conceptual review meeting, the applicant shall submit a request on a form approved by the City Manager, together with any reasonable fee and materials that the City Manager deems necessary. The materials and form submitted for the pre-application conceptual review meeting shall not be considered a formal application for site plan, subdivision, or any other approval.

(5) Scheduling. The pre-application conceptual review meeting shall be scheduled within fourteen days from the date of submission of the applicant's form and materials. If additional information is requested, the fourteen-day period may be extended by mutual agreement.

(6) Submittal requirements. See [Appendix A](#) to this Code.

(7) Staff review and recommendations. Within ten days after the pre-application conceptual review meeting, the City Manager shall provide to the applicant comments on the conceptual plan, including appropriate recommendations to inform and assist the applicant prior to preparing the components of the development application.

(b) Step 2: Application. Each development application shall be submitted to the City Manager and shall include the items in Appendix A that are identified as applicable to that development application.

(c) Step 3: Staff Review and Report. Within forty-five days from the date that a submitted application is certified as complete pursuant to Section [1203.01](#) (c), the City Manager shall refer the development application to the appropriate review agencies, review the development application, and prepare a staff report. The staff report shall incorporate the responses and comments from the reviewing agencies, shall report whether the development application complies with all applicable standards, and shall specify any areas of noncompliance. Conditions for approvals may be recommended to eliminate any areas of noncompliance or to mitigate any adverse effects of the development proposal. The staff report shall be mailed to the applicant and made available for public inspection and copying at least five days prior to the first scheduled public meeting on the development application.

(d) Step 4: Planning Commission Action or Recommendation.

(1) When public hearings required. The following development applications are subject to Planning Commission review and shall be considered and acted upon only after a public hearing before the PC:

Applications for rezonings.

Applications for preliminary and final subdivision plats, except in Districts 6 and 8.

Applications for concept plan and final site plan review for major developments and those referred to Planning Commission by the City Manager.

Applications for conditional uses.

Applications for planned developments.

Applications for development agreements.

Proposed amendments to Code or to the **Comprehensive Plan**.

(2) When only Planning Commission action is required without public hearing.

Applications for concept plan and final site plan review for development in Districts 6 and 8.

Applications for preliminary and final subdivision plats in Districts 6 and 8.

(3) Decisions. Within 120 days from the date that a submitted application is certified as complete pursuant to Section [1203.01](#) (c), the PC shall consider the development application, the staff report, comment from any meeting, and the evidence from any public hearing, and then take final action. For applications on which the PC has final authority, the PC shall either approve, approve with conditions, or deny the development application based on its compliance with the appropriate review standards. For applications on which the PC has only authority to recommend action to the City Council, the PC shall recommend either approval with conditions, or denial of the development application based on its compliance with the appropriate review standards.

(4) Findings. All decisions of the PC shall be based on written findings of fact related to the relevant standards set forth in this Code.

(5) Notification of PC's action. The PC shall send written notice of its action on an application to the applicant and to the City Council within ten days after such action.

(e) Step 5: City Council Review and Action.

(1) When City Council action required. The following development and land use applications are subject to City Council review and shall be considered and acted upon only after a public hearing before the City Council:

Applications for planned developments preliminary plan.

Applications for rezonings.

Applications for site plans for major developments called up by City Council pursuant to Section [1203.09\(g\)](#).

Proposed amendments to Code text/[Comprehensive Plan](#).

Approval of development agreements.

(2) Conduct of public hearings before the City Council. All public hearings convened by the City Council to consider a development application or other land use action subject to this Code shall be conducted in accord with the rules and procedures adopted by the City Council to govern such actions.

(3) Decisions. Within ninety days from the date that the City Council receives the Planning Commission's recommendation on an application, the City Council shall consider the development application, the staff report, the PC's recommendation, and the evidence from any public hearing, and then take final action by either approving, approving with conditions, or denying the development or land use applications based on its compliance with the appropriate review standards.

(4) Findings. All decisions of the City Council shall be based on written findings of fact related to the relevant standards set forth in this Code.

(f) Step 6: AHBR Review and Action.

(1) When AHBR review and action required.

(1) When AHBR review and action required.

A. The following development applications are subject to AHBR review and shall be acted upon at AHBR's regularly scheduled public meetings, or at a special meeting or public hearing if called:

- \* Applications for basic and major developments outside of Districts 6 and 8.
- \* Applications for minor and basic development referred to AHBR by the City Manager.

B. Historic landmarks. With the exception of small projects limited to alterations involving the replacement of in-kind materials and fences, AHBR shall review all development affecting a historic landmark that will affect the exterior architectural features of such structure or building. AHBR review shall occur before issuance of a zoning certificate for the development.

(2) When AHBR recommendations required. The AHBR, as represented through the Design Subcommittee for Development in Districts 6 and 8, shall recommend to the Planning Commission final action on all applications for the design of buildings and other structures, for

new major development in Districts 6 and 8. Such recommendation shall be either to approve, approve with conditions, or deny the application for such a development based on its compliance with the use, development, and design standards set forth in this Code.

(3) [Reserved.]

(4) Conduct of public meetings/hearings. The conduct of public meeting and hearings before the AHBR shall be governed by the rules and procedures adopted by the AHBR for this purpose.

(5) Decisions.

A. The AHBR shall take final action within thirty days from the date that a submitted application is certified as complete pursuant to Section 1203.01(c), except that the AHBR shall have the discretion to table any application for no more than two consecutive scheduled meetings. The AHBR shall take final action by either approving, approving with conditions, or denying the development application based on its compliance with the architectural, design, and/or historic preservation standards set forth or referenced in this Code.

(6) Findings. All decisions of the AHBR shall be based on written findings of fact related to the relevant standards set forth or referenced in this Code.

(7) Submittal requirements. See [Appendix A](#) to this Code for submittal requirements for applications for AHBR reviews and approvals.

(g) Step 7: Certificate of Zoning Compliance.

(1) When required. A certificate of zoning compliance (also referred to as a zoning certificate or zoning permit) is a condition precedent to the commencement of any of the following types of development or land use activity within the City:

A. Residential development, above ground, including new single-family developments on single lots, accessory structures, additions, alterations, demolitions, and fences.

B. Surface structures such as patios, athletic courts, and driveways in District 4 and open space conservation subdivisions only.

C. Industrial development.

D. Commercial development, including accessory structures, additions, alterations, demolitions, and fences.

E. Grading, cutting, clearing or any other land disturbance activity.

F. Occupy, use, or change the use or alter any structure or land.

G. Erection, moving or replacement of signs.



(2) Application for zoning certificate—conditions precedent for issuance. An application for a zoning certificate shall be submitted as part of the application for design approval of residential or commercial development, or erection of signs. For major developments in Districts 6 and 8, an application for zoning certificate shall be submitted as part of the application package for PC and/or City Council approval of the site plan. A zoning certificate shall be issued only after the applicant has received the following approvals:

Final site plan approval; and

Final approval of any conditional uses or variances (when applicable); and

Final design approval; and

Satisfaction of any conditions of approval; and

Satisfaction of any additional applicable regulations; and

If applicable, residential allotments pursuant to Chapter [1211](#) for new residential dwellings.

Except that a zoning certificate to permit clearing and grading, and/or utility installation and related site work may be issued consistent with the final site plan approval in advance of the zoning certificate to permit building construction.

(3) Issuance of zoning certificates. A zoning certificate shall be issued within seven days after final action and approval.

(4) A. Time limit on zoning certificates - minor and basic development. Unless construction is completed within twelve months of the date of issuance of the zoning certificate, such certificate shall automatically lapse and be null and void. These time limits may be extended up to six months by the City Manager provided the time limit extension is applied for on or before the date of expiration of the zoning certificate sought to be extended.

B. Time limit on zoning certificates - major development. Unless construction is completed within twenty-four months of the date of issuance of the zoning certificate, such certificate shall then automatically lapse and be null and void. These time limits may be extended up to six months by the City Manger provided the time limit extension is applied for on or before the date of expiration of the zoning certificate sought to be extended.

(h) Summary Table—Core Development Review Process by Application Type.

	<b>Step 1 Pre-Application Review</b>	<b>Step 2 Application</b>	<b>Step 3 Staff Review and Report</b>	<b>Step 4 PC Action</b>	<b>Step 5 City Council Action</b>	<b>Step 6 AHBR Action</b>	<b>Step 7 Zoning Certificate</b>	<b>Comments</b>

	<b>Step 1 Pre-Application Review</b>	<b>Step 2 Application</b>	<b>Step 3 Staff Review and Report</b>	<b>Step 4 PC Action</b>	<b>Step 5 City Council Action</b>	<b>Step 6 AHBR Action</b>	<b>Step 7 Zoning Certificate</b>	<b>Comments</b>
Code Amendments -Text/Map	V	A	A	A-SR	A-SR	N/A	N/A	
PD-Preliminary Plan	M	A	A	A-SR	A	N/A	N/A	
PD-Final Plan	V	A	A	A-SR	N/A	N/A	N/A	
Conditional Uses	M	A	A	A-SR	N/A	N/A	A	
Nonconforming Uses/ Structures/Lots	V	A	A	N/A	N/A	A-SR	A	BZBA Final Action-SR
Variances	V	A	A	N/A	N/A	N/A	N/A	BZBA Final Action-SR
Minor Modifications	V	A	A	N/A	N/A	N/A	N/A	City Mgr Final Action-SR
Concept and Final Site	M	A	A	A	A-	N/A	A	
Site Plan Review-Minor and Basic	M	A	A	N/A	N/A	N/A	A	City Mgr may refer
Preliminary Subdivision	M	A	A	A	N/A	N/A	N/A	
Final Subdivision	V	A	A	A	N/A	N/A	N/A	
Development Agreements	V	A	A	A	A	N/A	N/A	
Architectural/Design Review/Cert of Appropriateness-Major Development	M	A	A-SR	N/A	N/A	A	A	
Architectural/Design Review-Districts 6/8	M	A	A	A	N/A	N/A	A	

Architectural/Design Review-Basic Development	V	A	A	N/A	N/A	A	A	
Architectural/Design Review-Minor Development	V	A	A-SR	N/A	N/A	N/A	A	City Mgr may refer

V = Voluntary

M = Mandatory

A = Applicable

N/A = Not Applicable

SR = Special Requirements (Refer to Text)

(Ord. 16-57, § 3. Passed 12-20-16; Ord. 16-148, § 5. Passed 2-21-17; Ord. 18-93. Passed 10-15-19; Ord. 21-71. Passed 1-4-22.)

## **1203.09 SITE PLAN REVIEW.**

(a) Step 1: Pre-Application Conceptual Review. The purpose of the site plan review process is to ensure compliance with the zoning standards and provisions of this Code, while encouraging quality development in the City reflective of the goals, policies, and objectives found in the **Comprehensive Plan**.

(b) Applicability.

(1) All development in the City, including construction of a single-family dwelling on an individual lot, shall be subject to the site plan review procedures set forth in this section. No development or construction activity, including tree/vegetation removal or grading, shall occur on property subject to this section until a site plan has been approved.

(2) Site plans for minor and basic developments, as defined in this section, may be finally approved by the City Manager in lieu of final action by the Planning Commission, except when such site plan is either transmitted to or called up by the PC, in which case the PC shall have final approval authority.

(3) Site plans for major developments, as the latter is defined in this section, shall be finally approved by the Planning Commission, except when such site plan is called up by the City Council, in which case the City Council shall have final approval authority.

(c) Coordination with Conditional Use Approval. Applications for approval of a conditional use may be processed concurrently or joined with the application for site plan approval required herein. A joint application for site plan and conditional use approval shall be submitted in a form that satisfies the requirements of both this chapter and the conditional use provisions. (See Section [1203.01](#) (e))

(d) Minor Development Defined. "Minor development" means:

(1) Small residential or nonresidential projects including fences, decks, site work, signs, alterations (except nonresidential alterations that face the public realm), demolitions of structures less than fifty years old, and accessory structures and additions of 250 gross square feet or less; or

(2) Developments in Districts 6 and 8 that involve an increase in the existing building footprint of twenty percent or less, except new buildings; or

(3) Developments in the Historic District are not minor developments.

(e) Basic Development Defined. "Basic development" means new construction including expansions of an existing building, that is:

(1) Residential projects including new single family detached houses, and accessory structures and additions greater than 250 gross square feet; or

(2) Nonresidential accessory structures and additions greater than 250 gross square feet and less than or equal to 2,000 gross square feet or that involve an increase in the existing building footprint of twenty percent or less, demolitions of structures fifty years old or older, signs, and alterations that face the public realm.

(3) All development within the Historic District.

(f) Major Development Defined. "Major development" means new construction including expansions of an existing building, that is:

(1) Nonresidential projects, except in Districts 6 and 8, that are greater than 2,000 gross square feet or that involves an increase in the existing building footprint of more than twenty percent.

(2) Development in Districts 6 and 8 that involves an increase in the existing building footprint of more than twenty percent.

(3) Nonresidential projects involving new principal buildings.

(g) Site Plan Approval Procedure for Minor and Basic Developments. Applications for site plan approval for minor and basic developments shall follow the core development approval process set forth in Section [1203.02](#), except for the following modifications:

(1) After Step 3 "Staff Review and Report": action by the City Manager. Within sixty days from the date that a submitted application is certified as complete pursuant to Section [1203.10](#) (c), the City Manager shall take final action on applications for site plan approval for minor and basic developments by either approving, approving with conditions, or denying such application based on its compliance with the standards set forth in Section [1204.04](#).

(2) Authority to transmit minor and basic development site plan application to the PC.

A. Notwithstanding the authority of the City Manager to review and approve site plans for minor and basic developments as set forth herein, the City Manager may transmit such application to the Planning Commission for review and final action if the City Manager determines that the development's complexity, projected impacts, or proximity to conflicting land uses merits such action.

B. Within forty-five days from receipt of the City Manager's transmittal of the minor and basic development site plan application, the PC shall take final action by either approving, approving with conditions, or denying the application, based on the site plan's compliance with the standards set forth in division (i) of this section.

(3) PC authority to call-up site plan applications for minor developments.

A. Notwithstanding the authority of the City Manager to review and approve site plans for minor developments as set forth herein, the PC may call up such application for its review and final action if the PC, by a majority vote of its members, determines that the development's complexity, projected impacts, or proximity to conflicting land uses merits such action.

B. Within forty-five days from receipt of the minor development site plan application, the PC shall take final action by either approving, approving with conditions, or denying the application, based on the site plan's compliance with the standards set forth in division (i) of this section.

(4) Step 6: Design Review and Action. At the applicant's option, an application for architecture and design review of development may be filed for concurrent review with the application for site plan approval.

(h) Site Plan Approval Procedures for Major Developments. Applications for site plan approval for major developments shall follow the core development approval process set forth in Section [1203.02](#), except for the following modifications:

(1) Step 1: Pre-Application Conceptual Review. Pre-application conceptual review shall be mandatory for all persons intending to submit an application for site plan approval for a major development.

(2) Step 3: Staff Review and Report. Within five days from the date that a submitted site plan application for a major development is certified as complete pursuant to

Section [1203.01](#) (c), the City Manager shall forward a copy of the complete application to the Clerk of the City Council.

(3) Step 2: Planning Commission Action.

A. The PC's role shall be to review all applications for concept plan and final site plan approval, together with the staff report, and take final action either approving, approving with conditions, or denying the application based on its compliance with the standards set forth in Section [1204.04](#).

B. If the PC recommends approval with conditions for a final site plan, the applicant shall resubmit to the City Manager a revised site plan that reflects any changes or modifications required or suggested by the PC. Within fifteen days of receipt of the revised site plan, the City Manager shall complete his review and either certify the revised site plan's compliance with the PC's conditions, which shall constitute final approval of the site plan, or he shall forward the revised site plan back to the PC with a recommendation that the PC deny the revised site plan on the ground of noncompliance with conditions. The PC shall act on the City Manager's recommendation that the revised site plan be denied at its next regularly scheduled public meeting.

C. Unless a zoning certificate is issued for any phase of construction within twelve months of the date of Planning Commission approval, such approval shall then automatically lapse and be null and void. These time limits may be extended by the City Manager upon showing that there has been uninterrupted progress on resolution of outstanding issues during the twelve-month period.

(4) City Council authority to call up site plan applications for major developments.

A. Notwithstanding the authority of the PC to review and approve site plans for major developments as set forth herein, the City Council may, after PC review and action, call up site plan applications for major developments for its review and final action if the City Council determines that the development's complexity, projected impacts, or proximity to conflicting land uses merits such action. Such determination shall be made either by a vote of four or more of City Council members or by submittal of a letter to the Clerk of Council signed by four or more City Council members.

B. The City Council shall exercise its authority to call up site plan applications for major developments within fourteen days after final action by the PC. The Clerk of the City Council shall notify the PC and shall direct the City Manager to deliver the staff report directly to the City Council for its review.

C. Within thirty days from the date that it receives the staff report on the site plan application for a major development, the City Council shall take final action by either approving, approving with conditions, or denying the application, based on the site plan's compliance with the standards set forth in Section [1204.04](#).

(i) Standards for Review. All applications for site plans shall demonstrate compliance with the standards and criteria set forth in Section [1204.04](#).

(j) Application. Applications for site plan approvals shall be submitted to the City Manager upon such forms as approved by the City Manager.

(k) Submittal Requirements. See [Appendix A](#) for submittal requirements for an application for site plans.

(Ord. 16-148, § 5. Passed 2-21-17; Ord. 18-93. Passed 10-15-19; Ord. 21-71. Passed 1-4-22.)

## **1203.10 SUBDIVISIONS.**

(a) Purposes. The purpose of the subdivision review process is to ensure compliance with the subdivision standards and provisions of this Code, while encouraging quality development in the City reflective of the goals, policies, and objectives found in the **Comprehensive Plan**.

(b) Applicability.

(1) All subdivisions shall be subject to the approval procedures set forth in this section.

(2) Subdivision plans for optional open space conservation development in Districts 1 and 3 shall be given priority in the subdivision approval procedure, as set forth in division (d)(3) of this section.

(3) Minor subdivisions, as defined in Chapter [1213](#), may be finally approved by the City Manager, in consultation with the City Engineer, in lieu of final action by the Planning Commission.

(c) Procedures for Approval of a Minor Subdivision. Minor subdivisions are subject to an expedited review process in which no plat is required and the Planning Commission acts through the City Manager and City Engineer. Applications for minor subdivision approval shall follow the core development approval process set forth Section [1203.02](#), except for the following modifications:

(1) After Step 3 "Staff Review and Report:" action by the City Manager.

A. Within thirty days from the date that a submitted application is certified as complete pursuant to Section [1203.01](#)(c), the City Manager or City Engineer shall take final action on applications for minor subdivisions by either approving, approving with conditions, or denying such application based on its compliance with the standards set forth in Section [1204.05](#).

B. Evidence of approval by the Planning Commission, acting through the City Manager or City Engineer, shall be indicated by a stamp or statement reading "Approved by the Planning Commission, City of Hudson, Ohio - No Plat Required." The plat of the minor subdivision which

has been so stamped, dated, and signed by either the City Manager or City Engineer shall constitute final approval of the minor subdivision.

(2) Authority to transmit minor subdivision application to the PC.

A. Notwithstanding the authority of the City Manager to review and approve minor subdivision applications as set forth herein, the City Manager may transmit such application to the Planning Commission for review and final action if the City Manager determines that the development's complexity, projected impacts, or proximity to conflicting land uses merit such action.

B. Within forty-five days from receipt of the City Manager's transmittal of the minor subdivision application, the PC shall take final action by either approving, approving with conditions, or denying the application, based on the minor subdivision's compliance with the standards set forth in Section [1204.05](#).

(d) Procedure for Approval of Subdivisions (Except Minor Subdivisions). Subdivisions in the City are approved in three stages: first, a compatibility review is conducted with the Planning Commission, second, a preliminary subdivision plan is approved and, third, a final subdivision plat is approved and recorded. The Planning Commission is the entity with final approval authority for both preliminary and final subdivision plats.

(1) Procedures for approval of preliminary subdivision plans. Applications for preliminary subdivision approval shall follow the core development approval process set forth in Section [1203.02](#), except for the following modifications:

A. Step 1: pre-application conceptual review. All persons intending to submit an application for preliminary subdivision approval shall attend a pre-application conceptual review meeting. In addition, 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. Step 4: Planning Commission action. The PC shall take final action on a preliminary subdivision application by reviewing the application and all submitted plans and reports, and then either approving, approving with conditions, or denying the application based on its compliance with the standards set forth in division (e) of this section.

(2) Procedure for approval of final subdivision plats. Applications for final subdivision approval may only be filed following preliminary plan approval by the Planning Commission, including preliminary plans that have been approved, but have expired. Although final subdivision plats may be filed for expired preliminary plans, the preliminary plan must be reapproved. Applications for final subdivision approval shall follow the core development approval process set forth in Section [1203.02](#), except for the following modifications:



A. Step 4: Planning Commission action. The PC shall take final action on a final subdivision application by reviewing the application and all submitted plans and reports, and then either approving, approving with conditions, or denying the application based on its compliance with the standards set forth in division (e) of this section. The PC shall take such final action within thirty days from the date that the final subdivision application is certified as complete pursuant to Section [1203.01](#)(c).

(3) Procedure for approval of preliminary and final subdivision plans for optional open space conservation developments. Applications for preliminary and final subdivision plan approval for optional open space conservation developments in Districts 1 and 3 shall be given priority status in the approval process, including but not limited to advancing such applications on the PC's agenda for hearing at the earliest possible date after submittal of a complete application.

(e) Standards for Review. All applications for subdivisions shall demonstrate compliance with the standards and criteria set forth in Section [1204.05](#).

(f) Effects of Approval.

(1) Effect of approval of a minor subdivision.

A. Within thirty days of the City Manager's approval of the minor subdivision, the developer shall record the minor subdivision plan. If the minor subdivision plan is not recorded within this thirty-day time period, the approval shall automatically lapse and be null and void. A recorded minor subdivision plan shall be valid for a period of two years from the date of the City Manager's final action.

B. During the period an approved minor subdivision plan is effective, no subsequent change or amendment to this Code or any other governing ordinance or plan shall be applied to affect adversely the right of the applicant to proceed with any aspect of the approved development in accordance with the terms of such minor subdivision plan approval, except that the applicant shall comply with those local laws and regulations adopted subsequent to the approval of such minor subdivision plan if the PC determines, on the basis of written findings, that compliance is reasonably necessary to protect the public health, safety, or welfare.

C. If additional lots are proposed to be created within three years of recording of a minor subdivision of a tract of land and the total of all lots recorded within said three years for that same tract of land would be greater than three lots, then the request to create additional lots shall be considered to be a request for a subdivision. (See definition of "subdivision, minor".)

(2) Effect of approval of a preliminary subdivision plan.

A. Within twelve months from the date of the PC's final approval of a preliminary subdivision plan, the developer shall submit an application for final subdivision plat for either all or at least one phase of the proposed subdivision, and within eighteen months shall record

such final subdivision plat. A recorded final subdivision plat for any phase of the preliminary subdivision plan shall extend the life of the preliminary subdivision plan for an additional twelve-month period from the date the final subdivision plat is recorded. If the original twelve-month period or any successive twelve-month period expires before a final subdivision plat is recorded, then the preliminary plan approval automatically lapses and becomes null and void.

B. During the period an approved preliminary subdivision plan is effective, no subsequent change or amendment to this Code or any other governing ordinance or plan shall be applied to affect adversely the right of the applicant to proceed with any aspect of the approved development in accordance with the terms of such preliminary subdivision plan approval, except that the applicant shall comply with those local laws and regulations adopted subsequent to the approval of such preliminary subdivision plan if the PC determines, on the basis of written findings, that compliance is reasonably necessary to protect the public health, safety, or welfare.

C. If lots are created within three years of an approved or recorded minor subdivision and the total of all lots created with said three years is greater than three lots, then it shall be approved as a subdivision. See definition of "subdivision, minor."

(3) Effect of approval of a final subdivision plat.

A. Within ninety days from the date of the PC's action on the final subdivision plat, the applicant shall meet all conditions of approval, if any, and certify and record the final subdivision plat as required by this Code.

B. An approved and recorded final subdivision plat shall be valid for a period of two years from the date of the PC's action on the final plan.

C. During the period an approved final subdivision plat is effective, no subsequent change or amendment to this Code or any other governing ordinance or plan shall be applied to affect adversely the right of the applicant to proceed with any aspect of the approved development in accordance with the terms of such final subdivision plat approval, except that the applicant shall comply with those local laws and regulations adopted subsequent to the approval of such final subdivision if the PC determines, on the basis of written findings, that compliance is reasonably necessary to protect the public health, safety, or welfare.

(g) Application. Applications for final subdivision approval shall be submitted to the City Manager upon such forms as approved by the City Manager and City Engineer.

(h) Submittal Requirements. See [Appendix A](#) for submittal requirements for final subdivision applications.

(Ord. 18-93. Passed 10-15-19.)

## 1203.13 GENERAL NOTICE PROVISIONS.

### (a) Notice of Public Hearings—Generally.

(1) General City website notice. At least fifteen days notice of scheduled public hearings before a reviewing agency or body shall be posted on the City's website (www.hudson.oh.us). The notice shall specify the time and place of the hearing, and the specific nature of the matter to be heard.

(2) Newspaper notice. At least fifteen days notice of scheduled public hearings before a reviewing agency or body shall be published in one or more newspapers of general circulation in the City. The notice shall specify the time and place of the hearing, and the specific nature of the matter to be heard.

A. In addition to website notice, newspaper notice shall be required for the following applications:

1. Code text amendments;
2. Zoning map amendments; and
3. **Comprehensive Plan** amendments.

(3) Written notice. Whenever a public hearing is required by a reviewing agency or body, the City shall be responsible for mailing written notice at least fifteen days before the scheduled hearing to all of the following:

- A. The parties in interest;
- B. Tenants and owners of property adjacent to or directly across a street from the boundary and within 300 feet of the subject property or properties; and
- C. Others who have filed a timely request to receive notice. The written notice shall specify the time and place of the hearing, and the specific nature of the matter to be heard.

### (4) Posted notice.

A. Upon the receipt of any application to the Planning Commission or the Board of Zoning and Building Appeals which requires the action of or a public hearing before the Planning Commission or the Board of Zoning and Building Appeals, either the City Manager shall cause a temporary sign to be placed on the property which is the subject of the application or contemplated action for the purpose of giving notice of a meeting or public hearing. The sign shall be placed no less than fifteen days before the respective meeting or public hearing on the matter.

B. Upon the receipt of any application for a zoning certificate that will result in an impervious surface coverage of forty percent to sixty percent of a lot in District 4 or in an open space conservation subdivision, the City Manager shall cause a temporary sign to be placed on the property which is the subject of the application or contemplated action for the purpose of giving notice of the impending improvement and/or a meeting. The sign shall be placed no less

than five days before the meeting on such matter, or if there is no meeting required, within three days of application.

C. No additional public notice is required if consideration of an application is continued past the date of the originally scheduled public hearing.

(b) Summary of Notice Requirements by Type of Action.

<b>Type of Application</b>	<b>Public Hearing Required (Y/N)</b>				<b>City Website Notice Required (**Newspaper Notice Required Too) (Y/N-# Days)</b>	<b>Written Notice to Parties in Interest and Adjacent Owners (Y/N-# Days)</b>
	<b>PC</b>	<b>City Council</b>	<b>BZBA</b>	<b>AHBR</b>		
<b>Type of Application</b>	<b>Public Hearing Required (Y/N)</b>				<b>City Website Notice Required (**Newspaper Notice Required Too) (Y/N-# Days)</b>	<b>Written Notice to Parties in Interest and Adjacent Owners (Y/N-# Days)</b>
	<b>PC</b>	<b>City Council</b>	<b>BZBA</b>	<b>AHBR</b>		
Code Text or Comp Plan Amendments***	Y	Y	N	N	Y 15 DAYS **30 DAYS	N
Zoning Map Amendments***	Y	Y	N	N	Y 15 DAYS **30 DAYS	*Y 15 DAYS
PDs (Preliminary and Final)	Y	Y	N	N	Y 15 DAYS	*Y 15 DAYS
Conditional Uses	Y	Y	Y	N	Y 15 DAYS	*Y 15 DAYS
Nonconforming Uses/Structures/Lots	N	N	Y	N	Y 15 DAYS	*Y 15 DAYS
Variances	N	N	Y	N	Y 15 DAYS	*Y 15 DAYS
Minor Modifications	N	N	N	N	N/A	N/A
Site Plan Review-Minor and Basic Development	N	N	N	N	N/A	N/A
Site Plan Review Districts 6 and 8	N	N	N	N	N/A	N/A

Site Plan Review-Major Development	Y	N	N	N	Y 15 DAYS	*Y 15 DAYS
Preliminary Subdivision	Y	N	N	N	Y 15 DAYS	*Y 15 DAYS
Preliminary Subdivision Districts 6 and 8	N	N	N	N	N/A	N/A
Final Subdivision	Y	N	N	N	Y 15 DAYS	*Y 15 DAYS
Final Subdivision Districts 6 and 8	N	N	N	N	N/A	N/A
Development Agreements	Y	Y	N	N	Y 15 DAYS	*Y 15 DAYS
Architecture and Design Review	N	N	N	N	N/A	N/A
Certificate of Appropriateness	N	N	N	N	N/A	N/A
<p>* Posted notice on the property fifteen days prior.</p> <p>** Thirty-day public inspection period prior to Council hearing.</p> <p>*** Newspaper notice required.</p>						

(Ord. 16-148, § 5. Passed 2-21-17; Ord. 18-93. Passed 10-15-19.)

## CHAPTER 1204 - General Review Standards

### 1204.01 CODE AMENDMENTS.

All applications for text or zoning map amendments shall be reviewed by the PC and City Council for compliance with the following guidelines:

- (a) Whether or not the proposed amendment is in accordance with the basic intent and purpose of the Land Development Code;
- (b) Whether or not the proposed amendment furthers the long-range planning goals of the City (as outlined in the City's **Comprehensive Plan's** goals and objectives);
- (c) Whether or not conditions within the City have changed since the Land Development Code was last adopted/amended, or there was a mistake in the Land Development Code, that justifies the amendment;

- (d) Whether or not the amendment corrects an inequitable situation created by the Land Development Code, rather than merely grants special privileges;
  - (e) Whether or not the amendment avoids unlawful exclusionary zoning;
  - (f) With respect to zoning map amendments, whether the proposed zoning map amendment is consistent with the zoning classifications of the surrounding land;
  - (g) With respect to zoning map amendments, whether all of the new requirements attendant to the proposed zoning classification can be complied with on the subject parcel(s);
  - (h) Does the amendment affect the City's ability to provide adequate services, facilities, or programs that might be required if the application were approved; and
  - (i) Whether or not the amendment is necessary to address changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected.
- (Ord. 18-93. Passed 10-15-19.)

## 1204.02 PLANNED DEVELOPMENTS.

(a) Purpose. Within specified zone districts, planned developments are intended to encourage flexibility, innovation, and creativity in site and development design by allowing the mixing of permitted uses and/or modification or variation from otherwise applicable zone district and development standards. In return for maximum flexibility in site design and development, planned developments are expected to deliver exceptional quality products that preserve critical environmental resources, provide above-average open space amenities, incorporate creative design in the layout of buildings, open space, and circulation, assure compatibility with surrounding land uses and neighborhood character, and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

(b) Standards for Review of a Preliminary PD Plan. An application for approval of a preliminary PD plan, together with submitted plans and reports, shall be reviewed for their conformance with the following standards:

(1) The proposed PD shall be consistent with and implement the planning goals, policies, and objectives as contained in this Code and in the **Comprehensive Plan**;

(2) The proposed PD shall contain uses that are expressly permitted either by-right or as conditional uses in the zone district in which the PD is located or as modified according to division (b)(3) of this section, but such uses may be mixed within the planned development or within the same structure located in the PD;

(3) The proposed PD shall comply with the density or lot coverage ratio requirements set forth for the zone district in which the PD is located, except to the extent that a bonus has been expressly allowed pursuant to division (c) of this section;

(4) The proposed PD shall comply with the subdivision development and design standards as set forth in Chapter [1208](#), except to the extent modifications, variances, or waivers have been expressly allowed pursuant to division (b)(7) of this section;

(5) Adverse impacts on adjacent properties, including but not limited to traffic, noise, and visual impacts, shall be mitigated to the maximum extent feasible;

(6) The planned development shall be integrated with adjacent development through street connections, sidewalks, trails, and similar features;

(7) All district, development, and subdivision standards set forth in Chapters [1205](#), [1207](#) (such as lot size, floor area ratio, structure height, etc.), and [1208](#), except those specified in division (b)(8) of this section, may be modified or varied upon a finding that the proposed PD incorporates creative site design such that it represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards, including but not limited to improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or choice of living and housing environments;

(8) The proposed PD shall comply with the following requirements, which shall not be modified or varied except as expressly set forth below or as permitted by Section [1203.08](#), Minor Modifications:

A. Minimum area requirement. All planned developments shall have a minimum size of five acres except for District 5 which shall [have] a minimum size of two acres.

B. Setbacks from adjoining residential uses. All planned developments shall comply with any applicable zone district standards that require minimum setbacks from adjoining residential uses or properties.

C. Transportation/circulation/pedestrian linkage. All planned developments shall comply with the transportation, circulation, and pedestrian linkage standards set forth in Section [1207.13](#), and such provisions shall not be modified or varied in any way unless adequate compensating mitigation measures are included in the PD plan.

D. Adequate public facilities. All planned developments shall comply with the adequate public facilities standards set forth in Section [1207.11](#).

E. Environmental protection standards. All planned developments shall comply with the provisions set forth in the following sections and such provisions shall not be modified or varied in any way unless compensating mitigation measures are included in the PD plan:

1. Section [1207.03](#), Wetlands/Stream Corridor Protection.
2. Section [1207.07](#), Stormwater Management/Drainage/Erosion Control.

3. Section [1207.02](#), Tree and Vegetation Protection.

4. Section [1207.10](#), Performance Standards.

F. Architectural and design standards. All planned developments shall comply with the City's architectural and design standards, including but not limited to industrial design standards.

G. Density. All planned developments shall comply with the density requirements set forth for the zone district in which the planned development is located.

(c) Bonuses. Upon satisfaction of all applicable standards and requirements, and at the City's sole discretion, bonuses in floor area maximum or floor-area-to-lot-area ratios of no greater than twenty-five percent may be granted to a proposed PD based upon incorporation within the PD of any of the following:

- (1) Landscaping in excess of the minimum requirements set forth in this Code;
- (2) Preservation of historical structures;
- (3) Provision of specified public benefits/amenities (e.g., a day care center or community center);
- (4) Dedication of permanent open space, including trails or trail access, beyond what would be roughly proportional to the demand for such open space or trails/trail access generated by the proposed PD;
- (5) Preservation of critical and sensitive environmental areas in excess of the minimum requirements set forth in this Code, including preservation of key wetlands and significant stands, sizes, or unusual species of trees; or
- (6) Other exceptional site and/or building designs as determined by the PC.

(d) Standards for Review for a Final PD Plan. A final PD plan application, together with all submitted plans and reports, shall be reviewed and evaluated to determine their compliance with the following standard:

- (1) The final PD plan conforms in all respects with the approved preliminary PD plan and incorporates all recommended changes, modifications, and conditions attached to approval of the preliminary plan.

(Ord. 16-148, § 7. Passed 2-21-17; Ord. 18-93. Passed 10-15-19; Ord. 21-46. Passed 8-17-21.)



# CHAPTER 1208 - Subdivision Design and Improvements/Dedication Standards

## 1208.01 GENERAL.

(a) Purpose. The purpose of this chapter is to secure and provide for the following goals and policies:

(1) To provide reasonable design standards intended to foster innovative and efficient subdivision and land development and orderly community growth;

(2) To coordinate the provision of public improvements with private development interests;

(3) To encourage subdivision and land development practices that are compatible with nearby development patterns;

(4) To encourage high quality subdivision and land development practice and design so as to minimize disruptions to natural and cultural features, adverse environmental impacts, and risks associated with natural and manmade hazards; and

(5) To reflect and implement relevant City planning documents and policies, including but not limited to the **Comprehensive Plan** and the City's capital improvement plans and budget.

(b) Applicability.

(1) General rule—compliance required. This chapter shall apply to all subdivisions of land located within the corporate limits of the City, as "subdivision" is defined in Chapter [1213](#). No person shall subdivide by deed, plat, instrument of conveyance or otherwise, any tract of land within the City except in conformity with the provisions of this chapter.

(2) Exemptions. This chapter shall not apply to:

A. A change in the boundary between adjoining land or lots that does not create an additional or substandard lot.

B. The division of land into parcels that does not create additional new building sites.

(c) Administration and Review.

(1) Approving agency. This chapter shall be administered by the Planning Commission acting in lieu of the governing body, except as may be otherwise provided in this Code.

(2) Procedures.

A. All subdivisions shall be reviewed and approved pursuant to the procedures set forth in Chapter [1203](#), Section [1203.10](#), Subdivisions.

B. Minor subdivisions, as that term is defined in Chapter [1213](#), shall be exempt from the requirement of a final subdivision plat and shall be subject only to the procedure set forth in Section [1203.10](#)(c), Procedures for Approval of a Minor Subdivision.

(3) Recording of plat. No plat of any subdivision, including a sketch plat or plat map for a minor subdivision, shall be entitled to be recorded in the Summit County recorder's office, or have any validity, until it has been approved in the manner prescribed in this Code. In the event any such unapproved plat is recorded, it shall be considered invalid and the City shall institute proceedings to have the plat stricken from the county's records.

(4) Sale of land in subdivision. No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or use of, a plan or plat of a subdivision before such plat or plan has been approved and recorded in the manner prescribed in this Code. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this Code.

(Ord. 18-93. Passed 10-15-19.)

## **CHAPTER 1211 - Growth Management Residential Development Allocation**

### **1211.01 PURPOSE AND INTENT.**

The purpose and intent of this chapter is to:

(a) Establish a Growth Management Development Allocation System in the City of Hudson that will be implemented when the rate at which the City issues zoning certificates for certain residential dwelling units and subdivisions exceeds thresholds established by Council.

(b) Implement the policies and goals of the 2015 City of Hudson **Comprehensive Plan** (2015 **Comprehensive Plan** adopted in January 2016) relating to land use, infrastructure, transportation, parks and recreation, residential commercial and employment areas, Downtown Phase II plan and community services.

(c) Establish a residential development management and allocation system to control the rate of residential development to ensure that:

(1) Growth is orderly and that municipal infrastructure and public services are available concurrently with such development and to prevent further deterioration of public facility and infrastructure service levels.

(2) The fiscal impact of such development does not exceed revenue available from such development and other sources to pay the cost of infrastructure and services which it necessitates.

(Ord. 16-203, § 1. Passed 4-4-17; Ord. 18-93. Passed 10-15-19.)

#### **1211.04 RESIDENTIAL DEVELOPMENT ALLOTMENTS.**

(a) Frequency of Allotments. There shall be one allocation date each of the next two years. The total number of residential development allotments approved each year by City Council shall be awarded on or before January 1 of each year except as provided in this chapter.

(b) Maximum Allotment. No single development may apply for an allocation in excess of the number available in the allocation period or be awarded more than thirty residential development allotments in any one year, except if there are no competing applicants for such allotments.

(c) Unallocated surplus allotments. Allotments that are not awarded in any given year shall be carried over automatically into the next year.

(1) For allotments that remain available after the award of allotments: one allotment shall be made available to each applicant qualifying under Section 1211.05, Development Allotment Application Procedures.

(d) Additional Allowance. The City Council may, upon advice of the City Manager, award residential development allotments in addition to the normal yearly allocation provided for in division (a) of this section to projects of extraordinary circumstances, including:

(1) Projects in which at least twenty-five percent of the units to be built are deed restricted to housing for the elderly over sixty-two years of age or disabled persons or are classified as affordable housing units as defined in this Code;

(2) The project is a mixed-use commercial/residential development that will contribute substantially to the preservation, enhancement and revitalization of the downtown area of the City;

(3) Already approved subdivision plans that are proposed to be redesigned in such a manner that substantially advances the goals of the Comprehensive Plan and accomplishes one or more of the following purposes: substantially lessens the impact on public services and facilities, reduces overall densities, improves protection of sensitive natural areas such as

wetlands, riparian areas, wildlife habitat, and woodlands, or provides additional public amenities such as parks, green ways, and open space; or

(4) Where exceptional or other unusual conditions exist that are not common to other similarly situated developments, where the property in question will not yield a reasonable return in the foreseeable future or there will not be any beneficial use of the property in the foreseeable future without an allotment being awarded during the current allocation period, and provided that such allotment will not have the effect of nullifying or impairing the intent and purpose of this chapter.

(f) Adjustment of Annual Development Allocation. If conditions warrant, the City Council, upon advice by the City Manager, may increase or decrease the annual allocation. However, if the allocation is reduced, it shall not reduce or revoke any allotments made pursuant to the previously existing allocation.

(Ord. 16-203, § 1. Passed 4-4-17; Ord. 18-93. Passed 10-15-19.)

## **Chapter 1213 Definitions**

### **1213.02 DEFINITIONS**

(69) "Comprehensive Plan" shall mean the Comprehensive Plan of the City of Hudson adopted in August 1995, as amended from time to time, or the most recently adopted comprehensive plan of the City of Hudson.

## **Appendix A: Submittal Requirements**

### **Development Agreements**

The following core requirements shall be submitted as part of the application materials: 1, 2, 3, 10, 20, 22 and 23.

In addition, the following information shall be submitted.

4. Identification of parties to the agreement, including any third party agencies.
5. Description of project, including list of uses, density or intensity of uses, and height and size of uses.
6. List of discretionary land use approvals that project has received to date.
7. List of discretionary land use approvals that project still needs to obtain from City.
8. Identification of protections developer is seeking from City with the development agreement.

9. List of public benefits that the developer will offer to the City as consideration for the development agreement.

10. Requested term of the development agreement.

11. Sufficient information, including a detailed narrative statement, to enable a finding by the City that the development agreement and proposed project are consistent with the goals, policies, and purposes of the applicable Zone District and the City of Hudson **Comprehensive Plan**.

12. Affidavit of applicant, which establishes ownership and that the information being provided is correct.

13. Any other information deemed necessary by the City to make a fully informed and deliberate decision on the development agreement.

### **Zoning Code Map Amendment**

Core requirements except for 4 and 15:

In addition the following application materials shall be submitted:

1. Legal description(s) of the subject parcel and lots.

A statement of why the proposed zoning change is being requested and what is the expected benefit to the community, in terms of economic development, community amenities, open space and other considerations. Also provide an analysis of the fiscal impacts of the proposed development. Describe how this proposed zoning change relates to **Comprehensive Plan** goals and policies.

2. Provide the following written discussion and graphic illustrations:

a. Describe and illustrate how the proposed zoning change and project will not adversely affect neighboring property

b. Describe and illustrate how the plan of the project provides for adequate and properly arranged facilities for internal circulation, off-street parking and loading, landscaping and such other features and facilities as may be necessary to make a project attractive.

3. Identification of the environmental features of the site including soil types, wetland areas, and wetland related vegetation; surficial and subsurficial geologic formations; and any other significant natural features. The City has a copy of the report containing the Index of Ecological Integrity Scores and applicant shall confer with Community Development Department staff prior to submitting application, to see which IEI elements should be included in the application.

4. Affidavit of applicant, which establishes ownership and that the information being provided is correct.

5. Any other information deemed necessary by the City to make a fully informed and deliberate decision on the Zoning Code Map Amendment.