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CHAPTER 1201. - GENERAL PROVISIONS

1201.01. - Title.

The regulations of this Part Twelve shall be officially known and cited as the "Land Development Code of the City of Hudson, Ohio," although it may be referred to hereafter as the "Land Development Code," ~~or "this Code."~~ Or the "LDC."

1201.02. - Authority.

This land development code is enacted pursuant to the City of Hudson Charter and the powers granted and limitations imposed on municipalities by the Constitution and laws of the State of Ohio.

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.

1201.04. - Applicability and jurisdiction.

The provisions of this land development code shall apply to:

- (a) All land and land development within the incorporated areas of the City of Hudson; and
- (b) Use of all structures and land within the incorporated areas of the City of Hudson; and

- (c) All structures and land owned by the City of Hudson or by its agencies, departments, or utilities, except that the City of Hudson or its agency, department, or utility may be exempt from the provisions of this code where the City Manager or his/her designee has determined that it is not feasible for timing, practical or fiscal reasons to submit to the normal procedures and requirements of this land development code. The reasons for the non-feasibility shall be set forth in writing to the City Council. For the exemption to be effective, the City Council must approve, or ratify after-the-fact, such exemption at its next regularly scheduled public meeting, and shall base its approval or ratification on specified findings of fact.

([Ord. No. 16-148](#), § 1, 2-21-2017)

1201.05. - Minimum standards.

The provisions of this land development code shall be considered the minimum requirements necessary for the promotion of the public health, safety, and general welfare.

1201.06. - Rules of construction and interpretation.

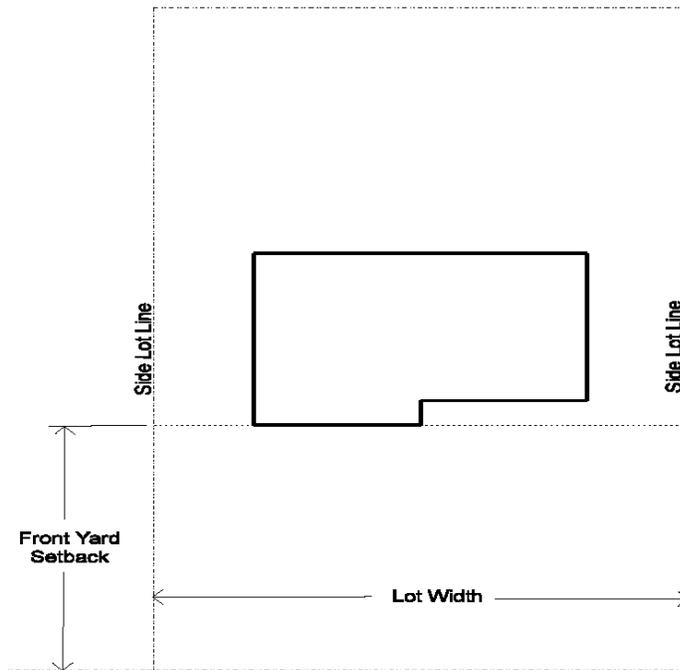
- (a) **Meaning and Intent.** All provisions, terms, phrases, and expressions contained in this land development code shall be construed according to this Code's stated purpose and intent.
- (b) **Text.** In case of any difference of meaning or implication between the text of this Code and any heading, 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 (1) or more of the connected items, conditions, provisions, or events shall apply.
- (h) **Tense and Usage.** Words used in one (1) 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 subsection, 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.

1201.07. - Rules of measurement.

- (a) **Lot Area Measurement.** Lot area refers to the amount of horizontal land area within lot lines. Public rights-of-way shall not be included in calculating lot area. No site plan, subdivision approval, zoning certificate, or other development approval shall be issued for a lot that does not meet the minimum lot area requirements of this Code, except as otherwise allowed in this Code.

Figure 1: Lot Width



- (b) **Lot Width Measurement.** Lot width refers to the horizontal distance between the side lot lines as measured a straight line parallel to the front lot line (the lot line abutting the street on which the property has its principal access) or the chord thereof. The minimum lot width shall be measured between the side lot lines along a line that is parallel to the front lot line and located the minimum front setback distance from the front lot line. (See Figure 1)

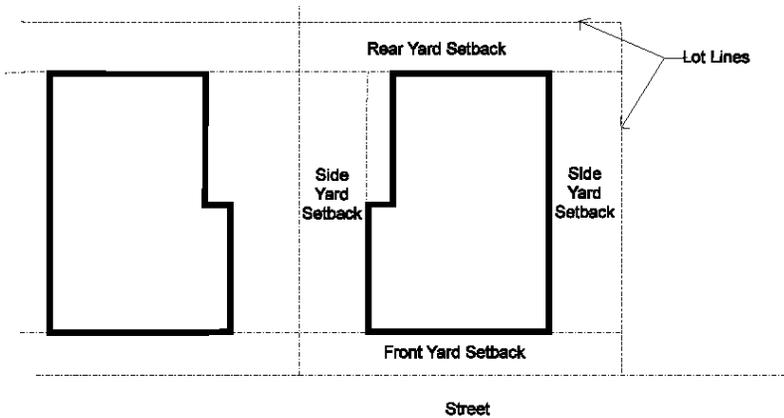


Figure 2: Setbacks

- (c) Setbacks—Building and Structure Setbacks from Lot Line. Setbacks shall be measured as the distance between the nearest lot line and the furthestmost projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in this section. (See Figure 2.)
- (1) Features Allowed Within Setbacks:
 - (A) Driveways, patios, parking lots, and sidewalks provided that the edge of such structures shall be set back at least three (3) feet from an adjacent property line.
 - (B) Steps to the principal entrance ~~to enter the structure and necessary landings~~, together with railings no more than three (3) feet in height, and associated roofs, provided they do not extend more than six (6) feet into the required yard setback;
 - (C) Trees, vegetation, or other features of natural growth;
 - (D) Fences or walls subject to height restrictions set forth in this Code;
 - (E) Chimneys not more than eight (8) feet in width, bay windows, balconies on second and third floor levels, buttresses, piers, pilasters, outdoor access ways to basement areas protected by railings at least two (2) feet six (6) inches high on two (2) sides, and roof overhangs may project no more than three (3) feet into a required yard;
 - (F) Cornices, canopies, eaves, or other similar architectural features may extend no more than two (2) feet, six (6) inches into a required yard;
 - (G) Fire escapes and handicap ramps, together with associated roof provided they project no more than thirty (30) percent of the required yard setback dimensions;
 - (H) Utility lines, wires, and associated structures such as power poles; and
 - (I) Signs if permitted by the sign regulations of this Code.
 - (2) Front Setbacks on Corner Lots. For corner lots, one (1) side of the lot with street frontage shall be designated the front (and required to establish the applicable front yard setbacks).
 - (3) Yards Abutting Alleys.
 - (A) In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half ($\frac{1}{2}$) of the width of the alley may be included as a portion of the required rear or side yard, subject to the limits in paragraph B of this subsection. (See Figure 3)

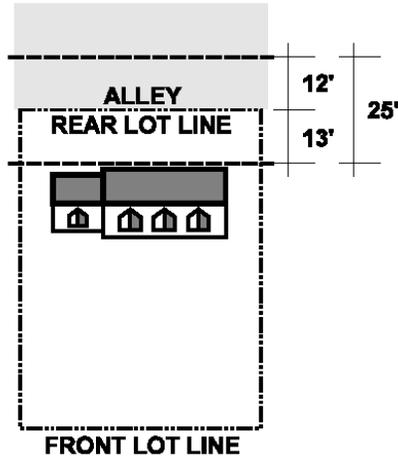


Figure 3: Yards Abutting Alleys

- (B) No building where a side or rear yard is required shall be closer than three (3) feet to a side alley lot line or ten (10) feet to a rear alley lot line, except that an accessory residential garage structure may be no closer than three (3) feet to a rear alley lot line.
- (d) Setbacks—Development Setbacks from Stream Corridors or Wetlands.
- (1) Stream Corridors. Setbacks from stream corridors shall be measured from the ordinary high water mark, as "ordinary high water mark" is defined in Chapter 1213.
 - (2) Wetlands. Setbacks from wetlands shall be measured from the delineated wetland edge. See (1207.03, "Wetlands/Stream Corridor Protection" re. delineation of wetlands.
- (e) Height.
- (1) Measurement of Maximum Building Height in Feet. Height shall be measured as the vertical distance in feet between finished grade (including finished grade of a basement with direct, at-grade walk-out access) to the top of the highest roof beam on a flat or shed roof, the deck level on a mansard roof, or the average distance between the eaves and the apex of a gable, hip, or gambrel roof. (See Figure 4.)

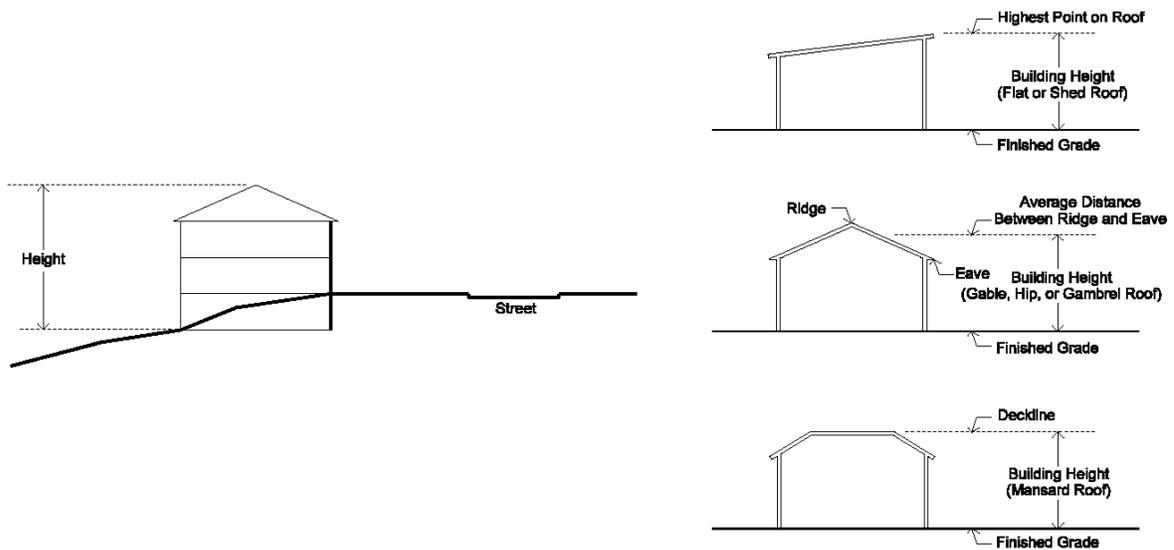


Figure 4: Building Heights

(2) Measurement of Maximum Fence Height in Feet. Height shall be measured as the vertical distance between the natural grade of land and the highest point of the fence, excluding incidental decorative items.

- (32) Exemptions from Height Standards. The following structures and features shall be exempt from the height requirements of this Code, but in no case shall such structures or features be greater than any height specified below or one hundred (100) feet, whichever is less, unless a variance is granted.
- (A) Chimneys, smokestacks, or flues that cover no more than five percent (5%) of the horizontal surface area of the roof and extend no more than four (4) feet above the maximum structure height permitted in the zone district;
 - (B) Cooling towers and ventilators that cover no more than five percent (5%) of the horizontal surface area of the roof and extend no more than four (4) feet above the maximum structure height permitted in the zone district;
 - (C) Elevator bulkheads and stairway enclosures;
 - (D) Water towers and fire towers that extend no more than four (4) feet above the maximum structure height permitted in the zone district;
 - (E) Utility poles and support structures;
 - (F) Belfries, spires, steeples, cupolas, and domes provided they are not used for dwelling purposes; and
 - (G) Barns, silos, or other farm structures or buildings on farms used for agricultural purposes.
- (f) Density/Measurement of Density for Residential Development (Section 1203.09).
- (1) Gross Density shall mean the measure of dwelling units permitted per gross acre of land area contained in the development.
 - (2) Net Density 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.
- (g) Exterior Lighting—Measurement of Lighting Levels.
- (1) Metering Equipment. Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent. The meter shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of its use.
 - (2) Method of Measurement. The meter sensor shall be mounted not more than six (6) inches above the ground level in a horizontal position. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurement shall be made after dark with the light sources in question turned on and again with the same sources off. The difference between the two (2) readings shall be compared to the maximum permitted illumination set forth in this Code. This procedure eliminates the effects of moonlight and other ambient light.
- (h) Spacing Requirements. Unless otherwise specified, the required minimum space between a proposed use and an existing use or lot shall be measured from the edge of the principal structure housing the proposed use to the closest edge of the principal structure housing the existing use or to the closest lot line.

([Ord. No. 16-148](#), § 1, 2-21-2017)

1201.08. - Conflicting provisions and relationship with other ordinances.

- (a) Conflicts with Other Regulations. When the provisions of this land development code are inconsistent with one another or when the provisions of this Code conflict with provisions found in other adopted ordinances or regulations, the more restrictive provision shall govern. Provisions should be interpreted to require compatibility of land subdivision and development to neighboring residential development.
- (b) Relationship with Other Ordinances Regulating Residential Development. The provisions of this land development code require a certificate of zoning compliance ("zoning certificate") for construction of a residential dwelling unit on a legal lot prior to issuance of a building permit by Summit County. In addition to compliance with the use and development standards set forth in Chapters 1205, 1206, and 1207 of this Code, there are two (2) conditions precedent for issuance of a zoning certificate for residential development in the City:
 - (1) If applicable, aAn allocation granted pursuant to the provisions and procedures established in Chapter 1211 of this Code, the "Growth Management Residential Development Rate Allocation System;" and
 - (2) Design review and approval from the Architectural and Historic Board of Review ("AHBR") pursuant to the provisions and procedures set forth in Chapters 1202, 1203, and 1204 of this Code.
- (c) Relationship with Other Ordinances and Regulations. It shall be the applicant's responsibility to determine and comply with all applicable city, county, state, or federal ordinances or regulations governing land development activities.

1201.09. - Transitional provisions.

This section addresses the applicability of new substantive standards enacted by this Code to activities, actions, and other matters that are pending or occurring as of the effective date of this Code.

- (a) Violations Continue. Any violation of the previous zoning, subdivision, or sign regulations of the City shall continue to be a violation under this land development code and shall be subject to the penalties and enforcement set forth in Chapter 1212, unless the use, development, construction, or other activity is clearly consistent with the express terms of this Code.
- (b) Nonconformities Under Previous Ordinance. Any nonconformity under the previous zoning or sign regulations of the City shall be considered a legal nonconformity under this Code, so long as the situation that resulted in the nonconforming status under the previous regulations continues to exist. If, however, a nonconformity under a previous ordinance becomes conforming as a result of the adoption of this Code, or any subsequent amendments thereto, then such situation shall no longer be considered a nonconformity. (See Section 1206.05, (Nonconforming Uses/Structures/Lots(.))
- (c) Completion of Development Plans Commenced or Approved Under Previous Ordinances.
 - (1) Buildings or Developments with Previously Issued Zoning Certificates. Any building or development for which a zoning certificate was granted or allotted prior to the effective date of this Code or any amendment hereto. shall be permitted to proceed to construction even if such building or development does not conform to the provisions of this Code. If construction is not commenced or completed in accordance with the applicable permit terms, the ~~City Manager Municipal Planning Commission~~ may, for good cause shown, grant not more than one (1) extension of up to six (6) months. If the building or development is not substantially completed within the time allowed under the original permit or any extension granted, then the building shall be constructed, completed, or occupied only in compliance with the requirements of this Code.
 - (2) For purposes of this subsection, "substantially completed" means where, in the judgment of the City Manager:

- (A) At least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition of final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use; or
- (B) At least fifty percent (50%) of all phases have been one hundred percent (100%) built-out with respect to lots.

1201.10. - Severability.

If a court of competent jurisdiction declares that any section, subsection, or provision of this land development code is invalid, that ruling shall not affect the validity of any other part of this Code or of the Code as a whole, which shall remain in full force and effect.

CHAPTER 1202. - ADMINISTRATIVE AND REVIEW ROLES

This chapter sets forth the roles and powers that various city agencies and bodies have in administering the City of Hudson's Land Development Code.

1202.01. - The Mayor and City Council.

As amended by the Charter of the City of Hudson from time to time, the powers and functions of the Mayor and City Council with respect to administering this Code are as follows:

- (a) Amendments to Code—Text. Convene public hearings to take testimony on this Code and future text amendments to it, after having referred amendment requests for review and comment to the Planning Commission, and then take action to adopt or rescind the original Code and any future amendments to it.
- (b) Amendments to Code—Official Zoning Map. Convene public hearings to take testimony on future amendments to the official zoning map, after having referred amendment requests for review and comment to the Planning Commission, and then take action to adopt or deny any future amendments to it.
- (c) Appointments. Appoint members of the Planning Commission ("PC"), Board of Zoning and Building Appeals ("BZBA"), the Architectural and Historic Board of Review ("AHBR"); make appointments to fill unexpired terms or members who have resigned, or to fill vacancies, or to reappoint members at the end of expired terms; remove members of the PC, BZBA, or AHBR after investigation and findings of malfeasance, misfeasance, or nonfeasance while in office.
- (d) Planned Developments. Hold public hearings, review, and take final action on proposed preliminary ~~and final~~ Planned Development applications after receipt of the PC's recommendations.
- (e) Development Agreements. Hold public hearings, review, and take final action on proposed development agreements after receipt of the PC's recommendations.
- (f) Site Plans. Hold public hearings, review, and take final action on proposed site plan applications for major developments that are called up for City Council final action.
- (g) Appeals. With the exception of Conditional Use determinations, ~~H~~hold public hearings, review, and take final action on appeals from the actions of the Planning Commission.
- (h) Architectural Guidelines. Adopt amendments, appendices, or supplements to the uniform architectural criteria.
- (i) Annual Residential Development Allocation. Hold public hearings, review, and take final action on the recommended annual residential development allocation pursuant to Chapter 1211 of this Code.
- (j) Fees and Charges. Establish a schedule of fees necessary to effectively administer and enforce the provisions of this Code.
- (k) Accept Land Donations.

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 Sub-Committee 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 ~~and final~~ 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 of this Code.
 - (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 (7) electors of the city, appointed by the City Council and not holding other public office, for a term of four (4) years. PC members shall serve without compensation.
 - (B) Each member shall have been a resident of the City of Hudson for a minimum of two (2) years preceding the appointment.
 - (C) No member of the PC shall serve for more than three (3) consecutive terms. In the event of a vacancy, the City Council shall appoint a qualified elector to complete 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 (4) 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. No. 16-57](#), § 1, 12-20-2016; [Ord. No. 16-148](#), § 3, 2-21-2017)

1202.03. - Board of Zoning and Building Appeals.

(a) Powers and Functions. As amended by the Charter of the City of Hudson from time to time, the powers and functions of the Board of Zoning and Building Appeals ("BZBA") with respect to administering this Code are as follows:

(1) Appeals. Hold public hearings, review, and take final action on appeals from actions of the Architecture and Historic Board of Review, Zoning Inspector, City Manager, Community Development Director, or other administrative official in interpreting this Code.

(2) Variances. Hold public hearings, review, and take final action on applications for variances from the terms and provisions of this Code.

(3) Conditional Uses. Hold public hearings, review, and take final action on appeals from the actions of the Planning Commission in denying or allowing a conditional use.

(4) Nonconforming Uses/Structures/Lots. Hold public hearings, review, and take final action on applications for enlargement, extension, substitution, or replacement of a nonconforming use or structure.

(5) Interpretation. Hold public hearings, review, and take final action on appeals from the City Manager's action on disputes concerning, or requests for, interpretations of the Official Zoning Map.

(b) Operations.

(1) Membership.

(A) As amended by the Charter of the City of Hudson from time to time, the Board of Zoning and Building Appeals shall consist of five (5) electors of the City of Hudson, appointed by the City Council and not holding other public office.

(B) Each member shall serve without compensation for a term of four (4) years. In the event of a vacancy, City Council shall appoint a qualified elector to complete the unexpired term.

(C) Each member shall have been a resident of the City of Hudson for a minimum of two (2) years preceding the appointment.

(D) Members shall serve no more than three (3) consecutive full terms.

(2) Quorum and Voting. Three (3) members of the BZBA shall constitute a quorum. The Board shall act by resolution, and the concurring votes of three (3) members of the Board shall be necessary to reverse any order or determination of the Architecture and Historic Board of Review, Zoning Inspector, City Manager, Community Development Director, Planning Commission (in the appeal of a conditional use decision), or other administrative official in interpreting this Code, or to decide in favor of an applicant in any matter on which the Board has original jurisdiction under this chapter or the Charter or to grant any variance from the requirements of this Code.

- (3) Meetings and Rules.
- (A) The BZBA shall organize and adopt rules for its own government in accordance with this chapter.
 - (B) Meetings of the BZBA shall be held at the call of the Chairman and at such other times as the Board may determine.
 - (C) The Chairperson, or in the Chairperson's absence the acting Chairperson, has the authority to administer oaths and the Board may compel the attendance of witnesses and evidence through the power of subpoena within the municipal boundaries of the City. The power of subpoena shall be exercised through procedures established by the Board in its rules.
 - (D) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the ~~Superintendent of Building Inspection~~ City Manager, and shall be a public record.
- (4) Filing of Appeals.
- (A) An appeal to the BZBA may be taken by any party-in-interest or by any officer of the City of Hudson affected by any decision of the Architecture and Historic Board of Review, Zoning Inspector, City Manager, Community Development Director, Planning Commission (in the appeal of a conditional use decision), or any decision in which the BZBA has original jurisdiction.
 - (B) All appeals shall be filed with the BZBA within twenty (20) days after the decision by filing with the City Manager a notice of appeal specifying the grounds thereof.
 - (C) The City Manager shall transmit a copy of the notice of appeal to the BZBA, together with all the documents and other materials constituting the record upon which the action appealed from was taken.
- (5) Filing of Applications. An application, in cases in which the BZBA has original jurisdiction under the provisions of this Code or the Charter (such as variances), may be taken by any property owner, including a tenant, or by a government officer, department, division, bureau, board, or commission. Such application shall be filed with the City Manager, who shall transmit it to the BZBA.
- (6) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector or City Manager certifies to the BZBA, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by an order which may, on due cause shown, be granted by the BZBA on application after notice to the Zoning Inspector or City Manager, or by order resulting from judicial proceedings.
- (7) Hearings. At a public hearing convened by the BZBA, any person or party-in-interest may appear in person or may be represented by an attorney.
- (8) Decisions.
- (A) The BZBA shall take final action on an appeal or application within thirty (30) days after the conclusion of the public hearing thereon.
 - (B) Findings. All decisions of the BZBA shall be based on written findings of fact related to the relevant standards or criteria set forth in this Code.
 - (C) A certified copy of the BZBA's decision shall be transmitted to the applicant or appellant and to the board, commission, or officer from whose decision an appeal was taken. Such decision shall be binding on such board, commission, or officer, and the terms and

conditions of the BZBA action shall be incorporated into the approval, permit, or certificate, whenever an approval, permit, or certificate is authorized by the BZBA.

1202.04. - Architectural and Historic Board of Review.

- (a) Powers and Functions. As amended by the Charter of the City of Hudson from time to time, the powers and functions of the Architectural and Historic Board of Review ("AHBR") with respect to administering this Code are as follows:
- (1) Architecture/Design Guidelines/Historic Preservation—Residential and Commercial Development. Review applications for new structures, additions, alterations, fences, and signs, except for minor development and all development in Districts 6 and 8, and take final action relating to their compliance with all applicable architectural, design, and/or historic preservation guidelines and requirements. Review and take final action on applications for minor development referred to the Board from the City Manager.
 - (2) Architecture/Design/Historic Preservation Development in Districts 6 and 8. As appointed to the Design Sub-Committee 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.
 - (3) Historic Districts and Landmarks.
 - (A) Review applications for Certificates of Appropriateness and take final action relating to the construction, erection, alteration, removal, moving, or demolition of any historic landmark.
 - (B) Recommend to the City Council the geographic boundaries of additions to or changes in the Historic District, and to recommend those buildings and structures which should be designated historic landmarks.
 - (C) Advise the Planning Commission, City Council, Building Inspector, other public agencies and property owners in matters involving structures and areas of historic and/or architectural significance, and, further, to assemble and make available information pertaining to funds, from both public and private sources, available for restoration, alteration and preservation.
 - (D) Propose from time to time to the Planning Commission and Council the designation or removal of designation of structures and/or areas for historic preservation under the provisions of this chapter.
 - (E) Make recommendations concerning the establishment of an appropriate system of markers for historic structures and areas and to advise owners or residents of historically and/or architecturally significant structures or areas on problems, techniques, and resources for historic preservation.
 - (F) Make recommendations concerning the preparation of maps, brochures, and descriptive material about the City's structures and areas of historic and/or architectural significance.
 - (G) Promote the public interest in the foregoing purposes by carrying on a public relations program.
 - (4) Adoption of Architectural Guidelines. The Board may recommend to Council for adoption amendments, appendices, or supplements to Appendix D, Architectural Design Standards. When initiated by Council, Council shall upon adoption of such a resolution, certify the proposed amendment, appendix, or supplement to the Board for review and recommendation prior to adoption. The Board may, at any time, recommend to Council for consideration any amendment, appendix, or supplement it deems appropriate. Periodically, the Board shall study and review the uniform architectural criteria in light of circumstances then existing and may recommend to Council addenda, amendments, or updating, if any, that the Board deems appropriate. If the Board determines that no addenda, amendments, or updating is appropriate or necessary, it shall report that fact to Council.

- (b) Operations.
 - (1) Membership.
 - (A) As amended by the Charter of the City of Hudson from time to time, the AHBR shall consist of seven (7) electors of the City of Hudson appointed by the City Council.
 - (B) Each member shall have been a resident of the City of Hudson for two (2) years preceding appointment.
 - (C) Each member shall serve without compensation for a term of four (4) years. In the event of a vacancy, City Council shall appoint a qualified elector to complete the unexpired term.
 - (D) No member may serve more than three (3) consecutive terms.
 - (E) The whole of the AHBR shall designate at least three (3) members who shall constitute a subcommittee whose concern shall be the Historic District and/or historic landmarks. In addition, the Board may appoint such committees, ad hoc or standing, as may be appropriate to the conduct of its business.
 - (2) Meetings and Rules.
 - (A) The AHBR shall at its first meeting in January of each year elect one (1) of its members as Chairman, a second member as Vice-Chairman, and a third member as Secretary. The Board shall hold such meetings as it may determine, but not less than one (1) in any calendar month.
 - (B) The elected Chairman, and in his absence the Vice-Chairman, shall be responsible for the proper administration of the Board's work and the elected Secretary shall keep, or cause to be kept, in the City's planning office, a complete and accurate record of all meetings and proceedings of the Board.
 - (C) All meetings of the Board shall be open to the public and four (4) members thereof shall constitute a quorum.
 - (D) A majority vote of the members present shall be required to take action.
 - (E) In order to better carry out the provisions of this chapter, the Board by formal motion shall adopt rules for the conduct of its business.
 - (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 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.

([Ord. No. 16-57](#), § 1, 12-20-2016; [Ord. No. 16-148](#), § 3, 2-21-2017)

1202.05. - Design Sub-Committee for Development in Districts 6 and 8.

- (a) Powers and Functions. As amended by ordinance from time to time, the powers and functions of the Design Sub-Committee for Development in Districts 6 and 8 with respect to administering this Code are as follows:
 - (1) Design Review—Development in Districts 6 and 8. Review plans for the design of buildings and other structures, for proposed major developments in Districts 6 and 8 and report its comments and recommendations to the Planning Commission relating to such plans' compliance with applicable design guidelines and requirements.
- (b) Operations.

- (1) Membership. The Design Sub-Committee for Development in Districts 6 and 8 shall be comprised of one (1) member and one (1) alternate appointed by the Chair of the Planning Commission and two (2) members and one (1) alternate appointed by the Chair of the Architectural and Historic Board of Review.
- (2) Meetings and Rules.
 - (A) The Design Sub-Committee for Development in Districts 6 and 8 shall organize and adopt rules for the conduct of its own meetings in accordance with this Code.
 - (B) All meetings of the Design Sub-Committee for Development in Districts 6 and 8 shall be chaired by a member of the Planning Commission.
 - (C) Meetings of the Design Sub-Committee for Development in Districts 6 and 8 shall be held at the call of the Chair of the Planning Commission and at such other times as the sub-committee may determine.
 - (D) The Community Development Director or his designee shall be available at all meetings of the Design Sub-Committee for Development in Districts 6 and 8.
- (3) Advice of Consultant. When requested by official action of the Design Sub-Committee for Development in Districts 6 and 8, the City Manager is hereby authorized and directed to employ a qualified, licensed architect to consult with and assist the Design Sub-Committee for Development in Districts 6 and 8 on any and all matters set forth in this Code. Such consultation and assistance shall be strictly advisory and the Design Sub-Committee for Development in Districts 6 and 8 shall not be bound by the architect's recommendation or opinion.

([Ord. No. 16-57](#), § 1, 12-20-2016; [Ord. No. 16-148](#), § 3, 2-21-2017)

1202.06. - City Manager.

As amended by the Charter of the City of Hudson from time to time, the powers and functions of the City Manager and his staff with respect to administering this Code are as follows:

- (a) Site Plans—Major Developments. Review and make recommendations to the Planning Commission on all applications for site plans for major development.
- (b) Site Plans—Minor and Basic Developments. Review and take final action on site plan applications for minor and basic developments, or as necessary refer such applications to the Planning Commission.
- (c) Amendments to Code. Review and make recommendations to the Planning Commission on all applications for private-party-initiated text or map amendments to this Code.
- (d) Planned Developments. Review and make recommendations to the Planning Commission on all applications for preliminary and final Planned Developments.
- (e) Subdivisions. Review and make recommendations to the Planning Commission on all applications for preliminary and final subdivisions.
- (f) Conditional Uses. Review and make recommendations to the Planning Commission on all applications for conditional uses.
- (g) Minor Modifications. Review and take final action on applications for minor modifications.
- (h) Minor Subdivisions. Review and take final action on applications for minor subdivisions.
- (i) Annual Residential Development Allocation. Conduct studies and make recommendations to the Planning Commission regarding an annual residential development allocation pursuant to Chapter 1211 of this Code.
- (j) Architecture/Design/Historic Preservation Compliance—Generally. Review and make recommendations to the Architectural and Historic Board of Review on applications for basic

and major development except for development in Districts 6 and 8 relating to compliance with architectural/design and/or historic preservation guidelines and requirements. Review and make recommendations to the Design Subcommittee for Development in Districts 6 and 8 on applications for major development in Districts 6 and 8 relating to compliance with industrial building design standards.

- (k) Architecture/Design/Historic Preservation Compliance—Minor Development. Review and take final action on zoning applications for minor development, or as necessary refer such applications to the AHBR.
- (l) Change of Use. Review and take final action on applications for change of non-residential occupancy of structures or land.
- (m) Appointments. Appoint authorized zoning enforcement officers for purposes of carrying out the duties and responsibilities for enforcement of this Code and of Part Fourteen of the City of Hudson Codified Ordinances.

([Ord. No. 16-57](#), § 1, 12-20-2016; [Ord. No. 16-148](#), § 3, 2-21-2017)

1202.07. - Summary Table/Administrative and Review Roles.

Type of Application or Review	Mayor and City Council	Planning Commission	BZBA	AHBR	Design Sub-Committee for Development in Districts 6 and 8	City Manager/Staff
Code/Map Amendments	Final Action	Review/Recommendation	---	---		Review/Recommendation
PDS Preliminary	Final Action	Review/Recommendation	---	---		Review/Recommendation
PDs Final	---	Final Action	---	---		Review/Recommendation
Subdivisions	Appeals	Final Action	---	---		Review/Recommendation
Site Plans—Major Developments	<ul style="list-style-type: none"> •Final Action on Called-Up Applications •Appeals 	Final Action (Unless City Council Calls Up)	---	---	Review/Recommendation on Site Plans in Districts 6 and 8	Review/Recommendation
Site Plans—Minor Developments	Appeals	<ul style="list-style-type: none"> •Final Action When Referred by City Manager or Called Up •Appeals 	Appeals	---	---	Final Action Unless Referred to PC
Site Plans Basic Developments	Appeals	Final Action when referred by City Manager	Appeals	---		Final action unless referred to PC

Type of Application or Review	Mayor and City Council	Planning Commission	BZBA	AHBR	Design Sub-Committee for Development in Districts 6 and 8	City Manager/Staff
Conditional Uses	---	Final Action	Appeals	---		Review/Recommendation
Development Agreements	Final Action	Review/Recommendation	---	---		Review/Recommendation
Architecture/Design Review/Cert of Appropriateness Major Development	---		Appeals	Final Action	---	Review/Recommendation
Architecture/Design Review Basic Development	---	---	Appeals	Final Action	---	Review/Recommendation
Architecture/Design Review Minor Development	---	---	Appeals	Final Action When Referred by City Manager	---	Final Action
Architecture/Design Review Districts 6/8 Major Developments	Appeals	Final Action	---	---	Review/Recommendation	Review/Recommendation
Architecture/Design Review 6/8 Basic Minor	Appeals	Final Action When Referred by City Manager	---	---	---	Final Action
Variances	---	---	Final Action	---		Review/Recommendation
Nonconforming Uses/Buildings/Lots	---	---	Final Action	---		Review/Recommendation
Interpretations	---	---	Appeals	---	---	Final Action—Use Classifications and Map
Minor Modifications	---	---	---	---	---	Final Action

([Ord. No. 16-57](#), § 1, 12-20-2016; [Ord. No. 16-148](#), § 3, 2-21-2017)

CHAPTER 1203. - DEVELOPMENT REVIEW AND ADMINISTRATION PROCEDURES

1203.01. - General provisions.

The following general provisions shall apply to all applications under this land development code:

- (a) **Authority to File Applications.** An application for development review or approval under this Code shall be filed by the person having legal authority to take action in accordance with the approval sought. The person is presumed to be the record owner, purchaser under a sale, or the duly authorized agent of the record owner in the absence of satisfactory proof to the contrary. The City Council or Planning Commission may initiate code text amendment or map amendment action under this Code with or without an application from property owner(s) who may be affected.
- (b) **Applications.** Applications required under this chapter shall be submitted on forms provided by the City Manager in such numbers as required by the City Manager. Applications shall be accompanied by a non-refundable fee established by the City Council to defray the costs of processing applications and by any required escrow funds.
- (c) **Incomplete Applications or Insufficient Fees.** Applications shall be reviewed for completeness within seven (7) days of filing. If the City Manager determines that the application is complete, the application shall then be processed. If the City Manager determines that it is incomplete, he shall return the application to the applicant as incomplete and specify the specific ways in which the application is deficient. No further processing of the incomplete application shall occur until the deficiencies are corrected. Any application that is not accompanied by the required fee shall be found incomplete. Fees shall not be required with applications initiated by the Planning Commission, City Council, or City department heads.
- (d) **Required Times for Action and Inaction.** Whenever the provisions of this chapter require that reviewers or decision-makers take action on an application within a specified period of time and such action is not taken within that time-frame, such inaction shall be deemed a denial of the application unless the applicant agrees to an extension of the time period.
- (e) **Concurrent Review or Joint Applications.** At the election of the applicant and with the concurrence of the City Manager, applications for different types of development approvals may be processed concurrently whenever possible to expedite total review and processing time for a project. Alternately, an applicant may consolidate an application for site plan approval with an application for subdivision plan approval, conditional use approval, variances, or modifications, provided that such joint or consolidated application shall be submitted in a form that satisfies the site plan requirements of this Code and the provisions, as applicable, governing subdivisions, conditional uses, variances, or modifications. The time frame and approval process for a consolidated application shall follow the longest time frame and approval process required from among the combined application types.
- (f) **Application Processing Schedule.** The City Manager, after consulting with the Planning Commission and City Council, may from time to time promulgate a processing schedule for each type of application. Each promulgated processing schedule shall include:
 - (1) Dates of regular meetings of the reviewing bodies and decision-makers;
 - (2) The deadline for receipt of a complete application for consideration of such application at a particular meeting;
 - (3) The scheduling of staff reviewing and staff reports on complete applications;
 - (4) All necessary steps in the application process (including hearings, decision meetings, and review by other bodies); and
 - (5) The publication of required notices of hearings.
 - (6) Mailed notice to adjacent property owners.

- (g) Permitted Scope of Action by Decision-Makers. The body holding the hearing may take any action on the application that is consistent with the notice given, including approving the application, approving the application with reasonable conditions, or denying the application. The reviewing body may impose conditions on the application or allow amendments to the application if the effect of the conditions or amendments is:
 - (1) To reduce the impact of the development; or
 - (2) To reduce the amount of land area included in the application. The review body may not approve a greater density of development, a more intensive use, or a more intensive zoning classification than what was indicated in the notice.
- (h) Continuation of Hearings. A hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this chapter, provided that the continued hearing is set for a certain date and time.
- (i) Extension of Time Limits.
 - (1) Any decision-making body shall have the discretion to extend the time periods set forth in this chapter for review and final decision on a development application upon a finding that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly justify such extension of time. Only one (1) such extension, up to a maximum of sixty (60) days, shall be granted.
 - (2) Any other extension of the time periods for review and action specified in this chapter may be extended only if the applicant agrees in writing to an extension of time.
- (j) Submittal Requirements. A schedule of submittal requirements for each type of development application is set forth in Appendix A to this Code. The schedule of submittal requirements shall be reviewed annually and shall be adjusted by resolution, if necessary, by City Council.

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.

Core Development Review Procedure	
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 preapplication 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 preapplication 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 (14) 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 (10) 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 (45) days from the date that a submitted application is certified as complete pursuant to Section 1203.01(c) above, 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 (5) 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 one hundred twenty (120) days from the date that a submitted application is certified as complete pursuant to Section 1203.01(c) above, 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 (10) 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) of this Code.
 - 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 (90) 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.
 - (A) Areas Other Than in the Historic District and Other Than Historic Landmarks. 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) Areas in the Historic District or Historic Landmarks. AHBR shall review all development within the Historic District and 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 ~~on~~through the Design Sub-Committee 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) Areas Other Than in the Historic District and Other Than Historic Landmarks. The AHBR shall take final action within thirty (30) 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 (2) 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.
 - (B) Areas in the Historic District or Historic Landmarks. Within sixty (60) days from the date that the AHBR receives the Historic District Subcommittee's recommendation on an application for a certificate of appropriateness, the AHBR shall consider the application, the staff report, the subcommittee's recommendation, and evidence from any public hearing, and then take final action by either approving, approving with

conditions, or denying the certificate of appropriateness application based on its compliance with the appropriate review standards.

- (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 of Hudson:
 - (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, rResidential allotments pursuant to Chapter 1211 of this Code 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 (7) days after final action and approval.
 - (4) (a) Time Limit on Zoning Certificates – Minor and Basic Development. Unless construction is completed within twelve (12) 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 (6) 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 (24) 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 (6) 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.

~~(4) Time Limit on Zoning Certificates. Unless construction is commenced within six (6) months of the date of issuance of a zoning certificate and completed within twelve (12) months of the date of issuance, such certificate shall then automatically lapse and be null and void. These time limits may be extended by the City upon a showing that there has been continuing construction activity on the site during the twelve (12) months of the date of issuance. Construction or improvement of a new or existing structure shall be deemed to have commenced upon completion of the in-ground permanent foundation, or if constructed utilizing slabs, piers, pilings, or pole construction, completion of the structural framework of the building constituting the authorized work under the permit.~~

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

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

	Step 1 Pre- Application Review	Step 2 Application	Step 3 Staff Review and Report	Step 4 PC Action	Step 5 City Council Action	Step 6 AHBR Action	Step 7 Zoning Certificate	Comments
Preliminary	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. No. 16-57](#), § 3, 12-20-2016; [Ord. No. 16-148](#), § 5, 2-21-2017)

1203.03. - Code amendments.

- (a) Initiation. Applications for text or official zoning map amendments may be initiated by the following:
- (1) By motion of the Planning Commission;
 - (2) By adoption of a resolution by City Council;
 - (3) By application for a rezoning by one (1) or more of the owners, holders of options to purchase, or lessees of the property for which the amendment or supplement is requested.

~~(b) Private Party Initiated Applications for Code Amendments (Rezoning). All applications for text or official zoning map amendments or supplements initiated pursuant to Subsection (a)(3) above, shall comply with the following requirements:~~

~~(1) Site-specific development plan required. All applications seeking to amend this Code to allow a change from one (1) zone district to a different zone district (e.g., a request to rezone from District 2 to a District 1 or a request to rezone from District 2 to District 10 or District 8), or seeking to amend this Code by changing the permitted uses in any zone district, shall be accompanied by a site-specific development plan.~~

~~(2) Contents of site-specific development plan. At a minimum, a site-specific development plan shall include the following information:~~

~~(A) Uses proposed;~~

~~(B) Intensity or density of uses proposed;~~

~~(C) Location of public and private open space;~~

~~(D) Location of existing and proposed buildings on the site;~~

~~(E) Road, street, and pedestrian networks proposed;~~

~~(F) Existing or proposed utilities and public services for the development; and~~

~~(G) All other submittal requirements set forth in Appendix A to this Code for applications for a code amendment.~~

~~(3) Exceptions. When a parcel held under single and common ownership is classified in this Code as falling into two (2) or more different zone districts as of the effective date of this Ordinance, an application to rezone a portion or portions of that parcel so that the zone district classification is the same for the entire parcel may be allowed in the absence of a site-specific development plan.~~

(c) Procedures for Approval.

(1) ~~PC, or~~ City Council, or private party initiated applications for text or official zoning map amendments shall follow the core development approval process set forth in Section 1203.02 of this chapter, except for the following modifications:

~~(A) Before Step 4: City Council First Reading. City Council shall initiate action by completing a first reading of the application, in ordinance form. The City Council shall then refer the application to the PC for the PC's formal consideration.~~

(B) Step 4: Planning Commission Action or Recommendation. The PC shall conduct a public hearing, make specific recommendations to the City Council, and transmit the application to the City Council, together with the text and map amendments pertaining thereto, within one hundred twenty (120) days from the date of initiation of the application for text or official zoning map amendments. ~~receipt of the City Council's referral.~~

(C) Step 5: City Council Action. After the PC's public hearing and recommendation on the amendment application, the City Council shall hold a public hearing and take final action within twenty (20) days of said public hearing. An amendment before the City Council for consideration shall take effect only if passed or approved by not less than five (5) members of the City Council.

~~(2) Private-party initiated applications for text or official zoning map amendments shall follow the core development approval process set forth in Section 1203.02 of this chapter, except for the following modifications:~~

~~(A) Step 4: Planning Commission Action or Recommendation. PC action shall first consist of a preliminary review of the application at a public meeting of the PC. Within thirty (30) days from the date of the PC's public meeting, the applicant shall prepare a~~

~~final site-specific development plan that incorporates any changes or modifications required or suggested by the PC at the preliminary review.~~

~~(B) Step 5: City Council Action (and PC Public Hearing). City Council shall initiate action by completing a first reading of the applicant's final site-specific development plan and application, in ordinance form. The City Council shall then refer the final site-specific development plan and application back to the PC for the PC's formal consideration at a public hearing, with the PC making specific recommendations to the City Council, together with the text and map amendments pertaining thereto, within one hundred twenty (120) days from receipt of the City Council's referral.~~

~~(C) New Step 5-A: City Council Final Action. After the PC's public hearing and recommendation on the final site-specific development plan and application, the City Council shall hold a public hearing and take final action on the final site-specific development plan and application within twenty (20) days of said public hearing. An amendment before the City Council for consideration shall take effect only if passed or approved by not less than five (5) members of the City Council.~~

- (d) Standards for Review. All applications for text or zoning map amendments shall be reviewed by the PC and City Council for compliance with the standards and criteria set forth in Section 1204.01 of this Code.
- (e) Public Examination of Documents. During the thirty-day period following the publication of notice of public hearing before the City Council, the text or a copy of the text of a proposed amendment, together with the maps or plans or copies thereof that form part of or are referred to in such amendment or supplement, and the maps, plans, and reports submitted by the Planning Commission (See subsection (b)(2) above.), shall be on file for public examination in the office of the Clerk of Council.
- (f) Effective Date of Amendment. Amendments or supplements adopted by the City Council shall become effective under the provisions of the Charter of the City of Hudson.
- (g) Zoning Map Amendments. When an amendment to this Code that changes the zoning of any area becomes effective, it shall be the duty of the City Manager to cause such change to be entered on the Official Zoning Map on file in the office of the Clerk of Council.

~~(h) Effect of Approvals and Lapse.~~

~~(1) If an applicant fails to commence substantial construction or action with regard to the code amendment (rezoning) approval within one (1) year from the effective date of the amendment and to complete such construction or action within two (2) years of the effective date of the amendment, such site-specific development plan shall automatically lapse and become null and void. All of the land area included in the site-specific development plan shall automatically revert to the original zone district designation and be subject to all zoning and subdivision ordinances and regulations otherwise applicable.~~

~~(2) During the period during which an approved site-specific development 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 site-specific development plan approval.~~

~~(i) Minor Modifications of Approved Site-Specific Development Plan. Minor modifications of the final site-specific development plan may be authorized by the City Manager pursuant to Section 1203.08, Minor Modifications, below.~~

~~(j) Amendments to an Approved Site-Specific Development Plan. Any change or modification to an approved site-specific development plan that does not qualify as a minor modification pursuant to subsection (i) above must be submitted as a new application for approval of a final PD plan and follow the procedures set forth in Section 1203.04(d), Planned Developments, of this chapter.~~

- (k) Applications for Zoning Certificates During Consideration of Application for Amendment to this Code.
 - (1) Whenever an ordinance has been introduced in City Council that involves a change in zoning from a less restricted district to a more restricted district, or to set forth prohibited uses in any existing zone district, no zoning certificate shall be issued for a period not to exceed one hundred eighty (180) days from the date of the introduction of such zoning amendment ordinance when such zoning certificate would authorize the construction of a building or the establishment of a use that would become nonconforming under the contemplated zoning amendment.
 - (2) If such ordinance is not adopted within one hundred eighty (180) days, the appropriate public entity is authorized to accept applications and issue zoning certificates regardless of the pendency of such amendment ordinance.
- (l) Applications. Applications for amendments or supplements to this Code shall be submitted to the City Manager upon such forms as approved by the Planning Commission.
- (m) Submittal Requirements. See Appendix A for submittal requirements for applications to amend or supplement this Code.

([Ord. No. 16-148](#) , § 5, 2-21-2017)

1203.04. - Planned Developments.

- (a) Applicability. Planned Developments may be approved in any zone district in which the zone district regulations (see Chapter 1205) expressly permit such projects, subject to the standards set forth in Section 1204.02 of this Code, and the approval procedures set forth in this section.
- (b) Consolidation with Subdivision Approval. The applicant shall consolidate an application for Preliminary PD Plan approval with an application for preliminary subdivision plan approval, and shall consolidate an application for Final PD Plan approval with an application for final subdivision plat approval. Such consolidated application shall be submitted in a form that satisfies both the planned development requirements of this Code and the provisions, including submittal requirements, governing subdivisions. The time frame and approval process for the consolidated PD/subdivision application shall follow the time frame and approval process set forth in this section. An approved Final PD Plan shall be recorded as the final subdivision plat.
- (c) Procedures for Approval of a Preliminary PD Plan. Planned Developments, similar to subdivisions, are first approved in preliminary form, and then approved in final form. Applications for approval of a Preliminary PD Plan shall follow the core development approval process set forth in Section 1203.02 of this chapter, except for the following modifications:
 - (1) Step 1: Pre-Application Conceptual Review Meeting. A pre-application conceptual review meeting shall be mandatory for all persons intending to submit an application for approval of a Preliminary PD Plan.
 - (2) Step 4: Planning Commission Action. The PC's role shall be to review all applications for Preliminary PD Plans and make a recommendation to the City Council to either approve, approve with conditions, or deny the application based on its compliance with the standards set forth in Section 1203.04(e) below.
- (d) Procedures for Approval of a Final PD Plan. A Final PD Plan may cover the entire area covered by the Preliminary PD Plan, or it may include only a phase or phases of the Preliminary PD Plan. Applications for approval of a Final PD Plan shall follow the core development approval process set forth in Section 1203.02 of this chapter.
- (e) Standards for Review. All applications for Planned Developments shall demonstrate compliance with the requirements and review standards set forth in Section 1204.02 of this Code.

- (f) Effect of Approvals.
 - (1) Effect of Approval of a Preliminary PD Plan.
 - (A) An approved Preliminary PD Plan shall be valid for a period of twelve (12) months from the date of the City Council's action.
 - (B) Application for approval of a Final PD Plan for all or any phase of the Preliminary PD Plan may be made at any time within the twelve-month period. An approved application for a Final PD Plan for any phase or portion of the Preliminary PD Plan shall extend the life of the Preliminary PD Plan for an additional twelve-month period from the date the Final PD plan is approved. If the original or any successive twelve-month period expires before a completed application for Final PD Plan approval is submitted, unless a different time frame is specified in the development agreement, the Preliminary PD Plan approval shall automatically lapse and be null and void and all of the area included in the preliminary plan for which final PD approval has not been given shall be subject to the zoning and subdivision regulations otherwise applicable to them.
 - (C) During the period an approved Preliminary PD 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 PD Plan approval, except that the applicant shall comply with those local laws and regulations adopted subsequent to the approval of such Preliminary PD Plan if the City Council determines, on the basis of written findings, that compliance is reasonably necessary to protect the public health, safety, or welfare.
 - (2) Effect of Approval of a Final PD Plan.
 - (A) An approved Final PD Plan shall be valid for a period of two (2) years from the date of the Planning Commission's action.
 - (B) During the period an approved Final PD 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 Final PD Plan approval, except that the applicant shall comply with those local laws and regulations adopted subsequent to the approval of such Final PD Plan if the City Council determines, on the basis of written findings, that compliance is reasonably necessary to protect the public health, safety, or welfare.
 - (C) Within the two-year period, the developer shall:
 - (i) Record the Final PD Plan as the final subdivision plat; and
 - (ii) Undertake substantial construction of at least the first phase of the PD development.

If these actions are not completed within the two-year time period, such Final PD Plan shall automatically lapse and become null and void. All of the area included in such Final PD Plan shall be subject to the zoning and subdivision regulations otherwise applicable to them.
- (g) Applications. Applications for Preliminary and Final Planned Development Plans shall be submitted to the City Manager upon such forms as approved by the City Manager.
- (h) Submittal Requirements. See Appendix A for submittal requirements for applications for Preliminary and Final Planned Developments.
- (i) Modifications of Final PD Development Plan.
 - (1) Minor modifications of the final PD development plan may be authorized by the City Manager as set forth in Section 1203.08, "Minor Modifications."

- (2) Any change that does not qualify as a minor modification as set forth in Section 1203.08 shall be considered amendments and shall be processed in accordance with the procedure for approval of a Final PD Plan.

([Ord. No. 16-148](#) , § 5, 2-21-2017)

1203.05. - Conditional uses.

- (a) Procedures for Approval of Conditional Uses. Applications for approval of a conditional use shall follow the core development approval process set forth in Section 1203.02 of this chapter, except for the following modifications:

- (1) Step 1: Pre-Application Conceptual Review. Pre-application conceptual review is ~~strongly encouraged~~required for all persons intending to submit an application for conditional use approval.
- (2) Step 3: Staff Review and Report. Within thirty (30) days from the date that a submitted application is certified as complete pursuant to Section 1203.01(c) above, the City Manager shall refer the conditional use application to appropriate review agencies, review the conditional use application, and prepare the staff report.
- (3) Step 4: Planning Commission Action. Within sixty (60) days from the date that the application is certified as complete pursuant to Section 1203.01(c) above, the PC shall take final action on an application for conditional use by either approving, approving with conditions, or denying such application.

- (b) Standards for Review. All applications for a conditional use shall demonstrate compliance with all applicable criteria and standards set forth in Section 1206.02 of this Code.

- (c) Lapse.

- (1) Failure of an applicant to ~~commence construction or action obtain the necessary zoning certificate with regard to the conditional use approval within one (1) year of receiving approval of the conditional use shall automatically render the decision of the PC, or the BZBA on appeal, null and void. commence substantial construction or action with regard to the conditional use approval within one (1) year of receiving approval of the conditional use and to complete such complete construction or action within two (2) years of receiving approval of the conditional use shall automatically render the decision of the PC, or the BZBA on appeal, null and void.~~
- (2) If a legally established conditional use is abandoned, extinguished, or discontinued for a period of one (1) consecutive year or more, then the decision originally approving such conditional use shall automatically lapse and be null and void.

- (d) Application. Applications for a conditional use shall be submitted to the City Manager upon such forms as approved by the City Manager.

- (e) Submittal Requirements. See Appendix A for submittal requirements for an application for approval of a conditional use.

1203.06. - Nonconforming uses/structures/lots.

- (a) Procedures for Approval of Enlargement, Extension, Replacement, or Substitution of Nonconforming Uses/Structures/Lots. Applications for approval of the enlargement, extension, replacement, or substitution of a nonconforming use/structure/lot shall follow the core development approval process set forth Section 1203.02 of this chapter, except for the following modifications:

- (1) After Step 3 "Staff Review and Report:" Review and Action by the BZBA. The staff report on an application for approval of the enlargement, extension, replacement, or substitution of a nonconforming use/structure/lot shall be forwarded to the BZBA. The BZBA shall review the application and staff report and take final action by either approving, approving with conditions,

or denying such application. The BZBA's decision on the application shall be final. See Section 1202.03, for provisions relating to timing and notice for BZBA hearings.

No review or action by either the PC (Step 4) or the City Council (Step 5) is required on an application for the enlargement, extension, replacement, or substitution of a nonconforming use/structure/lot.

- (2) Step 6: AHBR Review and Action. AHBR review and recommendation or action subsequent to BZBA action on an application for the enlargement, extension, replacement, or substitution of a nonconforming use/structure/lot shall be required only if the approved application involves new construction or any alteration to the exterior architectural features of an existing structure(s).
- (b) Standards for Review. An application for the enlargement, extension, replacement, or substitution of a nonconforming use/structure/lot shall demonstrate compliance with the applicable standards set forth in Section 1206.05 of this Code.
- (c) Application. Applications for approval of the enlargement, extension, replacement, or substitution of a nonconforming use/structure/lot shall be submitted to the City Manager upon such forms as approved by the City Manager.
- (d) Submittal Requirements. See Appendix A for submittal requirements for an application for the enlargement, extension, replacement, or substitution of a nonconforming use/structure/lot.

1203.07. - Variances.

- (a) Applicability.
 - (1) The Board of Zoning and Building Appeals shall hear requests for variances where it is alleged that provisions of this Code inflict a practical difficulty upon the applicant.
 - (2) See Section 1203.08, "Minor Modifications," whereby, under the circumstances set forth therein, the City Manager shall have authority to approve minor modifications from specified provisions of this Code without review by the BZBA for a variance.
- (b) Procedure for Approval of Variances. Applications for approval of variances shall follow the core development approval process set forth Section 1203.02 of this chapter, except for the following modifications:

- (1) After Step 3 "Staff Review and Report:" Review and Action by the BZBA. The staff report on an application for a variance shall be forwarded to the BZBA. ~~At its sole discretion, the BZBA may refer the application to the PC for its review and recommendation.~~ The BZBA shall review the application and staff report and take final action by either approving, approving with conditions, or denying such application. The BZBA's decision on the application shall be final. See Section 1202.03, for provisions relating to timing and notice for BZBA hearings.

No review or action by either the PC (Step 4) or the City Council (Step 5) is required on an application for a variance.

- (c) Standards for Review. All applications for variances shall demonstrate compliance with the standards and criteria set forth in Section 1204.03 of this Code.
- (d) Requirement of Guarantee. In authorizing a variance with attached conditions, the BZBA shall require such evidence and guarantee or bond as it deems necessary to guarantee compliance with such attached conditions.
- (e) Lapse. Failure of an applicant to ~~obtain the necessary zoning certificate~~~~commence substantial construction or action~~ with regard to the variance approval within one (1) year of receiving approval of the variance ~~and to complete such construction or action within two (2) years of receiving approval of the variance~~ shall automatically render the decision of the BZBA null and void.
- (f) Application. Applications for variances shall be submitted to the City Manager upon such forms as approved by the City Manager.

(g) Submittal Requirements. See Appendix A for submittal requirements for an application for variance.

1203.08. - Minor modifications.

(a) Applicability. The City Manager shall have the authority to grant minor modifications to approved site plans, ~~approved site-specific~~ development plans, final Planned Development plans, and final subdivision plats, and from specified development standards as set forth below:

(1) Minor Modifications to Approved Site Plans. The City Manager may grant minor modifications and amendments to an approved site plan provided the City Manager finds that such modification advances the goals and purposes of this Code and results in more effective environmental or open space preservation or relieves practical difficulties in developing a site for reasonable economic use. In no circumstance, however, shall the City Manager approve a modification or amendment that results in:

(A) An increase in building height by greater than ten percent (10%); or

(B) An increase in the ratio of floor area to lot area, or impervious surface coverage, by greater than ten percent (10%) as calculated on a total project basis.

(2) Minor Modifications to Other Approved Plans/Plats. The City Manager may grant minor modifications and amendments to an approved site specific development plan, final Planned Development plan, or final subdivision plat provided the City Manager finds that such modification advances the goals and purposes of this Code and results in more effective environmental or open space preservation or relieves practical difficulties in developing a site for reasonable economic use. In no circumstance, however, shall the City Manager approve a modification or amendment that results in:

(A) An increase in overall project density by greater than ten percent (10%);

(B) An increase in the amount of impervious coverage or ratio of floor area to lot area by greater than ten percent (10%).

(3) Minor Modifications from Zoning Development and Site Plan Standards. The City Manager may grant minor modifications up to a maximum of ten percent (10%) from the following development and site plan standards, provided the City Manager finds that such modification advances the goals and purposes of this Code and either results in less visual impact or more effective environmental or open space preservation or relieves practical difficulties in developing a site for reasonable economic use:

(A) Minimum lot area requirements;

(B) Yard and building setback requirements;

(C) Structure height requirements;

(D) Driveway access standards;

(E) Tree/vegetation protection standards; or

(F) Stream corridor, riparian area, or wetland setback requirements;

(G) Landscape screening or planting area dimensions only in Districts 6 and 8.

(4) In determining "practical difficulties," the City Manager shall consider and apply the factors set forth in Section 1204.03(a) of this Code.

(5) In granting such minor modifications, the City Manager may require conditions that will secure substantially the objectives of the standard so varied or modified and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties, including but not limited to additional landscaping or buffering.

(b) Procedure for Approval of Minor Modifications.

- (1) Within fourteen (14) days of the submittal of a complete application for approval of minor modifications, the City Manager shall either approve, approve with conditions, or deny the application. The City Manager shall consult, when appropriate, with other city agencies such as the City Engineer or City Community Development Staff prior to making his decision. All denials shall be in writing to the applicant, with the reasons for such denial specified.
 - (2) Minor modifications to an approved site plan or approved site specific development plan, final PD plan, or final subdivision plat shall be noted on a revised plan, which shall be plainly marked as "Amended," and submitted to the City Manager. The City Manager shall note the terms of the approved modification or amendment directly on the amended plan and affix his signature and the date of approval, and subsequently notify the Planning Commission of action taken. For amended final subdivision plats, the applicant shall thereafter record the amended plat with the County Recorder.
 - (3) The City Manager shall specify any approved minor modifications from development standards and the justifications for such modification on the pending development application for which the modifications were sought, set forth his written findings, and affix his signature and the date thereon.
- (c) Application. Applications for minor modifications shall be submitted to the City Manager upon such forms as approved by the City Manager.
- (d) Submittal Requirements. See Appendix A for submittal requirements for an application for minor modifications.

([Ord. No. 16-148](#), § 5, 2-21-2017)

1203.09. - Site plan review.

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

Purpose. 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) above.)
- (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 (50) years old, and accessory structures and additions of less than two hundred fifty (250) gross square feet; or
 - (2) Developments in Districts 6 and 8 that involve an increase in the existing building footprint of ten percent (10%) or less, except new buildings.
 - (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 two hundred fifty (250) gross square feet and less than two thousand (2,000) gross square feet or that involve an increase in the existing building footprint of twenty percent (20%) or less; or
 - (2) Nonresidential projects including accessory structures and additions greater than two hundred fifty (250) gross square feet and less than two thousand (2,000) gross square feet or that involve an increase in the existing building footprint of twenty percent (20%) or less, demolitions of structures fifty (50) 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) Development that is greater than two thousand (2,000) gross square feet or that involves an increase in the existing building footprint of twenty percent (20%) or more, except in Districts 6 and 8.
 - (2) Development in Districts 6 and 8 that involves an increase in the existing building footprint of fifty percent (50%) or more.
- (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 of this chapter, except for the following modifications:
- (1) After Step 3 "Staff Review and Report": Action by the City Manager. Within sixty (60) days from the date that a submitted application is certified as complete pursuant to Section 1203.10(c) above, 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 (45) 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 Section 1203.09(i) below.
 - (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 (45) 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 Section 1203.09(i) below.
- (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 of this chapter, 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 (5) days from the date that a submitted site plan application for a major development is certified as complete pursuant to Section 1203.01(c) above, the City Manager shall forward a copy of the complete application to the clerk of the City Council.
 - (3) Step 2: Planning Commission Action. 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.

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 (15) 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.

Unless a zoning certificate is issued for any phase of construction within twelve (12) 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 (4) or more of City Council members or by submittal of a letter to the Clerk of Council signed by four (4) or more City Council members.
 - (B) The City Council shall exercise its authority to call up site plan applications for major developments within fourteen (14) 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 (30) 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 of this Code.
- (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. No. 16-148](#), § 5, 2-21-2017)

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 subsection (d)(3) below.
 - (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 of this chapter, except for the following modifications:
 - (1) After Step 3 "Staff Review and Report:" Action by the City Manager.
 - (A) Within thirty (30) days from the date that a submitted application is certified as complete pursuant to Section 1203.01(c) above, 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 (45) 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 of Hudson are approved in three (3) 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 of this chapter, 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 Section 1203.10(e) below.
 - (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 of this chapter, 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 Section 1203.10(e) below. The PC shall take such final action within thirty (30) days from the date that the final subdivision application is certified as complete pursuant to Section 1203.01(c) above.
 - (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 of this Code.
- (f) Effects of Approval.
 - (1) Effect of Approval of a Minor Subdivision.
 - (A) Within thirty (30) 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 (2) 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 (3) years of recording of a minor subdivision of a tract of land and the total of all lots recorded within said three (3) years for that same tract of land would be greater than three (3) 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 (12) 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 (1) phase of the proposed subdivision, and within eighteen (18) 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 (3) years of an approved or recorded minor subdivision and the total of all lots created with said three (3) years is greater than three (3) 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 (90) 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 (2) 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.

1203.11. - Development agreements.

- (a) Applicability. Development agreements may be approved for residential or nonresidential projects proposed in any district, subject to the requirements and standards set forth in Chapter 1209 of this Code, and the approval procedures set forth in this section.
- (b) Consolidation with Rezoning, Subdivision, or Planned Development Approval. The applicant may consolidate an application for development agreement approval with an application for a rezoning, subdivision, or planned development approval. Such consolidated application shall be submitted in a form that satisfies both the rezoning, subdivision, or planned development requirements of this Code and the provisions, including submittal requirements, governing development agreements. The time frame and approval process for a consolidated application shall follow the time frame and approval process set forth in this section.
- (c) Procedures for Approval of a Development Agreement. Applications for approval of a development agreement shall follow the core development approval process set forth in Section 1203.02 of this chapter, except for the following modifications:
 - (1) Step 4: Planning Commission Action. The PC shall hold a public hearing at which it shall review a proposed development agreement and application and make a recommendation to the City Council to either approve, approve with conditions, or deny the application based on its compliance with the standards set forth in Section 1203.11(d) below.
 - (2) Step 5: City Council Action. City Council shall initiate action by completing a first reading of the applicant's final development agreement and application, in ordinance form. Within thirty (30) days of the completed first reading, the City Council shall hold a public hearing and take final action on the development agreement and application, based on its compliance with the standards set forth in Section 1204.06, within twenty (20) days of said public hearing.
- (d) Standards for Review. All applications for development agreements shall demonstrate compliance with the requirements set forth in Chapter 1209, and the review standards set forth in Section 1204.06 of this Code.
- (e) Effect of Approval.
 - (1) Recordation Required. No later than ten (10) days after the City and developer executes a development agreement, the Clerk of Council shall record with the Summit County recorder a copy of the agreement, which shall describe the land subject thereto. Any modification or subsequent termination or cancellation of the agreement shall be recorded by the Clerk of Council no later than ten (10) days after such action.
 - (2) Binding on Successors in Interest. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties of the development agreement.
 - (3) Vesting. See Chapter 1209, Section 1209.04, "Governing Ordinances, Rules, Regulations, and Policies."
- (f) Applications. Applications for development agreements shall be submitted to the City Manager upon such forms as approved by the City Manager.
- (g) Submittal Requirements. See Appendix A for submittal requirements for applications for development agreements.
- (h) Modifications of Development Agreements. All modifications of a development agreement are subject to Section 1209.08, Modifications and Termination, and shall be processed in accordance with the same procedure for entering into a development agreement, as set forth in this section.

([Ord. No. 16-148](#) , § 5, 2-21-2017)

1203.12. - Certificates of Appropriateness for Development in the Historic District.-

- (a) Applicability.
 - (1) All development in a Historic District shall require a Certificate of Appropriateness from the Architectural and Historic Board of Review (AHBR) pursuant to the procedures set forth in this section.
 - (2) Any alteration, removal, moving, or demolition of a historic landmark that affects the exterior architectural features of any such structure or building shall require a Certificate of Appropriateness from the AHBR pursuant to the procedures set forth in this section.
- (b) Procedures for Approval of Certificates of Appropriateness. Applications for approval of Certificates of Appropriateness shall follow the core development approval process set forth in Section 1203.02 of this chapter, except for the following modifications:
 - (1) After Step 2 Application: Referral to the Historic District Subcommittee and Step 3: Staff Review and Report.
 - (A) Within five (5) days from receipt of a complete application, the City Manager shall forward the application to the Historic District Subcommittee of the AHBR for the Subcommittee's review and recommendation. The staff shall undertake its review and shall draft its report in coordination with and support of the Subcommittee's review.
 - (2) After Step 3 Staff Review and Report: Review and Action by the AHBR (Step 6 of the Core Development Review Process).
 - (A) The staff report and Historic District Subcommittee recommendation on an application for a Certificate of Appropriateness shall be forwarded to the whole AHBR for its consideration at the first regular or special meeting of the AHBR held after receipt by the Subcommittee of the application. The AHBR shall consider the application and take final action.

The AHBR shall review the application, Subcommittee recommendation, and staff report and take final action by either approving, approving with conditions, or denying such application based on its compliance with the standards set forth in Section 1204.07 below.
 - (B) No review or action by either the PC (Step 4) or the City Council (Step 5) is required on an application for a Certificate of Appropriateness.
- (c) Standards for Review. All applications for Certificates of Appropriateness shall demonstrate compliance with the standards and criteria set forth in Section 1204.07 of this Code.
- (d) Application. Applications for Certificates of Appropriateness shall be submitted to the City Manager upon such forms as approved by the City Manager.
- (e) Submittal Requirements. See Appendix A for submittal requirements for an application for a Certificate of Appropriateness.

1203.13. - General notice provisions.

- (a) Notice of Public Hearings—Generally.
 - (1) ~~General City Website~~~~Newspaper~~ Notice. At least ~~fifteen (15)~~~~ten (10)~~ days notice of scheduled public hearings before a reviewing agency or body shall be posted on the City's website (www.hudson.oh.us) ~~published in one (1) or more newspapers of general circulation in the City of Hudson.~~ 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 (15) days notice of scheduled public hearings before a reviewing agency or body shall be published in one (1) or more newspapers of general circulation in the City of Hudson. 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:

- (i) Code Text Amendments;
- (ii) Zoning Map Amendments; and
- (iii) Comprehensive Plan Amendments.

(2) 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 (15) 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 three hundred (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.

(3) 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~~ seven (15~~7~~) 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 (40%) to sixty percent (60%) 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 (5) days before the meeting on such matter, or if there is no meeting required, within three (3) 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.

Type of Application	Public Hearing Required (Y/N)				Newspaper-City Website Notice Required	Written Notice to Parties in Interest and Adjacent Owners (Y/N—# Days)
	PC	City Council	BZBA	AHBR	(**Newspaper Notice Required Too) (Y/N—# Days)	
Code Text or Comp Plan Amendments***	Y	Y	N	N	Y 15 10 DAYS **30 DAYS	N

Type of Application	Public Hearing Required (Y/N)				Newspaper-City Website Notice Required	Written Notice to Parties in Interest and Adjacent Owners (Y/N—# Days)
	PC	City Council	BZBA	AHBR	***Newspaper Notice Required Too (Y/N—# Days)	
Zoning Map Amendments***	Y	Y	N	N	Y 15-10 DAYS **30 DAYS	*Y 15 DAYS
PDs (Preliminary and Final)	Y	Y	N	N	Y 15-10 DAYS	*Y 15 DAYS
Conditional Uses	Y	Y	Y	N	Y 15-10 DAYS	*Y 15 DAYS
Nonconforming Uses/Structures/Lots	N	N	Y	N	Y 15-10 DAYS	*Y 15 DAYS
Variances	N	N	Y	N	Y 15-10 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 15-10 DAYS	*Y 15 DAYS
Preliminary Subdivision	Y	N	N	N	Y 15-10 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 15-10 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 15-10 DAYS	*Y 15 DAYS
Architecture and Design Review	N	N	N	N	N/A	N/A

Type of Application	Public Hearing Required (Y/N)				Newspaper-City Website Notice Required	Written Notice to Parties in Interest and Adjacent Owners (Y/N—# Days)
	PC	City Council	BZBA	AHBR	***Newspaper Notice Required Too (Y/N—# Days)	
Certificate of Appropriateness	N	N	N	N	N/A	N/A

*Posted notice on the property ~~fifteen seven~~ (157) days prior.

**Thirty-day public inspection period prior to Council hearing.

***Newspaper Notice required.

([Ord. No. 16-148](#), § 5, 2-21-2017)

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 ~~standards~~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 ~~does not cause~~ 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);
- ~~(1a) The site-specific development plan, which the proposed amendment to this Code would allow, is compatible and consistent with the policies and intent of the Comprehensive Plan and with existing growth and development patterns in the city;~~
- ~~(2b) The site-specific development plan complies with all applicable standards for review of planned developments as set forth in Section 1204.02 below;~~
- ~~(3c) The site-specific development plan complies with all applicable requirements set forth in Chapter 1207, "Zoning Development and Site Plan Standards," of this Code, except to the extent modifications, variances, or waivers have been expressly allowed;~~
- ~~(4d) The site-specific development plan would not have the potential to reduce the level of ecological integrity from the existing level to a lesser level as shown on any of the individual metrics or the undeveloped composite set forth in Appendix B to this Code;~~
- (h) ~~(e1) The Does the amendment affect the City's ability~~ shall have the ability to provide adequate services, facilities, or programs that might be required if the application were approved; and
- (i) ~~(1f) The 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.

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 (b)(3) below, 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 subsection (c) below;
 - (4) The proposed PD shall comply with the subdivision development and design standards as set forth in Chapter 1208 of this Code, except to the extent modifications, variances, or waivers have been expressly allowed pursuant to paragraph (7) below;
 - (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 subsection (b)(8) below, 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 (5) acres except for District 5 which shall [have] a minimum size of two (2) 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 of this Code, 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 of this Code.
 - (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:
 - (A) Section 1207.03, Wetlands/Stream Corridor Protection.
 - (B) Section 1207.07, Stormwater Management/Drainage/Erosion Control.
 - (C) Section 1207.02, Tree and Vegetation Protection.

(D) 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.

- (c) Density Bonuses. Upon satisfaction of all applicable standards and requirements, and at the City's sole discretion, bonuses in density, floor area maximum or floor-area-to-lot-area ratios of no greater than twenty-five percent (25%) 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. No. 16-148](#), § 7, 2-21-2017)

1204.03. - Variances.

Variances from the terms of this Code shall not be granted by the BZBA unless the application for variance demonstrates the following:

- (a) Exceptional or unusual conditions exist that are not common to other areas similarly situated and practical difficulty may result from strict compliance with any of the zoning standards, provided that such relief will not have the effect of nullifying or impairing the intent and purpose of these standards. In determining "practical difficulty," the BZBA shall consider the following factors:
- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - (2) Whether the variance is substantial;
 - (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
 - (4) Whether the variance would adversely affect the delivery of governmental services such as water and sewer;
 - (5) Whether the applicant purchased the property with knowledge of the requirement;

- (6) Whether the applicant's predicament can be obviated feasibly through some method other than a variance; and
- (7) Whether the spirit and intent behind the requirement would be observed and substantial justice done by granting the variance.
- (b) No variance shall be granted if the submitted conditions or circumstances affecting the applicant's property are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.
- ~~(c) No variance shall be granted if doing so will have the potential to reduce the level of ecological integrity from the existing level to a lesser level as shown on any of the individual metrics or the undeveloped composite set forth in Appendix B to this Code, unless substantially mitigated.~~
- (d) No variance shall be granted reducing the size of lots contained in an existing or proposed subdivision if it will result in an increase in the number of lots beyond the number otherwise permitted for the total subdivision, pursuant to the applicable zone District regulations.
- (e) If authorized, a variance shall represent the least deviation from the regulations that will afford relief.
- (f) In granting such variances, the BZBA may require such conditions as will, in its independent judgment, secure substantially the objectives of the standard so varied or modified.
- (g) Under no circumstances shall the BZBA grant a variance to allow a use not permitted, or a use expressly or by implication prohibited under the terms of this Code for the zone district containing the property for which the variance is sought.
- (h) No variance shall be granted to the maximum allowed building footprint area of each District's "Property Development/Design Standards" in Chapter 1205 of this Code.

1204.04. - Site plans.

All reviewing agencies, the City Manager, the Planning Commission, and the City Council shall review site plan applications, and all submitted plans and reports, and evaluate them to determine their compliance with the following standards:

- (a) The development shall be consistent with the purposes and intent of this Code, and with the policies, goals, and objectives of any applicable community plan, including the City of Hudson Comprehensive Plan, as amended from time to time.
 - (1) The development complies with the use regulations as set forth in Chapter 1206 of this Code.
 - (2) The development complies with all applicable requirements set forth in Chapter 1207, "Zoning Development and Site Plan Standards," of this Code, except to the extent modifications, variances, or waivers have been expressly allowed.
 - (3) The development complies with all applicable federal, state, or county development regulations, standards, and requirements, or plans, including but not limited to wetlands, water quality, and wastewater regulations.
 - (4) The proposed development shall avoid or minimize land disturbance and grading and preserve the original contours and other natural topographical features of the site to the maximum extent feasible and shall incorporate measures to minimize soil erosion during all construction phases.
 - (5) The development must protect and enhance historic structures, sites, and archeological features designated by federal, state, and local agencies, and the applicant shall commit, to the maximum extent feasible, to protecting and enhancing any such structures, sites, and features eligible for designation discovered during the development process.

- (b) At the option of the applicant and prior to final site plan review by the Planning Commission, or by City Council when the application is for a major development that is called up by Council, the applicant may request in writing to obtain concept plan review and approval. The Planning Commission, or City Council, shall review the submittals as required for concept plan review in Appendix A of this Code and evaluate them to determine their preliminary compliance with the standards set forth in subsection (a)(1)—(6) above, subject to final site plan review and approval.
- (c) The purpose of the concept plan approval procedure is: (1) to afford the applicant an opportunity to receive guidance of the Planning Commission, or Council when the application is for a major development that is called up by Council, on the major features of the site design for the development plan prior to the submission of engineering details for the project; and (2) to obtain a decision on the concept plan by the Planning Commission or City Council, conditioned upon review and satisfaction of the requirements for final site plan review by the Planning Commission or City Council. Approval of a concept plan does not constitute a final decision on the site plan application since the plan may require revisions based upon a review of the submissions for final site plan approval by the Planning Commission or City Council.

1204.05. - Subdivisions.

- (a) Standards for Review of a Minor Subdivision Plan. The Community Development Director and City Engineer shall review all applications for minor subdivisions and evaluate them to determine their compliance with the following standards:
 - (1) The subdivision shall be consistent with the purposes and intent of this Code, and with the policies, goals, and objectives of any applicable community plan, including the City of Hudson Comprehensive Plan, as amended from time to time.
 - (2) The subdivision complies with the subdivision development and design standards as set forth in Chapter 1208 of this Code, except to the extent modifications, variances, or waivers have been expressly allowed.
 - (3) The subdivision is found to be compatible with residential development within one thousand (1,000) feet of the proposed subdivision's boundaries or can be made compatible with conditions to mitigate the impact of the subdivision.
 - (4) The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and wetlands, protects critical wildlife habitat, fosters efficient, orderly lot configuration and otherwise accomplishes the purposes and intent of this Code. Applicants shall refer to the zoning development standards set forth in Chapter 1205 and 1207 and shall consider them in the layout of the subdivision in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible. Where not specifically required, clustering of lots within a subdivision is encouraged to meet the requirements of this provision.
 - (5) The subdivision complies with all applicable development regulations, standards, and requirements, or plans, including but not limited to wetlands, water quality, erosion control, and wastewater regulations of the federal or state governments and other relevant jurisdictions.
- (b) Standards for Review of a Preliminary Subdivision Plan. All reviewing agencies and decision-making bodies shall review a preliminary subdivision plan application, together with all submitted plans and reports, and evaluate them to determine their compliance with the following standards:
 - (1) The subdivision shall be consistent with the purposes and intent of this Code, and with the policies, goals, and objectives of any applicable community plan, including the City of Hudson Comprehensive Plan, as amended from time to time.

- (2) The subdivision complies with the subdivision development and design standards as set forth in Chapter 1208 of this Code, except to the extent modifications, variances, or waivers have been expressly allowed.
 - (3) The subdivision is found to be compatible with residential development within one thousand (1,000) feet of the proposed subdivision's boundaries or can be made compatible with conditions to mitigate the impact of the subdivision.
 - (4) The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and wetlands, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this Code. Applicants shall refer to the zoning development standards set forth in Chapter 1207 and shall consider them in the layout of the subdivision in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible. Where not specifically required, clustering of lots within a subdivision is encouraged to meet the requirements of this provision.
 - (5) The subdivision complies with all applicable development regulations, standards, and requirements, or plans, including but not limited to wetlands, water quality, erosion control, and wastewater regulations of the federal or state governments and other relevant jurisdictions.
- (c) Standards for Review of a Final Subdivision Plat. All reviewing agencies and decision-making bodies shall review a final subdivision plat application, together with all submitted plans and reports, and evaluate them to determine their compliance with the following standard:
- (1) The final subdivision plat conform in all respects with the approved preliminary plan and incorporates all recommended changes, modifications, and conditions attached to approval of the preliminary plan.
 - (2) Plans and specifications for improvements connected with development of the subdivision comply with the subdivision development and design standards as set forth in Chapter 1208 of this Code, and any other relevant city, county, state, or federal regulations, except to the extent modifications, variances, or waivers have been expressly allowed.
 - (3) The subdivider has either installed all required improvements or has executed a Final Subdivision Improvement Agreement and posted required bonds pursuant to Section 1208.15(a).

1204.06. - Development agreements.

The Planning Commission and the City Council shall review development agreement applications and evaluate them to determine their compliance with the following standards:

- (a) The development agreement shall be consistent with the purposes and intent of this Code, and with the policies, goals, and objectives of any applicable community plan, including the City of Hudson Comprehensive Plan, as amended from time to time.
- (b) The development agreement complies with the requirements set forth in Chapter 1209, "Development Agreements."
- (c) The development agreement complies with the use regulations as set forth in Chapters 1205 and 1206 of this Code.
- (d) The development agreement complies with all applicable requirements set forth in Chapter 1207, "Zoning Development and Site Plan Standards," of this Code, except to the extent modifications, variances, or waivers have been expressly allowed.
- (e) The financial benefits of the development agreement to the City outweigh its costs.

- (f) The development agreement and developer provide adequate assurances to the City that the development will go forward as planned in return for any vesting of property rights beyond what may otherwise be allowed by Ohio law.
- (g) The development agreement complies with all applicable federal, state, or county development regulations, standards, and requirements, or plans, including but not limited to wetlands, water quality, and wastewater regulations.

1204.07. - Certificates of Appropriateness.

The AHBR shall review applications for Certificates of Appropriateness and evaluate them to determine their compliance with the following standards:

- (a) The proposed change will not adversely affect or destroy any significant historic or architectural feature of the structure.
- (b) The proposed change is neither inappropriate or inconsistent with the spirit and purpose of the City's historic preservation laws and it will not adversely affect or destroy the general historic and architectural significance of the Historic District.
- (c) With respect to a proposed demolition, preservation is not economically feasible for the applicant and/or the denial of such Certificate would result in practical difficulty or unnecessary hardship that would deprive the applicant of all reasonable use of the land or building involved.
- (d) The proposed change complies with the historic district/landmark architectural and design standards set forth in Section 1207.18(a) of this Ordinance and Appendix D.

CHAPTER 1205. - ZONING DISTRICTS—CITY OF HUDSON ZONING MAP

1205.01. - Establishment of districts.

The following zoning districts are hereby established. They may be referred to throughout this Code by their name or district number:

District 1: Suburban Residential Neighborhood

District 2: Rural Residential Conservation

District 3: Outer Village Residential Neighborhood

District 4: Historic Residential Neighborhood

District 5: Village Core District

District 6: Western Hudson Gateway

District 7: Outer Village Commercial Corridor and Office Overlay Zone

District 8: Industrial/Business Park and Hike Bike Senior Housing Overlay Zone

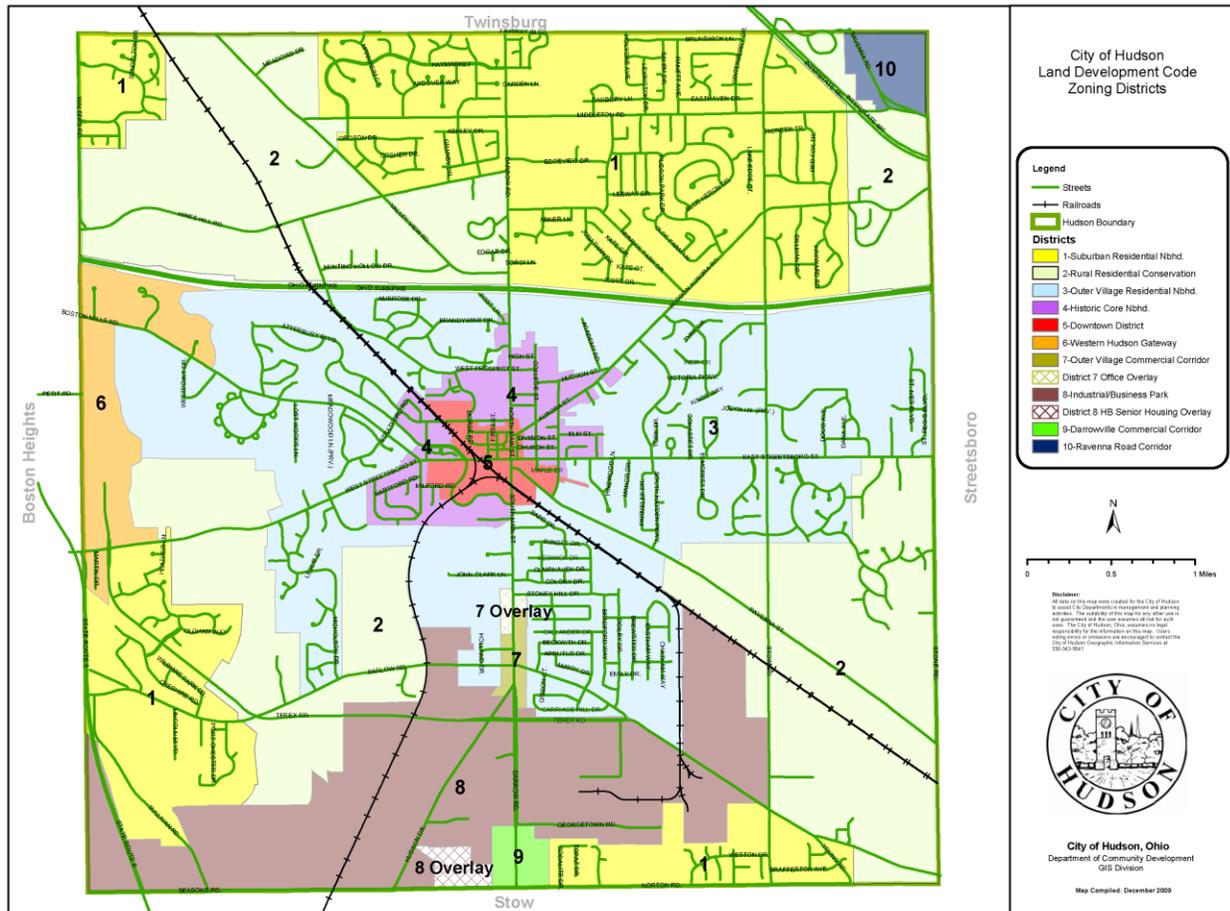
District 9: Darrowville Commercial Corridor

District 10: Ravenna Road Corridor

Overlay District FFO: Floodplain/Floodway Overlay

1205.02. - Official zoning district map.

- (a) Adoption of Official Zoning Map. The boundaries of the zoning districts established by this Code shall be shown on a map or series of maps entitled "Official Zoning Map." The official zoning map, together with all notations, references, and other information shown thereon, is hereby adopted by reference and declared to be a part of this Code as if set forth herein. Original copies of the official zoning map and all amendments thereto shall be maintained in the office of the Director of Community Development. In case of any dispute regarding the zoning classification of property subject to this Code, the original maps maintained by the Director of Community Development shall control.
- (b) Omitted Land. If any land subject to this Code has not been specifically included within any of the districts shown on the official zoning map, such land shall automatically be classified in District 2, Rural Residential Conservation.



1205.03. - Compliance with district standards.

No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any building or structure be used or changed in use except in accordance with all of the district regulations established by this Code for the zoning district in which the building or structure or land is located. Uses not specifically listed as permitted by-right or conditionally in a specific district are prohibited unless such use is subsequently permitted pursuant to the use classification procedure set forth in Section 1206.06 of this Code, or the rezoning/amendment procedure set forth in Section 1203.03 of this Code.

1205.04. - District 1: Suburban Residential Neighborhood.

- (a) Purpose. District 1 is established to preserve and protect an existing community character typified by single-family detached residential housing developed at densities varying from one (1) dwelling unit per one-half (½) acre to one (1) dwelling unit per two and one-half (2.5) acres. The district is relatively more rural in density given its distance from the Village Core. The amount of prior development has left few environmental constraints on additional development; on the other hand, there remain few potential development areas. District regulations are intended to continue the predominant single-family detached use, while providing for additional parks and open space, supporting institutional uses (such as churches and schools), and public service uses. Densities will mirror existing densities and character, and be permitted up to a maximum of two (2) dwelling units per acre. Protection of remaining sensitive environmental areas will also be a high priority.
- (b) Uses By-Right. The following uses shall be permitted by right in District 1 subject to meeting all applicable requirements set forth in this section and this Code.

- (1) Residential:
 - (A) Family day care homes, small (one (1) to six (6) children).
 - (B) Residential group homes for up to five (5) handicapped or elderly people.
 - (C) Single-family, detached.
- (2) Reserved.
- (3) Planned Developments:
 - (A) Planned developments, subject to standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.
- (4) Institutional/Civic/Public:
 - (A) Public park or recreation areas, including multipurpose trails.
 - (B) Public recreational facilities, indoor or outdoor, provided they are no greater than ten thousand (10,000) square feet in gross floor area.
 - (C) Public safety and emergency services.
 - (D) Essential public utility and public service installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage.
- (5) Accessory Uses: See Section 1206.03, Accessory Uses.
- (c) Conditional Uses. The following uses shall be conditionally permitted in District 1 subject to meeting all applicable requirements set forth in this section and in Section 1206.02, Conditional Uses.
 - (1) Residential.
 - (A) Model Homes.
 - (B) Open Space Conservation Subdivisions.
 - (C) Residential group homes for the handicapped or elderly (from six (6) to eight (8) people).
 - (D) Single-family, attached.
 - (E) Townhomes.
 - (2) Agricultural:
 - (A) General agricultural operations.
 - (3) Commercial/Retail:
 - (A) Bed and breakfast inn.
 - (B) Golf courses, private.
 - (C) Private-membership recreational facilities or clubs.
 - (4) Institutional/Civic/Public:
 - (A) Cemeteries.
 - (B) Golf courses, public.
 - (C) Places of religious worship, including churches and synagogues. Religious schools and day care centers may be permitted as accessory uses within the same structure as the principal conditional use.
 - (D) Public recreational facilities, indoor or outdoor, greater than ten thousand (10,000) square feet in gross floor area.

- (E) Public safety and emergency services, including police or fire stations and emergency medical services, provided the size of the building housing the facility or service shall not exceed ten thousand (10,000) square feet.
 - (F) Schools, public or private—preschool, elementary, secondary, or post-secondary.
- (5) Accessory Uses:
- (A) Oil and Gas Exploration and Extraction of lots of at least twenty (20) acres in size under single ownership.
 - (B) Shared driveways for dwellings.
 - (C) See Section 1206.03, Accessory Uses.
- (d) Property Development/Design Standards. In addition to compliance with all applicable standards set forth in Chapter 1207, "Zoning Development and Site Plan Standards," development in District 1 shall comply with the following development/design standards (all standards are minimums unless otherwise noted):
- (1) Maximum Net Density: two (2) dwelling units per acre.
 - (2) Open Space: In addition to compliance with the standards and requirements governing open space set forth in Section 1207.05 of this Code, developments in District 1 shall set aside a minimum of twenty-five percent (25%) of the gross land area for private open space.
 - (3) Minimum Lot Size:
 - (A) Residential Uses on Lots Fronting an Arterial: one (1) acre.
 - (B) All Other Residential Uses: twenty thousand (20,000) square feet, except that the minimum lot size may be reduced to a minimum of six thousand (6,000) square feet if open space conservation subdivision lots are developed pursuant to the requirements set forth in Section 1207.06 of this Code.
 - (C) Non-Residential Uses: one and one-half (1.5) acres.
 - (4) Minimum Lot Width:
 - (A) Lots Fronting an Arterial: two hundred (200) feet.
 - (B) All Other Lots: one hundred (100) feet.
 - (5) Setbacks: Unless modified pursuant to Section 1203.08, "Minor Modifications," or unless developed as lots subject to the yard setback requirements in Section 1207.06, "Open Space Conservation Subdivision," yard setbacks in District 1 shall be:
 - (A) Minimum Front Yard Setbacks:
 - (i) Non-Residential Uses: one hundred (100) feet.
 - (ii) Residential Uses: fifty (50) feet, provided that averaging shall be required for residential uses as follows: Except for new residential development on lots fronting arterial roads, the front setback shall not differ by more than ten (10) percent from the average of the front yard setbacks existing on the two (2) properties immediately adjoining the subject property, unless approved by the Architectural and Historic Board of Review. If one (1) or more of the adjoining properties is vacant, the front yard setback shall be fifty (50) feet.
 - (iii) All Uses on Lots Fronting Arterial Roads: one hundred (100) feet, of which the front fifty (50) feet shall comprise a bufferyard that shall be landscaped pursuant to Section 1207.04(k).
 - (B) Front Yard Setbacks—Lots Fronting Arterial Roads: one hundred (100) feet, of which the front fifty (50) feet shall comprise a bufferyard that shall be landscaped pursuant to Section 1207.04(k).

- (C) Side Yard Setbacks:
 - (i) Principal residential structures: fifteen (15) feet.
 - (ii) Principal non-residential structures: thirty (30) feet.
 - (iii) Side-facing attached garage: twenty-five (25) feet.
 - (iv) All other accessory structures: fifteen (15) feet.
 - (v) Corner Lots: fifty (50) feet for street side not designated as "front."
- (D) Rear Yard Setbacks:
 - (i) Principal Structure: fifty (50) feet.
 - (ii) Accessory Garage: fifteen (15) feet.
 - (iii) Other Accessory Structure: fifteen (15) feet.
- (E) Arterial Setbacks: See arterial setback and landscaping requirements in Section 1207.04(l), Landscaping/Buffering.
- (6) Maximum Structure Height: thirty-five (35) feet.
- (7) Building Siting and Orientation. The following building siting and orientation requirements shall apply to new development in District 1, except for new development with a front yard depth of one hundred thirty (130) feet or more:
 - (A) Principal Residential Structures.
 - (i) The main entrance to the residence shall face the street.
 - (ii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
 - (B) Principal Residential Structures on Corner Lots.
 - (i) In general, the structure shall face one (1) of the streets and not the corner.
 - (ii) One (1) side of the structure shall be designated the "front" and shall be subject to the requirements set forth in paragraph (A) above.
 - (C) Private Garages.
 - (i) Doors of attached garages shall not face the street.
 - (ii) Detached garages shall be located only in the rear yard.
 - (iii) New development of a principal single family detached dwelling shall provide space for the storage of at least two (2) cars within an enclosed garage.
 - (D) Non-Residential Development.
 - (i) The main entrance to the principal structure shall face the street.
 - (ii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
 - (iii) The main body of the principal structure shall be closest to the street.
 - (iv) An accessory garage shall be sited so that its door is not visible from the primary direction of approach.
- (8) Bufferyard Requirements for Lots Abutting a Historic Landmark. New development on lots that abut a historic landmark shall establish a bufferyard equivalent to or greater than "Bufferyard C"

as set forth in Section 1207.04(g) of this Code. The bufferyard shall be established on the boundary that abuts the historic landmark.

- (9) Driveway Curb Cuts.
 - (A) Lot widths of one hundred fifty (150) feet or less: No more than one (1) driveway curb cut per lot.
 - (B) Lot widths of more than one hundred fifty (150) feet: No more than two (2) driveway curb cuts per lot.
 - (C) See Section 1207.13(c)(5) regarding limits on curb cuts to arterial and collector roads.
- (10) Location of Parking. In addition to the off-street parking requirements set forth in Section 1207.12 of this Code, off-street parking shall be located to the side or rear of the principal building.
- (11) Pedestrian/Bicycle Pathways and Linkages:
 - (A) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways. Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.
 - (B) Any amount of land set aside for trails in a development shall be credited toward either the public or private open space requirements set forth in this section and in Section 1207.05 of this Code.
 - (C) Sidewalks at least five (5) feet wide shall be provided on both sides of all streets in District 1, shall run parallel to the street within the right-of-way, and shall be separated from the curb by a planting strip of at least seven (7) feet in width.
 - (D) To the maximum extent feasible, provision shall be made in the design of developments for interconnections with existing or planned streets and pedestrian or bikeway systems on adjoining properties, unless the City determines that such interconnections would have adverse impacts on open spaces, wetlands, sensitive environmental areas, or other significant natural areas.
- (12) Architecture and Design Standards. See architectural design guidelines located in Appendix D.

([Ord. No. 16-44](#) , § 1, 7-19-2016; [Ord. No. 16-148](#) , § 9, 2-21-2017)

1205.05. - District 2: Rural Residential Conservation.

- (a) Purpose. This District is established to protect and preserve the most rural areas of the city in which agriculture, woodlands, wetlands, other sensitive environmental areas, and low-density residential development are the predominant land use patterns. Overall existing residential density is less than one (1) dwelling unit per five (5) acres, consisting primarily of single-family detached estate homes. There remain large amounts of open space and potential development areas. The regulations contained in this District will permit continued, low-density residential development, but will encourage new residential development that incorporates rural residential conservation designs and other open space preservation techniques, in order to preserve the existing rural character and limit development in sensitive environmental areas such as wetlands, floodplains, or aquifer recharge areas. Other permitted uses include agriculture, park and recreational uses, institutional uses, and public uses.
- (b) Uses By-Right.
 - (1) Residential:
 - (A) Family day care homes, small (one (1) to six (6) children).

- (B) Residential group homes for up to five (5) handicapped or elderly people.
- (C) Single-family, detached.
- (2) Agricultural:
 - (A) General agricultural operations.
- (3) Planned Developments:
 - (A) Planned developments, subject to standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.
- (4) Institutional/Civic/Public:
 - (A) Public park or recreation areas, including multipurpose trails.
 - (B) Public recreational facilities, indoor or outdoor.
 - (C) Government public works and service facilities.
 - (D) Public safety and emergency services.
 - (E) Essential public utility and public services installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage.
- (5) Accessory Uses: See Section 1206.03, Accessory Uses.
- (c) Conditional Uses. The following uses shall be conditionally permitted in District 2 subject to meeting all applicable requirements set forth in this section and Section 1206.02, Conditional Uses.
 - (1) Residential:
 - (A) Assisted Living.
 - (B) Duplexes.
 - (C) Model homes.
 - (D) Open Space Conservation Subdivisions.
 - (E) Residential group homes for the handicapped or elderly (from six (6) to eight (8) people).
 - (F) Single-family, attached.
 - (2) Commercial/Retail:
 - (A) Bed and Breakfast Inns.
 - (B) Boarding Kennels.
 - (C) Commercial Nurseries.
 - (D) Golf Courses, private.
 - (E) Private-membership recreational facilities or clubs.
 - (F) Recreational or sports training facilities, commercial.
 - (G) Veterinary facilities or small animal clinics, including overnight indoor boarding.
 - (3) Institutional/Civic/Public:
 - (A) Cemeteries.
 - (B) Golf courses, public.
 - (C) Places of religious worship, including churches and synagogues. Religious schools and day care centers may be permitted as accessory uses within the same structure as the principal conditional use.

- (D) Public non-commercial facility for composting.
 - (E) Public safety and emergency services, including police or fire stations and emergency medical services, provided the size of the facility or service shall not exceed ten thousand (10,000) square feet.
 - (F) Schools, public or private preschool, elementary, secondary, or post-secondary.
- (4) Accessory Uses:
- (A) Oil and Gas Exploration and Extraction of lots of at least twenty (20) acres in size under single ownership.
 - (B) Shared driveways for dwellings.
 - (C) See Section 1206.03, Accessory Uses.
- (d) Property Development/Design Standards. In addition to compliance with all applicable standards set forth in Chapter 1207, Zoning Development and Site Plan Standards, development in District 2 shall comply with all of the following development/design standards (all standards are minimums unless otherwise noted):
- (1) Maximum Net Density: one (1) dwelling unit per two and one-half (2.5) acres.
 - (2) Open Space Conservation Subdivisions:
 - (A) Open Space Conservation Subdivisions Encouraged.
 - (i) All residential developments or subdivisions of five (5) or more lots that satisfy the minimum five-acre parcel size threshold set forth in Section 1207.06(d) of this Code are encouraged to utilize the Open Space Conservation Subdivision provisions in order to preserve a substantial amount of land for open space use and, to the maximum extent feasible, to prevent development in environmentally sensitive areas including but not limited to woodlands, wetlands, and wellhead protection/aquifer recharge areas.
 - (ii) Open Space Conservation Subdivisions in District 2 shall comply with all requirements, including minimum open space requirements, set forth in Section 1207.06, "Open Space Conservation Subdivisions," of this Code.
 - (iii) In the case of any conflict between the provisions set forth in this Section 1205.05 and in Section 1207.06, "Open Space Conservation Subdivisions," the provisions set forth in Section 1207.06 shall apply.
 - (B) Open Space:
 - (i) Open Space Conservation Developments. Open Space Conservation Subdivisions shall comply with the open space requirements set forth in Section 1207.06, Open Space Conservation Subdivisions.
 - (ii) Non-Open Space Conservation Developments. In addition to compliance with the standards and requirements governing open space dedications set forth in Section 1207.05 of this Code, non-open space conservation developments in District 2 shall set aside a minimum of fifty percent (50%) of the gross land area for private open space.
 - (C) Density Bonus for Additional Open Space: For every additional ten (10) acres of land dedicated for public open space above the minimum required pursuant to Section 1207.05, "Open Space," one (1) additional dwelling unit may be developed.
 - (3) Minimum Lot Size:
 - (A) Residential Uses:
 - (i) Open Space Conservation Developments: ten thousand (10,000) square feet.

- (ii) Non-Open Space Conservation Developments: two and one-half (2.5) acres.
 - (iii) Commercial Recreational or Sports Training Facility: fifteen (15) acres.
- (B) All Other Uses: two and one-half (2.5) acres.
- (4) Minimum Lot Width:
 - (A) Two hundred (200) feet, except that the minimum lot width may be reduced to a minimum of one hundred (100) feet if the development incorporates open space conservation lots pursuant to the standards set forth in this section and Section 1207.06 of this Code.
 - (B) Lots Abutting Railroad Right-of-Way: In order to enable an increase in the rear yard setback and allow room for a landscaped buffer between the dwelling and the railroad right-of-way when a lot abuts and backs onto a railroad right-of-way, the minimum lot width may be reduced by not more than ten percent (10%) provided the lot depth is at least two hundred fifty (250) feet.
- (5) Setbacks:
 - (A) Open Space Conservation Subdivisions: All residential open space conservation subdivisions shall comply with the setback and yard requirements set forth in Section 1207.06(e) of this Code.
 - (B) All Other Developments—Case-by-Case Determination: Because of the pervasiveness of environmentally sensitive areas within District 2, building setbacks and yard requirements for development shall be determined on a case-by-case basis by the PC either during the subdivision approval process or during the site plan approval process. All determinations of setbacks and yard requirements shall use as a starting point the minimum setbacks set forth in paragraphs (C)—(E) below, which may be modified pursuant to the conditions and criteria set forth in Section 1207.01, "Maximum Impervious Surface Coverage."
 - (C) Minimum Front Yard Setbacks:
 - (i) Non-Residential Uses: one hundred (100) feet.
 - (ii) Residential Uses: fifty (50) feet provided that averaging shall be required for residential uses as follows: Except for new residential development on lots fronting arterial roads, the front setback shall not differ by more than ten percent (10%) from the average of the front yard setbacks existing on the two (2) properties immediately adjoining the subject property, unless approved by the Architectural and Historic Board of Review. If one (1) or more of the adjoining properties is vacant, the front yard setback shall be fifty (50) feet.
 - (iii) All Uses on Lots Fronting Arterial Roads: One hundred (100) feet, of which the front fifty (50) feet shall comprise a bufferyard that shall be landscaped pursuant to Section 1207.04(k).
 - (D) Minimum Side Yard Setbacks:
 - (i) Principal Residential Structure: twenty (20) feet.
 - (ii) Principal Non-Residential Structure: thirty (30) feet.
 - (iii) Side-facing attached garage: twenty-five (25) feet.
 - (iv) All other accessory structures: fifteen (15) feet.
 - (v) Corner lots: fifty (50) feet for street side not designated as "front."
 - (E) Minimum Rear Yard Setbacks:
 - (i) Principal Structure: fifty (50) feet.
 - (ii) Accessory Garage: fifteen (15) feet.

- (iii) Other Accessory Structure: fifteen (15) feet.
- (F) Arterial Setbacks: See arterial setback and landscaping requirements in Section 1207.04(k), Landscaping/Buffering.
- (6) Maximum Structure Height: thirty-five (35) feet.
- (7) Building Siting and Orientation. The following building siting and orientation requirements shall apply to all new development in District 2, except for new development with a front yard depth of one hundred thirty (130) feet or more:
 - (A) Principal Residential Structures.
 - (i) The main entrance to the residence shall face the street.
 - (ii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
 - (B) Principal Residential Structures on Corner Lots.
 - (i) In general, the structure shall face one (1) of the streets or the corner.
 - (ii) One (1) side of the structure shall be designated the "front" and shall be subject to the requirements set forth in paragraph (A) above.
 - (C) Private Garages.
 - (i) Doors of attached garages shall not face the street.
 - (ii) Detached garages shall be located only in the rear yard.
 - (iii) New development of a principal single family detached dwelling shall provide space for the storage of at least two (2) cars within an enclosed garage.
 - (D) Non-Residential Development.
 - (i) The main entrance to the principal structure shall face the street. The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
 - (ii) The main body of the principal structure shall be closest to the street.
 - (iii) An accessory garage shall be sited so that its door is not visible from the primary direction of approach.
- (8) Bufferyard Requirements for Lots Abutting a Historic Landmark. New development on lots that abut a historic landmark shall establish a bufferyard equivalent to or greater than "Bufferyard C" as set forth in Section 1207.04(g) of this Code. The bufferyard shall be established on the boundary that abuts the historic landmark.
- (9) Driveway Curb Cuts.
 - (A) Lot widths of one hundred fifty (150) feet or less: No more than one (1) driveway curb cut per lot.
 - (B) Lot widths of more than one hundred fifty (150) feet: No more than two (2) driveway curb cuts per lot.
 - (C) See Section 1207.13(c)(5) regarding limits on curb cuts to arterial and collector roads.
- (10) Location of Parking. In addition to the off-street parking requirements set forth in Section 1207.12 of this Code, off-street parking shall be located to the side or rear of the principal building.

- (11) Architecture and Design Standards. See architectural design guidelines located in Appendix D.
- (12) Pedestrian/Bicycle Pathways and Linkages:
 - (A) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways. Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.
 - (B) Any amount of land set aside for trails in a development shall be credited toward either the public or private open space requirements set forth in this section and in Section 1207.05 of this Code.
 - (C) To the maximum extent feasible, provision shall be made in the design of developments for interconnections with existing or planned streets and pedestrian or bikeway systems on adjoining properties, unless the City determines that such interconnections would have adverse impacts on open spaces, wetlands, sensitive environmental areas, or other significant areas.
- (13) Environmental Standards. See Section 1207.08, Wellhead Protection Area Standards.

([Ord. No. 16-148](#) , § 9, 2-21-2017)

1205.06. - District 3: Outer Village Residential Neighborhood.

- (a) Purpose. District 3 is established to preserve and protect an existing community character typified by single-family detached residential housing developed at moderate densities averaging about two (2) dwelling units per acre. Being relatively closer to the Village Core, neighborhoods in this district have greater accessibility and connection to the Village Core than residences in District 1. Existing single-family developments are characterized by traditional subdivision designs with curvilinear street patterns and some examples of open space dedications. Few potential development areas remain, and are constrained in many instances by the Brandywine Creek drainage corridor. District regulations are intended to continue the predominant single-family detached use, while providing for the addition of attached single family, duplexes, and townhomes, into the housing mix, as well as additional parks, open space, and trail/bikeway linkages to the Village Core. Additional uses include supporting institutional uses (such as churches and schools) and public service uses. Single-family detached residential housing densities will mirror existing densities and character, and be permitted up to a maximum of two and one-half (2.5) dwelling units per acre. Protection of remaining sensitive environmental areas, including wellhead protection areas, will be a high priority.
- (b) Uses By-Right.
 - (1) Residential:
 - (A) Family day care homes, small (one (1) to six (6) children).
 - (B) Residential group homes for up to five (5) handicapped or elderly people.
 - (C) Single-family, detached.
 - (2) Agricultural:
 - (A) General agricultural operations on parcels of more than four (4) acres and do not involve the keeping of farm animals.
 - (3) Planned Developments:
 - (A) Planned developments, subject to standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.
 - (4) Institutional/Civic/Public:

- (A) Public park or recreation areas, including multipurpose trails.
 - (B) Public recreational facilities, indoor or outdoor.
 - (C) Public safety and emergency services.
 - (D) Essential public utility and public services installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage.
- (5) Accessory Uses: See Section 1206.03, "Accessory Uses."
- (c) Conditional Uses. The following uses shall be conditionally permitted in District 3 subject to meeting all applicable requirements set forth in this section and Section 1206.02, "Conditional Uses."
- (1) Residential:
 - (A) Assisted Living.
 - (B) Duplexes.
 - (C) Model Homes.
 - (D) Open Space Conservation Subdivisions.
 - (E) Residential group homes for the handicapped or elderly (from six (6) to eight (8) people).
 - (F) Single-family, attached.
 - (G) Townhomes.
 - (2) Agricultural:
 - (A) General agricultural operations.
 - (3) Commercial/Retail:
 - (A) Bed and breakfast inns.
 - (B) Golf courses, private.
 - (C) Private-membership recreational facilities or clubs.
 - (4) Institutional/Civic/Public:
 - (A) Cemeteries.
 - (B) Continuing care retirement community.
 - (C) Golf courses, public.
 - (D) Institutional residential for the handicapped or elderly (for nine (9) or more people).
 - (E) Places of religious worship, including churches and synagogues. Religious schools and day care centers may be permitted as accessory uses within the same structure as the principal conditional use.
 - (F) Public, nonprofit, or private cultural facilities including but not limited to libraries and museums.
 - (G) Public safety and emergency services, including police or fire stations and emergency medical services, provided the size of the building housing the facility or service shall not exceed ten thousand (10,000) square feet.
 - (H) Schools, public or private(preschool, elementary, secondary, or post-secondary).
 - (5) Accessory Uses:
 - (A) Oil and Gas Exploration and Extraction of lots of at least twenty (20) acres in size under single ownership.

- (B) Shared driveways for dwellings.
 - (C) See Section 1206.03, "Accessory Uses."
- (d) Property Development/Design Standards. In addition to compliance with all applicable standards set forth in Chapter 1207, "Zoning Development and Site Plan Standards," development in District 3 shall comply with all of the following development/design standards (all standards are minimums unless otherwise noted):
- (1) Maximum Net Density:
 - (A) Single-Family Detached and Duplexes: two and one-half (2.5) dwelling units per acre.
 - (B) Single-Family Attached: four (4) dwelling units per acre.
 - (C) Townhomes: five (5) dwelling units per acre.
 - (2) Open Space. In addition to compliance with the standards and requirements governing open space set forth in Section 1207.05 of this Code, developments in District 3 shall set aside a minimum of twenty-five percent (25%) of the gross land area for private open space.
 - (3) Minimum Lot Size:
 - (A) Residential Uses, Except Townhomes: sixteen thousand (16,000) square feet, except that the minimum lot size may be reduced to six thousand (6,000) square feet if open space conservation lots are developed pursuant to the requirements set forth in Section 1207.06 of this Code.
 - (B) Townhomes: two thousand five hundred (2,500) square feet.
 - (C) Residential Uses (Except Townhomes) on Lots Fronting Arterial Roads: one (1) acre.
 - (D) Non-Residential Uses: two (2) acres.
 - (4) Minimum Lot Width:
 - (A) All Uses Except Single-Family Attached and Townhomes: one hundred fifty (150) feet, except that minimum lot width may be reduced to sixty (60) feet if open space conservation lots are developed pursuant to the requirements set forth in Section 1207.06 of this Code.
 - (B) Single-Family Attached: forty-eight (48) feet.
 - (C) Townhomes: twenty-four (24) feet.
 - (D) Lots Abutting Railroad Right-of-Way: In order to enable an increase in the rear yard setback and allow room for a landscaped buffer between the dwelling and the railroad right-of-way when a lot abuts and backs onto a railroad right-of-way, the minimum lot width may be reduced by not more than ten percent (10%) provided the lot depth is at least two hundred fifty (250) feet.
 - (5) Setbacks:
 - (A) Open Space Conservation Subdivisions: All residential Open Space Conservation Subdivisions shall comply with the setback and yard requirements set forth in Section 1207.06(e) of this Code.
 - (B) All Other Developments—Case-by-Case Determination:
 - (i) In order to provide for the maximum preservation of environmentally sensitive areas within District 3, building setbacks and yard requirements for all other developments in District 3 shall be determined on a case-by-case basis by the PC either during the subdivision approval process or during the site plan approval process.
 - (ii) Except for development on lots that were two (2) acres or larger as of the effective date of this Code, all determinations of setbacks and yard requirements shall use as a starting point the setbacks set forth in paragraphs (C)—(E) below, which may be

modified pursuant to the conditions and criteria set forth in Section 1207.01, Establishment of Maximum Impervious Surface Coverage.

- (iii) Residential development on lots of record that were two (2) acres or larger in area as of the effective date of this Code shall use as a starting point the minimum setbacks for District 2 set forth in Section 1205.05 above.

(C) Minimum Front Yard Setbacks:

- (i) Residential Uses: fifty (50) feet, provided that averaging shall be required for residential uses. Except for new residential development on lots fronting arterial roads, the front setback shall not differ by more than ten percent (10%) from the average of the front yard setbacks existing on the two (2) properties immediately adjoining the subject property, unless approved by the Architectural and Historic Board of Review. If one (1) or more of the adjoining properties is vacant, the front yard setback shall be fifty (50) feet.
- (ii) Non-Residential Uses: seventy-five (75) feet.
- (iii) All Uses on Lots Fronting Arterial Roads: one hundred (100) feet, of which the front fifty (50) feet shall comprise a bufferyard that shall be landscaped pursuant to Section 1207.04(k).

(D) Minimum Side Yard Setbacks:

- (i) Principal Residential Structure: fifteen (15) feet.
- (ii) Principal Non-Residential Structure: thirty (30) feet.
- (iii) Side-facing attached garage: twenty-five (25) feet.
- (iv) All other accessory structures: fifteen (15) feet.
- (v) Residential Corner lots: fifty (50) feet for street side not designated as "front."

(E) Minimum Rear Yard Setbacks:

- (i) Principal Structure: fifty (50) feet.
- (ii) Accessory Garage: fifteen (15) feet.
- (iii) Other Accessory Structure: fifteen (15) feet.

(F) Arterial Setbacks: See arterial setback and landscaping requirements in Section 1207.04(k), "Landscaping/Buffering."

(6) Maximum Number of Units per Structure:

- (A) Attached Single-Family: four (4) attached units per structure.
- (B) Townhomes: six (6) units per structure.

(7) Maximum Structure Height:

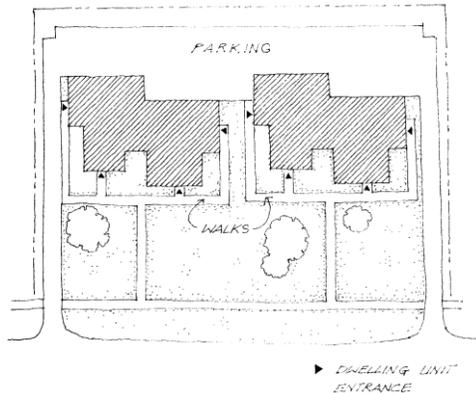
- (A) Single-family Detached, Attached, and Duplexes: thirty-five (35) feet.
- (B) All other uses: forty (40) feet.

(8) Distance Between Residential Buildings. Structures containing either single-family-attached, duplexes, or townhomes shall be separated from each other by a minimum of twenty (20) feet at their closest points.

(9) Building Siting and Orientation. The following building siting and orientation requirements shall apply to new development in District 3, except for new development with a front yard depth of one hundred thirty (130) feet or more:

- (A) Principal Residential Structures—Single-Family Detached and Duplexes.

- (i) The main entrance(s) to the residence shall face the street.
 - (ii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
- (B) Principal Residential Structures—Single-Family Attached/and Townhomes.
- (i) The entrance to at least one (1) dwelling unit within each building shall face the street. (See Figure 6.)



- (ii) The front wall of the principal structure, or the front wall of at least one (1) principal structure in a multi-building development, shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
- (C) Principal Residential Structures on Corner Lots.
- (i) In general, the structure shall face one (1) of the streets and not the corner.
 - (ii) One (1) side of the structure shall be designated the "front" and shall be subject to the requirements set forth in paragraph (A) above.
- (D) Private Garages.
- (i) Doors of attached garages shall not face the street.
 - (ii) Detached garages shall be located only in the rear yard.
 - (iii) New development of a principal single family detached or attached dwelling shall provide space for the storage of at least two (2) cars within an enclosed garage.
- (E) Non-Residential Development.
- (i) The main entrance to the principal structure shall face the street.
 - (ii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
 - (iii) The main body of the principal structure shall be closest to the street.
- (10) Pedestrian/Bicycle Pathways and Linkages:
- (A) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways. Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.

- (B) Any amount of land set aside for trails in a development shall be credited toward either the public or private open space requirements set forth in this section and in Section 1207.05 of this Code.
 - (C) Sidewalks at least five (5) feet wide shall be provided on both sides of all streets in District 3, shall run parallel to the street within the right-of-way, and shall be separated from the curb by a planting strip of at least seven (7) feet in width.
 - (D) To the maximum extent feasible, provision shall be made in the design of developments for interconnections with existing or planned streets and pedestrian or bikeway systems on adjoining properties, unless the City determines that such interconnections would have adverse impacts on open spaces, wetlands, sensitive environmental areas, or other significant natural areas.
- (11) Architecture and Design Standards. See Architectural Design Guidelines located in Appendix D.
 - (12) Environmental Standards. See Section 1207.08, Wellhead Protection Area Standards.
 - (13) Bufferyard Requirements for Lots Abutting a Historic Landmark. New development on lots that abut a historic landmark shall establish a bufferyard equivalent to or greater than "Bufferyard C" as set forth in Section 1207.04(g) of this Code. The bufferyard shall be established on the boundary that abuts the historic landmark.
 - (14) Driveway Curb Cuts.
 - (A) Lot widths of one hundred fifty (150) feet or less: No more than one (1) driveway curb cut per lot.
 - (B) Lot widths of more than one hundred fifty (150) feet: No more than two (2) driveway curb cuts per lot.
 - (C) See Section 1207.13(c)(5) regarding limits on curb cuts to arterial and collector roads.
 - (15) Location of Parking. In addition to the off-street parking requirements set forth in Section 1207.12 of this Code, off-street parking shall be located to the side and rear of the principal building.

([Ord. No. 16-148](#) , § 9, 2-21-2017)

1205.07. - District 4: Historic Residential Neighborhood.

- (a) Purpose. This District is established to preserve and protect the residential neighborhoods in the city's historic district. These neighborhoods, while containing some multi-family and single-family attached units, are dominated by a significant number of historic detached homes with relatively shallow setbacks and yard depths. Densities are relatively high, with lot sizes generally less than thirty thousand (30,000) square feet. There are strong connections and easy accessibility to the Village Core; however, increasing traffic congestion is a growing detriment to the quality of life in this District's residential neighborhoods. There are few environmental constraints on new development, but there also are few potential development areas. The regulations contained in this District are intended to permit compact residential densities, including multi-family residential uses, while assuring compatibility with existing residential neighborhoods and their historic character and strengthening this District's linkages with the Village Core. Potential traffic impacts from new developments will be scrutinized as part of the development approval process.
- (b) Uses By-Right.
 - (1) Residential:
 - (A) Family day care homes, small (one (1) to six (6) children).
 - (B) Residential group homes for up to five (5) handicapped or elderly people.

- (C) Single-family, detached subject to the restrictions in (d)(4) of this section.
- (2) Institutional/Civic/Public:
 - (A) Public park or recreation areas, including multipurpose trails.
 - (B) Public recreational facilities, indoor or outdoor.
 - (C) Public safety and emergency services.
 - (D) Essential public utility and public services installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage.
- (3) Accessory Uses: See Section 1206.03.
- (c) Conditional Uses. The following uses shall be conditionally permitted in District 4 subject to meeting all applicable requirements set forth in this section and Section 1206.02, Conditional Uses.
 - (1) Residential:
 - (A) Assisted living.
 - (B) Duplexes.
 - (C) Model homes.
 - (D) Multi-family.
 - (E) Residential group homes for the handicapped or elderly (from six (6) to eight (8) people).
 - (F) Single-family, attached.
 - (G) Townhomes.
 - (2) Commercial/Retail:
 - (A) Bed and breakfast inns.
 - (B) Private-membership recreational facilities or clubs.
 - (3) Institutional/Civic/Public:
 - (A) Cemeteries.
 - (B) Places of religious worship, including churches and synagogues. Religious schools and day care centers may be permitted as accessory uses within the same structure as the principal conditional use.
 - (C) Public, non-profit, or private cultural facilities, including but not limited to libraries and museums.
 - (D) Public safety and emergency services, including police or fire stations and emergency medical services.
 - (E) Schools, public or private—preschool, elementary, secondary, or post-secondary—including dormitories.
 - (4) Accessory Uses:
 - (A) Shared driveways for dwellings.
 - (B) See Section 1206.03.
- (d) Property Development/Design Standards. In addition to compliance with all applicable standards set forth in Chapter 1207, Zoning Development and Site Plan Standards, development in District 4 shall comply with all of the following development/design standards (all standards are minimums unless otherwise noted):
 - (1) Maximum Net Density:

- (A) Single-Family Detached: four (4) dwelling units per acre unless the net density of a proposed development exceeds one hundred fifty percent (150%) of the net density of the residential development within six hundred (600) feet of a proposed development, excluding vacant parcels. In such case, while the maximum net density is four (4) dwelling units per acre, the proposed development shall be a Conditional Use subject to procedures of this Code.
 - (B) Duplexes: four (4) dwelling units per acre.
 - (C) Single-Family Attached: six (6) dwelling units per acre.
 - (D) Townhomes: eight (8) dwelling units per acre.
 - (E) Multi-Family: twelve (12) dwelling units per acre.
- (2) Permitted Mix of Residential Uses per Development: Within any one (1) residential development project in District 4, no more than twenty-five percent (25%) of the total number of housing units in the development shall be single-family attached and/or multi-family units.
- (3) Open Space: In addition to compliance with the standards and requirements governing open space set forth in Section 1207.05 of this Code, development in District 4 shall set aside a minimum of twenty-five percent (25%) of the gross land area for private open space.
- (4) Minimum Lot Size:
- (A) Single-family detached and duplex: six thousand (6,000) square feet.
 - (B) Single-family attached: six thousand (6,000) square feet.
 - (C) Townhomes: two thousand five hundred (2,500) square feet.
 - (D) Multi-family: ten thousand (10,000) square feet.
- (5) Minimum Lot Width:
- (A) Single-Family Detached: sixty (60) feet.
 - (B) Duplexes: sixty (60) feet.
 - (C) Single-Family Attached: twenty (20) feet.
 - (D) Townhomes: twenty-four (24) feet.
 - (E) Multi-Family Uses: one hundred fifty (150) feet.
 - (F) Non-Residential Uses: one hundred fifty (150) feet.
 - (G) Lots Abutting Railroad Right-of-Way: In order to enable an increase in the rear yard setback and allow room for a landscaped buffer between the dwelling and the railroad right-of-way when a lot abuts and backs onto a railroad right-of-way, the minimum lot width may be reduced by not more than ten percent (10%) provided the lot depth is at least two hundred fifty (250) feet.
- (6) Setbacks. Unless modified pursuant to Section 1203.08, "Minor Modifications," the minimum yard setbacks in District 4 shall be:
- (A) Minimum Front Yard Setback:
 - (i) Residential Uses Except Multi-Family: thirty-five (35) feet.
 - (ii) Multi-Family Uses: fifteen (15) feet.
 - (iii) Non-Residential Uses: Minimum of one and one-half (1.5) times the maximum height of the principal building.
 - (iv) Averaging shall be Required for Setbacks: Except for new residential development on lots fronting arterial roads, the front setback shall not differ by more than ten percent (10%) from the average of the front yard setbacks existing on the two (2)

properties immediately adjoining the subject property, unless approved by the Architectural and Historic Board of Review. If one (1) or more of the adjoining properties is vacant, the front yard setback shall be fifty (50) feet.

- (B) Minimum Side Yard Setback:
 - (i) Single-Family Uses: eight (8) feet.
 - (ii) Duplexes: ten (10) feet.
 - (iii) Multi-Family Uses: ten (10) feet.
 - (iv) Side-Facing Attached Garage: twenty-five (25) feet.
 - (v) Other Accessory Structures: four (4) feet.
 - (vi) Corner Lots: thirty-five (35) feet for street side not designated as "front."
- (C) Rear Yard Depth:
 - (i) Principal Structure: forty (40) feet.
 - (ii) Accessory Structure: four (4) feet.
- (D) Arterial Setbacks: See arterial setback and landscaping requirements in Section 1207.04(k), "Landscaping/Buffering."
- (7) Maximum Number of Units per Structure:
 - (A) Single-Family Attached: eight (8) attached units per structure.
 - (B) Townhomes: six (6) units per structure.
 - (C) Multi-Family: twelve (12) units per structure.
- (8) Maximum Structure Height:
 - (A) Single-Family Detached and Duplexes: thirty-five (35) feet.
 - (B) Single-Family Attached and Townhomes: thirty-five (35) feet.
 - (C) Multi-Family: forty (40) feet.
 - (D) Non-Residential: forty (40) feet.
- (9) Building Siting and Orientation. The following building siting and orientation requirements shall apply to new development in District 4, except for new development with a front yard depth of one hundred thirty (130) feet or more:
 - (A) Principal Residential Structures—Single-Family Detached and Duplexes.
 - (i) The main entrance(s) to the residence shall face the street.
 - (ii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
 - (B) Principal Residential Structures—Single-Family Attached, Townhomes, and Multi-Family.
 - (i) The entrance to at least one (1) dwelling unit within each building shall face the street. (See Figure 6.)
 - (ii) Each unit within a structure shall have its own front entryway to the outside.
 - (iii) The front wall of the principal structure, or the front wall of at least one (1) principal structure in a multi-building development, shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
 - (C) Principal Residential Structures on Corner Lots.

- (i) In general, the structure shall face one (1) of the streets and not the corner.
 - (ii) One (1) side of the structure shall be designated the "front" and shall be subject to the requirements set forth in paragraph (A) or (B) above, and requirements regarding private walks and entryways set forth below in subsection (12).
- (D) Private Garages.
- (i) Doors of attached garages shall not face the street.
 - (ii) Detached garages shall be located only in the rear yard.
 - (iii) New development of a residential dwelling shall provide space for the storage of at least one (1) car within an enclosed garage.
- (E) Non-Residential Development.
- (i) The main entrance to the principal structure shall face the street.
 - (ii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
 - (iii) The main body of the principal structure shall be closest to the street.
- (10) Architecture and Design Standards. See Architectural Design Guidelines located in Appendix D.
- (11) Bufferyard Requirements for Lots Abutting a Historic Landmark. New development on lots that abut a historic landmark shall establish a bufferyard equivalent to or greater than "Bufferyard C" as set forth in Section 1207.04(g) of this Code. The bufferyard shall be established on the boundary that abuts the historic landmark.
- (12) Private Walkway Entrances. All new development shall connect the front entrance of the principal structure to the sidewalk with a private connecting walkway surfaced with either concrete, brick, or stone, except where the front yard is greater than sixty (60) feet.
- (13) Driveway Curb Cuts.
- (A) Single-Family Detached and Duplexes: No more than one (1) driveway curb cut per lot.
 - (B) Single-Family Attached and Multi-Family: No more than two (2) driveway curb cuts per development site.
 - (C) Non-Residential Uses: No more than one (1) driveway curb cut per lot, except that when the lot is wider than one hundred fifty (150) feet then no more than two (2) driveway curb cuts per lot.
- (14) Location of Parking. In addition to the off-street parking requirements set forth in Section 1207.12 of this Code, off-street parking shall be located only to the side and rear of the principal building. Off-street parking shall not be allowed within the front setback area.
- (15) Distance Between Residential Buildings. Structures containing either single-family-attached, townhomes, or multi-family dwelling units shall be separated from each other by a minimum of twenty (20) feet at their closest points.
- (16) Pedestrian/Bicycle Pathways and Linkages:
- (A) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways.
 - (B) Any amount of land set aside for trails in a development shall be credited toward either the public or private open space requirements set forth in this section and in Section 1207.05 of this Code.

- (C) Sidewalks at least five (5) feet wide shall be provided on both sides of all streets in District 4, shall run parallel to the street within the right-of-way, and shall be separated from the curb by a planting strip at least five (5) feet in width.
- (D) To the maximum extent feasible, provision shall be made in the design of developments for interconnections with existing or planned streets and pedestrian or bikeway systems on adjoining properties, unless the City determines that such interconnections would have adverse impacts on open spaces, wetlands, sensitive environmental areas, or other significant natural areas.

(17) Environmental Standards. See Section 1205.13, Floodplain/Floodway Overlay.

([Ord. No. 16-148](#), § 9, 2-21-2017)

1205.08. - District 5: Village Core District.

- (a) Purpose. This District is intended to preserve and protect the Village Core, which is the historic and commercial center of the City of Hudson. This District contains portions of Hudson's Historic District, and all new development in this District shall be consistent with the Historic Core Plan as set forth in the Comprehensive Plan. While a wide range of uses currently exists within the District, including several non-conforming industrial and office uses, the regulations contained in this District are intended to encourage a predominance of compact and pedestrian-scale retail, service, and office uses in the Village Core. The visual focus of the Village Core is the Village Green and Village Green Extension, and all uses located on streets adjacent to the Village Green or Village Green Extension shall be required to face these open spaces. New commercial and retail development will be required to reflect the overall appearance, form, pattern, and design of the Historic District.

To the maximum extent feasible, new development in the district will be required to preserve and protect the scenic and natural landscape qualities, as well as the drainage and flood control functions, of Brandywine Creek. Regional and local traffic congestion at the intersection of Routes 91 and 303 has hampered accessibility into and out of the Village Core; accordingly, alternate access routes will be encouraged in this District, including pedestrian ways and bikeways, and new development will be required to submit proposed parking programs, access plans, and traffic impact studies for review.

- (b) Uses By-Right. Subject to the restrictions in (d)(4) of this section:

- (1) Residential:

- (A) Duplexes.
- (B) Dwelling units stacked above or mixed with offices or other commercial space.
- (C) Family day care homes, small (one (1) to six (6) children).
- (D) Residential group homes for up to five (5) handicapped or elderly people.
- (E) Single-family, detached.
- (F) Single-family, attached.
- (G) Townhomes.

- (2) Commercial/Retail:

- (A) Artisan studios, photography shops and studios, and art galleries.
- (B) Assembly and meeting halls, provided that such use on the ground floor of a structure shall not exceed five thousand (5,000) square feet of gross floor area.
- (C) Automated teller machines (ATMs).

- (D) Banks or other financial institutions, except drive-through bank teller or ATM facilities, provided that such use located on the ground floor of a structure shall not exceed five thousand (5,000) square feet of gross floor area.
 - (E) Bars/taverns, provided that such use located on the ground floor of a structure shall not exceed five thousand (5,000) square feet of gross floor area.
 - (F) Bed and breakfast inns.
 - (G) Medical clinics, provided that any clinic use located on the ground floor of a structure shall not exceed five thousand (5,000) square feet of gross floor area.
 - (H) Offices, business or professional, with a ground floor footprint not to exceed five thousand (5,000) square feet of floor area.
 - (I) Parking lot as a principal use.
 - (J) Recording, radio, or television studios, provided that any such use shall not exceed two thousand five hundred (2,500) square feet of gross floor area.
 - (K) Restaurants, except drive-through restaurants, with a ground floor footprint not [to] exceed five thousand (5,000) square feet of floor area.
 - (L) Retail uses, with a ground floor footprint not [to] exceed five thousand (5,000) square feet of floor area.
 - (M) Services, personal, business, or repair, except for vehicle repair, with a ground floor footprint not to exceed five thousand (5,000) square feet of floor area.
- (3) Planned Developments:
- (A) Planned developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.
- (4) Institutional/Civic/Public:
- (A) Government administrative offices.
 - (B) Public, non-profit, or private cultural facilities including but not limited to libraries and museums.
 - (C) Public park or recreation areas, including multipurpose trails.
 - (D) Public recreational facilities, indoor or outdoor.
 - (E) Public safety and emergency services.
 - (F) Essential public utility and public services installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage.
- (5) Accessory Uses: See Section 1206.03, "Accessory Uses."
- (c) Conditional Uses. The following uses shall be conditionally permitted in District 5 subject to meeting all applicable requirements set forth in (d) of this section, including the locational restriction of (d)(4) and Section 1206.02, "Conditional Uses.":
- (1) Residential:
 - (A) Assisted living.
 - (B) Model homes.
 - (C) Multi-family.
 - (2) Commercial/Retail:
 - (A) Automobile service stations.

- (B) Banks, or other financial institutions, with drive-through teller or ATM facilities, provided that when such use is located on the ground floor of the structure it shall not exceed five thousand (5,000) square feet of gross floor area.
 - (C) Bars/taverns located within two hundred (200) feet of a residential use.
 - (D) Convenience stores and specialty grocery stores.
 - (E) Entertainment and indoor amusement facilities.
 - (F) Funeral homes.
 - (G) Lodging.
 - (H) Liquor stores.
 - (I) Offices, business or professional, with a ground floor footprint greater than five thousand (5,000) square feet, but less than ten thousand (10,000) square feet or provided that the use is part of a Planned Development and subject to a Development Agreement and provided that any structure must be broken up into storefront modules not exceeding forty (40) feet in width. Each module shall have display windows and other architectural features to distinguish it from adjacent modules.
 - (J) Recreational or sports training facilities, commercial.
 - (K) Restaurants located within two hundred (200) feet of a residential use, but not including drive-through restaurants.
 - (L) Retail and restaurant uses with a ground floor footprint greater than five thousand (5,000) square feet, but less than ten thousand (10,000) square feet or provided that the use is part of a Planned Development and subject to a Development Agreement, and provided that any structure must be broken up into storefront modules not exceeding forty (40) feet in width. Each module shall have a prominent entry, display windows, and other architectural features to distinguish it from adjacent modules.
 - (M) Retail uses with outdoor sales or storage.
 - (N) Veterinary facility, small animal clinic (allow overnight, indoor boarding).
 - (O) Parking structure as a principal use.
- (3) Institutional/Civic/Public:
- (A) Cemeteries.
 - (B) Convention or conference centers.
 - (C) Government public works and service facilities.
 - (D) Places of religious worship, including churches and synagogues. Religious schools and day care centers may be permitted as accessory uses within the same structure as the principal conditional use.
 - (E) Public Safety and Emergency Services.
 - (F) Schools, public or private(preschool, elementary, secondary, or post-secondary).
 - (G) Transportation facilities without repairs (bus terminal, train depot, etc.)
- (4) Accessory Uses: See Section 1206.03, Accessory Uses.
- (d) Property Development/Design Standards. In addition to compliance with all applicable standards set forth in Chapter 1207, Zoning Development and Site Plan Standards, development in District 5 shall comply with all of the following development/design standards (all standards are minimums unless otherwise noted):
- (1) Maximum Net Density:

- (A) Single-family detached: eight (8) dwelling units per acre.
 - (B) Single-family attached: eight (8) dwelling units per acre.
 - (C) Duplex: twelve (12) dwelling units per acre.
 - (D) Townhomes: twenty (20) dwellings units per acre.
 - (E) Multi-family: thirty (30) dwelling units per acre.
- (2) Open Space: All residential developments of less than ten (10) dwelling units are exempt from this Code's public open space dedication and in-lieu requirements.
- (3) Mix of Uses. Mixed-use developments shall be strongly encouraged in District 5, subject to the following standards:
- (A) More than one (1) principal commercial/retail use permitted by-right or conditionally in District 5 may be developed or established together on a single lot or site, or within a single structure, provided all applicable requirements set forth in this section and Code and all other applicable ordinances are met.
 - (B) Any combination of residential and commercial/retail uses that are permitted by-right or conditionally in District 5 may be developed or established together on a single lot or site, or within a single structure, provided all applicable requirements set forth in this section and Code, and all other applicable ordinances, are met. For example, a two-story structure on a single lot in the Village Core may have a restaurant or retail store on the ground floor, and residential apartments or condominiums on the second floor.
- (4) Locational Restrictions on Permitted Uses—Main Street. On the west side of Main Street in District 5, extending from Park Lane on the south to Owen Brown Street on the north, all Main Street floor level uses shall be limited to restaurants, bars/taverns, retail trade or personal service establishments less than five thousand (5,000) square feet in gross floor area. No new business or professional offices, business service establishments, banks or financial institutions, or ATMs shall be allowed or established on the Main Street floor level of existing or new structures located on the portion of Main Street specified in this provision. Any Planned Development to the west of Main Street within the area bounded by Clinton Street, Morse Road and State Route 303 must limit ground floor non-public uses to permitted uses by right or conditionally as Commercial and Retail Uses referred to in subsections (b)(2) and (c)(2) above, but shall not include (b)(2)(G), (b)(2)(H), business service establishments of (b)(2)(M), or (c)(2)(A), (c)(2)(F), (c)(2)(I), and (c)(2)(N).
- (5) Minimum Lot Width:
- (A) Single-Family Detached: 50 feet.
 - (B) Single-Family Attached: 48 feet.
 - (C) Townhomes: 24 feet.
 - (D) Multi-Family Uses: Not Applicable.
 - (E) Non-Residential Uses: Not Applicable.
- (6) Maximum Number of Dwelling Units per Structure:
- (A) Single Family Attached: 4 dwelling units.
 - (B) Townhomes: 8 dwelling units.
 - (C) Multi-Family: 20 dwelling units.
- (7) Setbacks: Unless modified pursuant to Section 1203.08, "Minor Modifications," the yard setbacks in District 5 shall be:
- (A) Minimum Front Yard Setback:

- (i) Residential Uses: 5 feet.
 - (ii) Non-Residential Uses and Multifamily: A minimum of seventy-five percent (75%) of the front wall of commercial/retail buildings shall be built to the edge of the front sidewalk or front property line (minimum and maximum front yard/setback = 0 feet).
 - (iii) Averaging May be Required for Setbacks: When the two (2) immediately adjoining properties contain existing development, then the front setback shall not differ by more than ten percent (10%) from the front yard setbacks existing on either one (1) of the two (2) properties immediately adjoining the subject property unless approved by the Architectural and Historic Board of Review.
- (B) Minimum Rear Yard Setback:
- (i) Residential—Principal Structure: twenty-five (25) feet.
 - (ii) Residential—Accessory Structure: five (5) feet.
 - (iii) Non-Residential: ten (10) feet, except that when the rear yard abuts a residential use, the rear yard setback shall be increased to twenty (20) feet from the property line.
- (C) Minimum Side Yard Setback:
- (i) Single-Family Uses: eight (8) feet.
 - (ii) Duplexes: ten (10) feet.
 - (iii) Multi-Family Uses: ten (10) feet.
 - (iv) Side-Facing Attached Garage: twenty-five (25) feet.
 - (v) Other Accessory Structures: five (5) feet.
 - (vi) Non-Residential: zero (0) feet provided that adequate access is available at the rear of the use via an alley or other means of ingress for emergency and service vehicles. Except that when adjacent to the residential use shall be at least fifteen (15) feet from the property line.
- (8) Maximum Building Coverage:
- (A) Commercial/Retail Uses: The amount of impervious coverage shall be no more than eighty percent (80%) of the total gross lot area unless covered under the provisions of a Planned Development and Development Agreement.
 - (B) Single-Family Attached, Townhome, and Multi-Family Residential Uses: The amount of impervious coverage shall be no more than eighty percent (80%) of the total gross lot area.
- (9) Maximum Structure Height:
- (A) Single-Family Detached, Attached, Duplexes, Townhomes: thirty-five (35) feet.
 - (B) Multi-Family Residential Uses: forty (40) feet.
 - (C) Commercial/Retail and Other Non-Residential Uses: forty-five (45) feet, except that no facade or portion of a building shall exceed a height such that it would be visible above the height of existing facades of buildings fronting on Main Street when viewed from the Village Green.
- (10) Distance Between Residential Buildings: Structures containing either single-family-attached, townhomes, or multi-family dwelling units shall be separated from each other by a minimum of ten (10) feet at their closest points.
- (11) Building Siting and Orientation. The following building siting and orientation requirements shall apply to new development in District 5:
- (A) Principal Residential Structures—Single-Family Detached and Duplexes.

- (i) The main entrance(s) to the residence shall face the street.
 - (ii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
- (B) Principal Residential Structures—Single-Family Attached, Townhomes, and Multi-Family.
- (i) The entrance to at least one (1) dwelling unit within each building shall face the street. (See Figure 6.)
 - (ii) The front wall of the principal structure, or the front wall of at least one (1) principal structure in a multi-building development, shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
- (C) Principal Residential Structures on Corner Lots.
- (i) In general, the structure shall face one (1) of the streets and not the corner.
 - (ii) One (1) side of the structure shall be designated the "front" and shall be subject to the requirements set forth in paragraph (A) or (B) above and requirements regarding private walks and entryways set forth below in subsection (14).
- (D) Private Garages:
- (i) Doors of attached garages shall not face the street.
 - (ii) An attached garage shall be sited so that its door is not visible from the primary direction of approach.
 - (iii) Detached garages shall be located in the rear yard.
- (E) Non-Residential Development:
- (i) Commercial/retail buildings shall maintain a continuous wall plane at the front property line. Architectural features, such as bay windows, may project beyond this plane no more than thirty (30) inches at a minimum height of twelve (12) feet above the sidewalk.
 - (ii) The main entrance to the principal structure shall face the street.
 - (iii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
- (12) Architecture and Design Standards: See Architectural Design Guidelines located in Appendix D.
- (13) Bufferyard Requirements for Lots Abutting a Historic Landmark: New development on lots that abut a historic landmark shall establish a bufferyard equivalent to or greater than "Bufferyard C" as set forth in Section 1207.04(g) of this Code. The bufferyard shall be established on the boundary that abuts the historic landmark.
- (14) Private Walkway Entrances: All new residential development shall connect the front entrance of the principal structure to the sidewalk with a private connecting walkway surfaced with either concrete, brick, or stone.
- (15) Driveway Curb Cuts:
- (A) Townhomes and Duplexes: No more than one (1) driveway curb cut per lot.
 - (B) Single-Family Attached and Multi-Family: No more than two (2) driveway curb cuts per development site. Non-Residential Uses: No more than one (1) driveway curb cut per lot, except that when the lot is wider than one hundred fifty (150) feet then no more than two (2) driveway curb cuts per lot.

- (C) See Section 1207.13(c)(5) regarding limits on curb cuts to arterial and collector roads.
- (16) Environmental Standards: See Section 1205.13, "Floodplain/Floodway Overlay District."
- (17) Street Connections and Design:
 - (A) State Route 91 and State Route 303: State Route 91 and State Route 303 within District 5 shall not be widened with additional through lanes, nor shall angled parking be eliminated on the west side of Route 91, north of Route 303.
- (18) Location of Parking: In addition to the standards for off-street parking set forth in Section 1207.12 of this Code, the following restrictions shall apply in District 5 to new development:
 - (A) Location and Access—Residential Uses:
 - (i) Off-street parking shall not be located in a principal building's front yard setback area.
 - (ii) Off-street parking shall be located at the rear or side of a principal building on the interior of the lot and shall be accessed by means of shared driveways, preferably from side streets or alleys.
 - (iii) Driveways may be located in the rear yard setback area.
 - (B) Location and Access—Non-Residential Uses:
 - (i) No more than twenty percent (20%) of off-street parking shall be located to the side of a principal building.
 - (ii) All other off-street parking shall be located at the rear of a building on the interior of the lot and shall be accessed by means of shared driveways, preferably from side streets or alleys.
 - (iii) Driveways may be located in the rear yard setback area.
 - (C) Non-Residential Uses—Shared Parking: Parking lots shall be interconnected with non-residential parking lots on adjacent properties to the maximum extent feasible. As per Section 1207.12(h), "Joint or Collective Parking Facilities," cross-access easements or other acceptable agreements for adjacent lots with interconnected parking lots shall be submitted in language acceptable to the city's solicitor and PC to ensure availability of shared parking to users.
- (19) Pedestrian Amenities:
 - (A) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways.
 - (B) Sidewalks:
 - (i) Sidewalks at least five (5) feet wide shall be provided on all sides of a lot that abut a public street, way, or open space.
 - (ii) Sidewalks at least five (5) feet wide shall be provided along the full length of a building facade that features a customer entrance and along any building facade abutting a public parking area.
 - (iii) All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.
 - (C) Linkages: To the maximum extent feasible, provision shall be made in the design of developments for connections with existing or future pedestrian systems on adjoining properties, including but not limited to connections to existing or future sidewalks, bikeways, walkways, and any existing or planned trail systems along Brandywine Creek.

([Ord. No. 16-148](#) , § 9, 2-21-2017)

1205.09. - District 6: Western Hudson Gateway.

- (a) Purpose. District 6, together with District 8, is intended to provide key development opportunities for future employment growth in the City of Hudson. Permitted uses encourage the development of high-quality planned office and industrial business park developments. District 6 also serves as the key western gateway to the City of Hudson and district regulations, including heightened landscaping standards and application of industrial design/architectural guidelines, are intended to create attractive entryways into the City along Route 303 (Streetsboro Road) and Boston Mills Road. In addition, in order to better manage traffic generation patterns in the City, District 6 is intended to encourage relatively more intense traffic-generating uses to concentrate at the western edge of Hudson in order to benefit from easy access to Route 8.

District 6 also contains significant natural wetlands and features. Accordingly, a primary purpose of these District 6 regulations is to preserve and protect the district's critical environmental and wetlands features, while integrating them into planned projects as valuable open space amenities. New development is encouraged to respect existing land forms and to limit grading and site disturbance adjacent to wetlands.

In addition, with large land areas that fall within the boundaries of the City's designated wellhead protection area, the District 6 regulations are intended to advance the goals of the Hudson Wellhead Protection Study (dated February 13, 1997), the Ohio EPA Wellhead Protection Program (dated May 1992), and the Spill Prevention Plan.

- (b) Uses By-Right, except as limited by subsection (d) below:

(1) Commercial/Retail:

- (A) Banks, subject to the conditions set forth in subsection (d) below;
- (B) Office business parks;
- (C) Offices, business or professional, not located in a business park;
- (D) Recording, radio, or television studios;
- (E) Restaurant, subject to the conditions set forth in subsection (d) below;
- (F) Retail uses, subject to the conditions set forth in subsection (d) below;
- (G) Services, business personal or repair, subject to the conditions set forth in subsection (d) below;
- (H) Showrooms and salesrooms for wholesale distribution;
- (I) Wholesale trade.

(2) Industrial Uses:

- (A) Industrial business parks;
- (B) Industrial use, light;
- (C) Research laboratories, including but not limited to:
 - (i) Theoretical and applied research in all the sciences;
 - (ii) Product development and testing;
 - (iii) Product engineering development; or
 - (iv) Market development.
- (D) Warehousing, distribution, and/or storage;

- (E) Workshop and custom small industry uses.
- (3) Institutional/Civic/Public Uses:
 - (A) Public park or recreation areas, including multipurpose trails.
 - (B) Public recreational facilities, indoor or outdoor.
 - (C) Government administrative offices.
 - (D) Government public works and service facilities.
 - (E) Public safety and emergency services.
 - (F) Essential public utility and public services installations, including bus shelters and bus stops, but not including water towers, power generating stations or transfer stations.
- (4) Planned Developments:
 - (A) Planned developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.
- (5) Accessory Uses:
 - (A) Storage of goods, non-hazardous materials and equipment is permitted in the side and rear yard. Storage shall be screened from view on the front by Bufferyard B and shall be screened from view of the side lot lines by Bufferyard A as described in Section 1207.04(g).
 - (B) See Section 1206.03, "Accessory Uses".
- (c) Conditional Uses. The following uses shall be conditionally permitted in District 6 subject to meeting all applicable requirements set forth in this section and Section 1206.02, Conditional Uses.
 - (1) Residential.
 - (A) Assisted Living.
 - (2) Commercial:
 - (A) Day care centers, child or adult.
 - (B) Lodging.
 - (C) Medical clinics.
 - (D) Recreational or sports training facilities, commercial.
 - (E) Vehicle and equipment rentals.
 - (F) Vehicle repair and service.
 - (G) Wireless telecommunications facility.
 - (3) Institutional/Civic/Public Uses:
 - (A) Continuing care retirement community.
 - (B) Convention or conference center.
 - (C) Government facilities, administrative offices, and services, including but not limited to police or fire stations, emergency medical service facilities, post office, library, or similar uses.
 - (D) Hospitals, including heliports as an accessory use.
 - (E) Institutional residential for the elderly and handicapped (for nine (9) or more people).
- (d) Special Conditions for Permitted Uses in District 6. As applicable, all by-right or conditional uses shall satisfy the following conditions:

- (1) Wholesale uses or warehousing, distribution, and/or storage uses shall not occupy more than sixty percent (60%) of the gross floor area of any structure located on any parcel or lot with frontage on Route 303 or Boston Mills Road.
- (2) Only office, office business park, day care center, medical clinic, research laboratory uses, assisted living, continuing care retirement community, or institutional residential for the elderly and handicapped (for nine (9) or more people) shall be permitted as the principal use of each building on parcels or lots fronting on and/or located north of Boston Mills Road.
- (3) Only office or office business park uses shall be permitted uses by right on parcels or lots that front Route 303 and that are located six hundred (600) or more feet east of the intersection of Route 303 and Hudson Crossing Parkway. All other uses shall be allowed conditional uses.
- (4) Commercial and retail uses permitted by right or conditionally and that reference this subsection, whether the use is one (1) or more than one (1) business establishment, shall be permitted in Districts 6 and 8 only if one (1) of the following conditions is met:
 - (A) The commercial or retail activity is part of a Planned Development and the total commercial or retail uses does not exceed ten thousand (10,000) gross square feet in any one (1) building and the total commercial and/or retail uses does not exceed forty thousand (40,000) gross square feet within any Planned Development; or
 - (B) The total commercial or retail uses does not exceed the lesser of ten thousand (10,000) gross square feet or twenty-five percent (25%) of the gross floor area of any one (1) building used or designed for office or industrial uses and does not exceed forty thousand (40,000) gross square feet of the existing combined building gross floor area on the same parcel; or
 - (C) Commercial or retail uses may occupy a building separate from an office or industrially-used building, provided there exists at least thirty thousand (30,000) gross square feet of building space used or designed for office or industrial use on the same parcel. The total commercial or retail uses shall not exceed twenty-five percent (25%) of the gross floor area of the total building gross floor area on the parcel, and shall not exceed a total of forty thousand (40,000) gross square feet on the same parcel.
- (e) Property Development/Design Standards. In addition to compliance with all applicable standards set forth in Chapter 1207.18, "Zoning Development and Site Plan Standards - for Districts 6 and 8," development in District 6 shall comply with all of the following development/design standards (all standards are minimums unless otherwise noted).
 - (1) Maximum Floor Area-to-Lot Area Ratio:
 - (A) Office Uses:
 - (i) Stand-Alone: .40 to 1.0
 - (ii) As Part of a Business Park: 1.0 to 1.0
 - (B) Industrial and Warehouse Uses:
 - (i) Stand-Alone: .40 to 1.0
 - (ii) As Part of a Business Park: 1.0 to 1.0
 - (C) Mixed Office and Industrial Uses: 1.0 to 1.0
 - (2) Minimum Parcel Size:
 - (A) Office Uses: Two (2) acres.
 - (B) Office or Industrial Park: Five (5) acres.
 - (C) Industrial Uses: Two (2) acres.
 - (3) Minimum Setbacks: Setbacks in District 6 shall be:

- (A) Determined on Case-by-Case Basis. Because of the pervasiveness of sensitive environmental areas within District 6, building setbacks and yard requirements for development shall be determined on a case-by-case basis by the City Manager or Planning Commission either during the subdivision approval process or during the site plan approval process. All determinations of setbacks and yard requirements shall use as a starting point the setbacks set forth in paragraphs (B), (C) below, which may be modified pursuant to the criteria set forth in Section 1207.18(B)(3). The determination shall also be based on setbacks of existing buildings on adjacent lots and parcels and protection of any adjacent residential uses.
- (B) Minimum Front Yard Setbacks: Fifty (50) feet for principal and accessory buildings and twenty-five (25) feet for parking areas/lots, except the minimum setback for principal and accessory buildings and parking lots shall be one hundred (100) feet on the south side of State Route 303 and on Boston Mills Road.
- (C) Minimum Side and Rear Yard Setbacks: Twenty-five (25) feet.
- (D) Setbacks from Adjacent Residential Uses: Notwithstanding the provisions above:
 - (i) All buildings and structures, shall be located at least one hundred (100) feet from the lot line of any adjacent residentially zoned property.
 - (ii) All materials, and vehicles, whether such vehicle is parked or stored, shall be located at least fifty (50) feet from the lot line of any adjacent residentially zoned property.
 - (iii) All buildings and structures shall be located at least fifty (50) feet from the lot line of any adjacent residentially used property.
 - (iv) All materials, and vehicles, whether such vehicle is parked or stored, shall be located at least twenty-five (25) feet from the lot line of any adjacent residentially used property.
- (4) Route 303 Western Gateway: Landscaped Front Yard Setbacks. Notwithstanding subsection (3)(B) above, the following front yard setback areas shall be established and maintained:
 - (A) Route 303 From Terex Road Extension west to the city boundary: A front yard setback with a minimum width of three hundred (300) feet shall be required on the north side only of Route 303;
 - (B) Route 303 From Terex Road Extension east for six hundred (600) feet: A front yard setback with a minimum width of two hundred (200) feet shall be required on the north side only of Route 303; and
 - (C) Route 303 from six hundred (600) feet east of Terex Road Extension east to the eastern District 6 boundary: A front yard setback with a minimum width of one hundred (100) feet shall be required on the north side only of Route 303.

All the front yard setback areas set forth above shall be landscaped to meet, at a minimum, the planting requirements set forth in Section 1207.18. Landscaping plans for these setback areas may incorporate treatments ranging from natural and undisturbed to a highly formalized landscaped design; in all cases, however, existing topography shall be respected to the maximum extent feasible through limited site grading.

- (5) Maximum Structure Height: Fifty (50) feet.
- (6) Architecture and Design Standards: All uses in District 6 shall comply with the design standards set forth in Section 1207.18(h) of this Code.
- (7) Underground Storage: No underground storage shall be permitted in District.
- (8) Vehicular Access:
 - (A) Through Access. Hudson Crossing Parkway shall be extended as a public street to connect Terex Road through to either Boston Mills Road directly or indirectly using

Chittenden Road. If this street extension turns west to intersect with Chittenden Road, the right-of-way shall be dedicated with sixty (60) feet of width and constructed to City standards.

- (B) Local Access. Notwithstanding provisions set forth in Section 1207.18(f) cul-de-sac access drives in District 6 shall have a sixty-foot right-of-way with a minimum one-hundred-twenty-foot diameter turnaround.
 - (C) Driveway Curb Cuts. To the maximum extent feasible, the number of curb cuts shall be minimized by consolidation, shared driveways, or other means. Notwithstanding the policies of Section 1207.18(f) regarding curb cuts to arterial and collector streets shall remain the basic policy but may be altered within this District through a Development Agreement.
- (9) Location of Parking: Off-street parking should be located at the rear or side of buildings. Parking may be located in the building front yard if limited to twenty-five percent (25%) of the required off-street parking, or a one (1) aisle parking bay across the front of the building. There is no maximum amount of parking in the building front yard if the parking is screened with trees and/or mounding in addition to parking lot perimeter landscaping.
- (10) Loading Areas: Loading docks and other loading areas shall be sited at the rear or to the side of buildings, except that this standard may be modified or waived to preserve sensitive environmental features in unusual circumstances. All loading areas shall be screened in compliance with Section 1207.18 of this Code.
- (11) Pedestrian Amenities/Linkages:
- (A) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways.
 - (B) Sidewalks:
 - (i) Sidewalks or paved paths at least five (5) feet wide shall be provided on one (1) side of an abutting public street.
 - (ii) Sidewalks at least five (5) feet wide shall be provided along the full length of a building facade that features a customer entrance and along any building facade abutting a public parking area.
 - (iii) All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.
 - (iv) The Planning Commission, based upon site specific circumstances including but not limited to, topography, stormwater management, and the effect on utility systems may waive these requirements.
 - (C) Linkages: To the maximum extent feasible, provision shall be made in the design of developments for connections with existing or future pedestrian systems on adjoining properties, including but not limited to connections to existing or planned future sidewalks, bikeways, walkways, or trail systems. To the maximum extent practicable, a multi-purpose trail connector shall provide north-south access south of Boston Mills Road.

([Ord. No. 16-148](#) , § 9, 2-21-2017)

1205.10. - District 7: Outer Village Commercial Corridor and Office Overlay Zone.

- (a) Purpose. This District is intended to continue the existing land use pattern of the area, which is characterized by a predominance of retail and service establishments that serve both the immediate residential neighborhoods as well as the greater community. The commercial uses in this District are

oriented toward State Route 91, but traffic congestion and difficulties with access plague existing commercial and retail users. The regulations set forth in this District are intended to reinforce existing commercial uses, and allow their compatible redevelopment as long as these uses continue to be oriented toward State Route 91, will not aggravate existing traffic and vehicular access problems. Accordingly, until the Route 91 Corridor Management Plan is implemented by the City, or its implementation is included as a condition of a site plan approval process severe traffic problems in this area prevent approval of any new or expanded use that generates more than one hundred (100) vehicle end-trips per peak hour.

The current uses and vacant land at the northern end of District 7 serve as a transition between existing community oriented retail and the neighboring residential portion of South Main Street. Existing office uses and large parcel sizes make this area attractive for new office development. Offices, which by nature require fewer vehicle trips, can have suitable access provided given the heavy traffic volumes of this corridor. The Office Overlay Zone of the northern portion of District 7 will protect and buffer residential uses to the north and reinforce retail uses to the south.

Regulations set forth in this District are also intended to begin establishing a coherent design identity for the corridor, such as uniform setbacks and uniform height restrictions. At the same time, District 7 regulations will stress buffering and landscaping to protect adjacent residential development from any adverse noise, visual, or traffic impacts arising from new commercial/retail development.

(b) Uses By-Right, except as limited by subsection (d) below.

(1) Commercial/Retail Uses:

- (A) Artisan studios, photography shops or studios, and art galleries, provided the use does not exceed a gross floor area of five thousand (5,000) square feet.
- (B) Assembly and meeting halls, provided that such use on the ground floor of a structure shall not exceed ten thousand (10,000) square feet of gross floor area.
- (C) Automated teller machines (ATMs), walk-up only.
- (D) Banks or other financial institutions provided the use does not exceed a gross floor area of five thousand (5,000) square feet.
- (E) Bars/taverns, provided the use does not exceed a gross floor area of five thousand (5,000) square feet.
- (F) Medical clinics, provided the clinic does not exceed a gross floor area of ten thousand (10,000) square feet.
- (G) Offices, business or professional.
- (H) Recording, radio, or TV studios, provided that the gross floor area does not exceed a total of two thousand five hundred (2,500) square feet.
- (I) Restaurants, except drive-through restaurants, provided the use does not exceed a gross floor area of five thousand (5,000) square feet.
- (J) Retail uses, provided that the gross floor area does not exceed a total of five thousand (5,000) square feet.
- (K) Services, personal, business, or repair, except vehicle repair, provided the use does not exceed a gross floor area of five thousand (5,000) square feet.

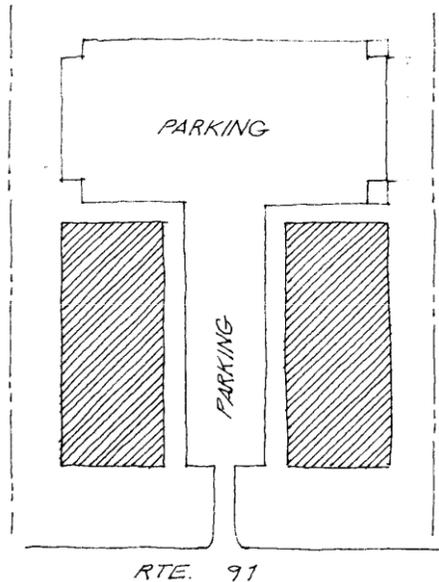
(2) Institutional/Civic/Public Uses:

- (A) Government administrative offices.
- (B) Public safety and emergency services.

(3) Planned Developments:

- (A) Planned developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.
- (4) Accessory Uses: See Section 1206.03, Accessory Uses.
- (c) Conditional Uses, except as limited by subsection (d) below. The following uses shall be conditionally permitted in District 7 subject to meeting all applicable requirements set forth in this section and Section 1206.02, "Conditional Uses."
 - (1) Commercial/Retail Uses. No use shall exceed a gross floor area of ten thousand (10,000) square feet except as allowed by [subsection] (K).
 - (A) Automotive dealers.
 - (B) Automobile repair and services.
 - (C) Automobile service stations.
 - (D) Bars or taverns located within two hundred (200) feet of a residential use.
 - (E) Car wash.
 - (F) Convenience stores.
 - (G) Day care centers, child or adult.
 - (H) Funeral home.
 - (I) Liquor store.
 - (J) Restaurants, except drive-through restaurants, located within two hundred (200) feet of a residential use.
 - (K) Retail uses on lots within District 7 which exist at the time of adoption of this Code may be expanded in excess of the ten thousand (10,000) square feet gross floor area limit on such lots if all of the following criteria are met:
 - (i) The proposed expansion will implement a component of the SR91 Corridor Management Plan;
 - (ii) The proposed expansion is necessary for the continued economic viability of the existing use on that lot;
 - (iii) The maximum floor area to lot area ratio (Section 1205.10(d)(5) is complied with;
 - (iv) The parking requirements of Section 1207.12 are complied with; and
 - (v) Auto trips generated by the proposed expansion do not cause a degradation in the existing Level of Service on contiguous roadways.
 - (L) Retail uses with outdoor sales or storage.
 - (M) Veterinary facilities or small animal clinics including overnight indoor boarding.
 - (2) Accessory Uses: See Section 1206.03, "Accessory Uses."
- (d) Special Conditions for District 7 Office Overlay Zone.
 - (1) Only the following uses by right shall be permitted on parcels or lots fronting on Darrow Road and located on the west side of Darrow Road north of a point of Darrow Road four hundred fifty-six (456) feet north of Faymont Drive (generally, a westerly line extended from Callander Drive) and parcels or lots located on the east side of Darrow Road south of a point of Darrow Road four hundred ninety-four (494) feet south of Stoney Hill Drive in District 7, which area shall be known as the "District 7 Office Overlay Zone," and designated as such on the Official Zoning Map;
 - (A) Banks or other financial institutions, except for drive through teller and ATM facilities;

- (B) Offices, business or professional;
 - (C) Government administrative offices.
- (2) Only the following conditional uses shall be permitted in the District 7, Office Overlay Zone;
- (A) Artisan studios, photography shops or studios, and art galleries; provided the use does not exceed a gross floor area of five thousand (5,000) square feet.
 - (B) Bed and Breakfast inns.
 - (C) Funeral homes.
 - (D) Recording, radio or TV studios, provided that the gross floor area does not exceed a total of two thousand five hundred (2,500) square feet.
 - (E) Business services provided the use does not exceed a gross floor area of five thousand (5,000) square feet.
 - (F) Personal services provided the use does not exceed a gross floor area of five thousand (5,000) square feet.
 - (G) Veterinary facilities or small animal clinics, including overnight indoor boarding.
- (e) Property Development/Design Standards. In addition to compliance with all applicable standards set forth in Chapter 1207, "Zoning Development and Site Plan Standards," development in District 7 shall comply with all of the following development/design standards (all standards are minimums unless otherwise noted):
- (1) Mix of Uses. More than one (1) principal commercial/retail use permitted by-right or conditionally in District 7 may be developed or established together on a single lot or site, or within a single structure, provided all applicable requirements set forth in this section and Code, including trip generation limitations, and all other applicable ordinances, are met.
 - (2) Minimum Lot Size: two and one-half (2.5) acres.
 - (3) Minimum Lot Width: two hundred fifty (250) feet.
 - (4) Minimum Lot Depth: four hundred (400) feet.
 - (5) Maximum Floor Area to Lot Area Ratio: .50 to 1.0
 - (6) Setbacks: Unless modified pursuant to Section 1203.08, "Minor Modifications," yard setbacks in District 7 shall be:
 - (A) Minimum Front Yard Setback: thirty (30) feet.
 - (B) Minimum Side Yard Setback: fifteen (15) feet.
 - (C) Minimum Rear Yard Setback: thirty (30) feet, except when the rear yard of a non-residential use abuts a residentially zoned property, the rear yard setback shall be increased to fifty (50) feet from the edge of the parking lot to the adjacent property line.
 - (D) Arterial Setbacks: See arterial setback and landscaping requirements in Section 1207.04(k), Landscaping/Buffering.
 - (7) Maximum Structure Height: thirty-five (35) feet.
 - (8) Building Siting and Orientation. The following building siting and orientation requirements shall apply to new development in District 7 (See also parking location standards below.):
 - (A) The front of all buildings shall be oriented to the side property line (i.e., perpendicular to the Route 91 right-of-way). (See Figure 7.)
 - (B) Multiple buildings on a development site shall be oriented to create an interior space or courtyard, in which parking areas or private open space may be located. (See Figure 7.)



- (C) Loading and service docks shall be sited either at the rear of the building or along the side of the building opposite from the primary entrance.
- (9) Architecture and Design Standards. See architectural design guidelines located in Appendix D.
- (10) Vehicular Access: All development shall comply with the vehicular access standards and requirements set forth in any adopted comprehensive access management plans for the State Route 91 corridor.
- (11) Traffic Generation Limits. No new or expanded use that generates more than one hundred (100) vehicle end-trips during a peak hour shall be approved.
- (12) Location of Parking. In addition to the standards for off-street parking set forth in Section 1207.12 of this Code, the following restrictions shall apply in District 7:
 - (A) No more than ten percent (10%) of off-street parking may be located in a building's front yard area. All other off-street parking shall be located at the rear or side of the building on the interior of lot and shall be accessed by means of shared driveways.
 - (B) Shared Parking. Parking lots shall be interconnected with commercial/retail parking lots on adjacent properties to the maximum extent feasible. As per Section 1207.12(h), "Joint or Collective Parking Facilities," cross-access easements or other acceptable agreements for adjacent lots with interconnected parking lots shall be submitted in language acceptable to the city's solicitor and the PC to ensure availability of shared parking to users.
- (13) Pedestrian Amenities:
 - (A) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways. Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.
 - (B) Sidewalks:
 - (i) Sidewalks at least five (5) feet wide shall be provided on all sides of a lot that abut a public street, way, or open space.
 - (ii) Sidewalks at least five (5) feet wide shall be provided along the full length of a building facade that features a customer entrance and along any building facade abutting a public parking area.

- (iii) All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.
- (C) Compliance with Access Management Plan: All development shall comply with the pedestrian access standards and requirements set forth in any adopted comprehensive access management plans for the State Route 91 corridor.
- (D) Linkages: To the maximum extent feasible, provision shall be made in the design of developments for connections with existing or future pedestrian systems on adjoining properties, including but not limited to connections to existing or planned future sidewalks, bikeways, walkways, or trail systems.

([Ord. No. 16-148](#), § 9, 2-21-2017)

1205.11. - District 8: Industrial/Business Park.

- (a) Purpose. District 8 contains the bulk of prime, potential commercial development areas in the City of Hudson, and is intended to provide sites to accommodate the majority of future job growth in the community. The District enjoys good access to both rail and key arterial highways, and will be the focus of several significant interchange improvements. Accordingly, permitted uses encourage the development of large-scale office, industrial, and business parks. Only clean manufacturing and other industrial uses are permitted; industries that produce significant quantities of hazardous substances are specifically prohibited.

Only to the extent necessary to serve employers and employees in the District or only as an accessory use to a principal office or industrial use, retail and services are permitted. The District also contains significant sensitive environmental areas, in particular wetlands, floodplains, and waterways. The District regulations thus require all new development to be sited in consideration of such environmental areas and, to the maximum extent feasible, to leave such areas as natural, open spaces. District 8: Hike Bike (HB) Senior Housing Overlay Zone begins at Section 1205.11(f).

- (b) Uses By-Right.
 - (1) Commercial/Retail:
 - (A) Adult businesses, subject to Section 1207.19(a).
 - (B) Banks or other financial institutions, subject to the conditions set forth in subsection (d) below.
 - (C) Medical clinics.
 - (D) Office business parks.
 - (E) Offices, business or professional, not located in a business park.
 - (F) Recording, radio, or television studios.
 - (G) Restaurant, subject to the conditions set forth in subsection (d) below.
 - (H) Retail uses, subject to the conditions set forth in subsection (d) below.
 - (I) Services, business, personal or repair, subject to the conditions set forth in subsection (d) below.
 - (J) Showrooms and salesrooms for wholesale distribution.
 - (K) Wholesale trade.
 - (2) Industrial Uses (Subject to the performance standards set forth in Section 1207.10 of this Code):

- (A) Industrial business parks.
 - (B) Industrial uses light.
 - (C) Research laboratories, including but not limited to:
 - (i) Theoretical and applied research in all the sciences;
 - (ii) Product development and testing;
 - (iii) Product engineering development; or
 - (iv) Market development.
 - (D) Resource recovery operations conducted entirely within an enclosed structure.
 - (E) Warehousing, distribution, and/or storage.
 - (F) Workshops and custom small industry uses.
- (3) Institutional/Civic/Public Uses:
- (A) Essential public utility and public services installations, including but not limited to bus shelters and bus stops, but not including power generating stations, or transfer stations.
 - (B) Government administrative offices.
 - (C) Government public works and service facilities.
 - (D) Public park or recreation areas, including multipurpose trails.
 - (E) Public recreational facilities, indoor or outdoor.
 - (F) Public safety and emergency services.
- (4) Planned Developments:
- (A) Planned development, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.
- (5) Accessory Uses:
- (A) Storage of goods, non-hazardous materials and equipment is permitted in the side and rear yard. Storage shall be screened from view on the front by Bufferyard B and shall be screened from view of the side lot lines by Bufferyard A as described in Section 1207.04(g).
 - (B) See Section 1206.03, Accessory Uses.
- (c) Conditional Uses. The following uses shall be conditionally permitted in District 8 subject to meeting all applicable requirements set forth in this section and Section 1206.02, Conditional Uses.
- (1) Residential Uses:
- (A) Assisted Living.
- (2) Commercial/Retail Uses:
- (A) Assembly and meeting halls, provided that such use of a structure shall not exceed sixteen thousand (16,000) square feet of gross floor area. The gross floor area requirement shall not be subject to a variance by the Board of Zoning and Building Appeals.
 - (B) Automobile repair and services, but not including automobile wrecking or salvage, provided any accessory retail sales use shall not exceed two thousand five hundred (2,500) square feet in gross floor area.
 - (C) Commercial nurseries.

- (D) Commercial operations that involve operation, parking, and maintenance of vehicles, cleaning of equipment, or work processes involving solvents, transfer stations, storage of goods, including self storage.
 - (E) Day care centers, child or adult.
 - (F) Lodging.
 - (G) Recreational or sports training facilities, commercial.
 - (H) Vehicle and equipment rentals.
 - (I) Vehicle repair/services.
 - (J) Wireless Telecommunication Facilities, including towers as regulated by the requirements of Section 1207.15.
- (3) Industrial Uses:
- (A) Industrial use, heavy.
 - (B) Recreational vehicle, boat, or truck storage.
- (4) Institutional/Civic/Public Uses:
- (A) Continuing Care Retirement Community.
 - (B) Convention or conference center.
 - (C) Government facilities, offices, and services.
 - (D) Hospitals, including heliports as an accessory use.
 - (E) Institutional residential for the handicapped or elderly.
 - (F) Public safety and emergency services, including but not limited to police or fire stations, emergency medical service facilities, or similar uses.
- (5) Agricultural Uses:
- (A) General Agricultural Operations.
- (6) Accessory Uses:
- (A) Oil and Gas Exploration and Extraction of lots of at least twenty (20) acres in size under single ownership.
 - (B) See Section 1206.03, Accessory Uses.
- (d) Special Conditions.
- (1) Commercial and retail uses permitted by right or conditionally and that reference this subsection whether the use is one (1) or more than one (1) business establishment, shall be permitted in Districts 6 and 8 only if one (1) of the following conditions is met:
- (A) The commercial or retail activity is part of a Planned Development and the total commercial or retail use does not exceed ten thousand (10,000) gross square feet in any one (1) building and the total commercial and/or retail uses does not exceed forty thousand (40,000) gross square feet within any Planned Development; or
 - (B) The total commercial or retail uses does not exceed the lesser of ten thousand (10,000) gross square feet or twenty-five percent (25%) of the gross floor area of any one (1) building used or designed for office or industrial uses and does not exceed forty thousand (40,000) gross square feet of the existing combined building gross floor area on the same parcel; or
 - (C) Commercial or retail uses may occupy a building separate from an office or industrially-used building, provided there exists at least thirty thousand (30,000) gross square feet of

building space used or designed for office or industrial use on the same parcel. The total commercial or retail uses shall not exceed twenty-five percent (25%) of the gross floor area of the total building gross floor area on the parcel, and shall not exceed a total of forty thousand (40,000) gross square feet on the same parcel.

- (e) Property Development/Design Standards. In addition to compliance with all applicable standards set forth in Chapter 1207, "Zoning Development and Site Plan standards," including but not limited to Section 1207.18, "Zoning Development and Site Plan Standards for Districts 6 and 8," development in District 8 shall comply with all of the following development/design standards (all standards are minimum unless otherwise noted).
 - (1) Maximum Floor Area to Lot Area Ratio:
 - (A) Office Uses:
 - (i) Stand-Alone: .40 to 1.0
 - (ii) As Part of a Business Park: 1.0 to 1.0
 - (B) Industrial and Warehouse Uses:
 - (i) Stand-Alone: .40 to 1.0
 - (ii) As Part of a Business Park: 1.0 to 1.0
 - (C) Mixed Office and Industrial Uses: 1.0 to 1.0
 - (2) Minimum Parcel Size:
 - (A) Office Uses: two (2) acres.
 - (B) Office or Industrial Park: five (5) acres.
 - (C) Industrial Uses: two (2) acres.
 - (3) Setbacks: Setbacks in District 8 shall be: Determined on Case-by-Case Basis. Because of the pervasiveness of sensitive environmental areas within District 8, building setbacks and yard requirements for development shall be determined on a case-by-case basis by the Planning Commission or City Manager in cases of administrative review, either during the subdivision approval process or during the site plan approval process. All determinations of setbacks and yard requirements shall use as a starting point the setbacks set forth in paragraphs (B) and (C) below, which may be modified pursuant to the criteria set forth in Section 1207.18.(B)(3). The determination shall also be based on setbacks of existing buildings on adjacent lots and parcels and protection of any adjacent residential uses.
 - (A) Minimum front yard setbacks: fifty (50) feet for principal and accessory buildings; and twenty-five (25) feet for parking areas/lots.
 - (B) Minimum side and rear yard setbacks: twenty-five (25) feet.
 - (C) Setbacks from Adjacent Residential Uses other than the Hike Bike (HB) Senior Housing Overlay Zone: Notwithstanding the provisions above:
 - (i) All buildings and structures, shall be located at least one hundred (100) feet from the lot line of any adjacent residentially zoned property.
 - (ii) All materials, and vehicles, whether such vehicle is parked or stored, shall be located at least fifty (50) feet from the lot line of any adjacent residentially zoned property.
 - (iii) All buildings and structures shall be located at least fifty (50) feet from the lot line of any adjacent residentially used property.
 - (iv) All materials, and vehicles, whether such vehicle is parked or stored, shall be located at least twenty-five (25) feet from the lot line of any adjacent residentially used property.

- (v) The minimum setbacks of subsections (A), (B), and (C) shall apply within District 8 proper and its permitted uses including office and industrial uses adjacent to all property within the Hike Bike Senior Housing Overlay Zone.
- (E) Bufferyards Adjacent to Hike Bike Senior Housing Overlay Zone: Any permitted use developed in District 8 proper adjacent to property located with the Overlay shall not be required to install a Bufferyard more intense than Bufferyard "B".
- (4) Maximum Structure Height:
 - (A) Wireless Telecommunication Towers: less than two hundred (200) feet.
Wireless Telecommunication Equipment Shelter: fifteen (15) feet.
 - (B) All other uses: fifty (50) feet.
- (5) Architecture and Design Standards: All uses in District 8 shall comply with the design standards set forth in Section 1207.18 of this Code.
- (6) Vehicular Access/Driveway Curb Cuts:
 - (A) All development shall comply with the standards and requirements set forth in any adopted comprehensive access management plans for the State Route 91 corridor.
 - (B) Driveway curb cuts. To the maximum extent feasible, the number of curb cuts shall be minimized by consolidation, shared driveways, or other means. See Section 1207.18(f) regarding restrictions on curb cuts to arterial and collector streets.
- (7) Location of Parking: Off-street parking should be located at the rear or side of buildings. Parking may be located in the building front yard if limited to twenty-five percent (25%) of the required off-street parking, or a one (1) aisle parking bay across the front of the building. There is no maximum amount of parking in the building front yard if the parking is screened with trees and/or mounding in addition to parking lot perimeter landscaping.
- (8) Loading Areas. Loading docks and other loading areas may be sited at the rear or to the side of buildings, provided that such areas are screened in compliance with Section 1207.18 of this Code.
- (9) Pedestrian Amenities/Linkages:
 - (A) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways.
 - (B) Sidewalks:
 - (i) Sidewalks or paved paths at least five (5) feet wide shall be provided on one (1) side of an abutting public street, except on Darrow Road where they shall be provided on both sides of the street.
 - (ii) Sidewalks at least five (5) feet wide shall be provided along the full length of a building facade that features a customer entrance and along any building facade abutting a public parking area.
 - (iii) All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.
 - (C) Compliance with Access Management Plan: As applicable, all development with frontage on State Route 91 shall comply with the pedestrian access standards and requirements set forth in any adopted comprehensive access management plans for the State Route 91 corridor.
 - (D) Linkages: To the maximum extent feasible, provision shall be made in the design of developments for connections with existing or future pedestrian systems on adjoining

properties, including but not limited to connections to existing or planned future sidewalks, bikeways, walkways, or trail systems.

(f) Hike Bike (HB) Senior Housing Overlay Zoning District 8.

- (1) Purpose of Overlay Zone. This overlay zone within District 8 recognizes the unique presence of the Metro Parks Hike and Bike (HB) Trail as a geographic feature and community Amenity. The overlay zone is intended to house residents age fifty-five (55) and over providing smaller yards for convenience and ease of maintenance within a larger subdivision that will maximize connections to the Hike and Bike Trail. All portions of the overlay zone are within one thousand one hundred (1,100) feet, less than one-quarter ($\frac{1}{4}$) mile from the Hike and Bike Trail. This housing will assist the goal of providing diversity in housing options in the city with proximity to centers of employment and health/wellness with a variety of housing types and lot sizes.

Adjacent District 9 and amenity retail allowed within the overlay zone offers a proximity of current and future facilities and services which especially benefit active adult seniors. It recognizes a community planning trend away from the isolation of uses given the changing nature of "Industrial" and the desire for Mixed and adjacent uses, such as housing, retail and offices. There is a specific intention to not offer a residential environment protected from the effects of usual and customary commercial and industrial business activity. Non-vehicular circulation is given a high priority and potential traffic impacts will be mitigated through implementation of the State Rt. 91 Traffic Corridor Study. The overlay zone supersedes the underlying industrial and business park zoning in District 8.

(2) Uses By-Right.

(A) Age Restricted Residential, see Property Development Standards below:

- (i) Duplexes.
- (ii) Single family, attached.
- (iii) Single family, detached.
- (iv) Residential group homes for up to five (5) handicapped or elderly people.
- (v) Townhomes.

(B) Institutional/Civic/Public:

- (i) Public park or recreation areas, including multi-purpose trails.
- (ii) Public recreational facilities, indoor or outdoor.
- (iii) Public safety and emergency services.
- (iv) Essential public utility and public services installations.

- (3) Conditional Uses. The following uses shall be conditionally permitted in the District 8 Overlay Zone subject to meeting all applicable requirements set forth in this section and Section 1206.02, "Conditional Uses."

(A) Residential:

- (i) Assisted living.
- (ii) Dwelling units above or mixed with offices or other commercial space.
- (iii) Model homes.
- (iv) Multi-family.
- (v) Residential group homes for the handicapped or elderly (from six (6) to eight (8) people).

(B) Commercial:

- (i) Bed and breakfast inn.
- (ii) Offices*, business or professional.
- (iii) Private membership recreational facilities or clubs.
- (iv) Restaurants*, except drive-through restaurants.
- (v) Retail uses.*
- (vi) Services* for personal, business, or repair, except for vehicle.

* Subject to special condition that such use must be located within 1,000 feet of both the Metro Parks Hike and Bike Trail and District 9.

- (C) Institutional/Civic/Public: Public, non-profit, or private cultural facilities, including but not limited to libraries and museums.
 - (D) Planned Developments: Planned Developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code, except "Density Bonuses", Section 1204.02(c) shall not apply.
- (4) Property Development/Design Standards. In addition to compliance with all applicable standards set forth in Chapter 1207, "Zoning Development and Site Plan Standards", development in the District 8 Overlay Zone shall comply with all of the following development/design standards (all standards are minimums unless otherwise noted):
- (A) Residential Occupant Restrictions on Years of Age.
 - (i) Homeowners Association. All dwellings shall be included within a development having a mandatory homeowners association. Said homeowners association shall be incorporated in Ohio and the association shall provide for building and grounds maintenance and repair, insurance and working capital to accomplish such purposes. Said association shall publish and adhere to policies and procedures that demonstrate that the community is intended and operated to provide housing for persons fifty-five (55) years of age and older including maintaining surveys or affidavits verifying compliance with fifty-five (55) years of age and older occupancy requirements as permitted by 42 U.S.C. 3607(b)(2)(C) of the Housing for Older Persons Act of 1995 and its implementing regulations. Said association shall also be governed by the declarations of covenants and restrictions and by laws including rules and regulations which shall at a minimum regulate and control the following:
 - (I) A restriction that requires homes to be occupied by persons fifty-five (55) years of age or older, or a demonstration that at least eighty percent (80%) of the occupied units are occupied by at least one (1) resident who is age fifty-five (55) years of age or older; and
 - (II) A restriction on homes to the effect that persons under the age of nineteen (19) years of age shall not occupy or reside in a residential unit for more than ninety (90) consecutive days or more than one hundred twenty (120) cumulative days in any one (1) calendar year.
 - (III) The Association may grant variance from the above restrictions, unless the granting of a variance would result in less than eighty percent (80%) of the residential units being occupied by one (1) person fifty-five (55) years of age or older or would jeopardize the Property's status as housing for older persons under the Fair Housing Acts. Any request for a variance submitted to the association pursuant to this subsection shall set forth the names and ages of all proposed residents of the residential unit, the reason for the request and such other information as the association may reasonably require.
 - (ii) Covenants and Restrictions. Legally binding covenants and/or deed restrictions that run with the land shall apply to all dwelling units that will bind the applicant, any

assignee, mortgagee, or buyer, and all other parties that receive title to the property to the restrictions contained within this section. The grantor must state in any deed or instrument conveying title to a dwelling unit, that the property conveyed is an adult dwelling unit and is subject to the restrictions contained in this section. No covenant referencing any of the regulations or restrictions herein shall be recorded, nor shall any plat for land containing dwelling units be recorded, until and unless said covenant and/or deed restrictions that are consistent with the requirements of this section are approved by the City and enforceable by the City. The City of Hudson reserves the right, but not the responsibility, to enforce deed restrictions.

- (iii) Each developer, condominium association, or homeowner association, in a form satisfactory to the City Solicitor, shall protect and indemnify the City from and against all damages, claims for damages or costs of litigation which may arise directly or indirectly as a result of the age restrictions of the Overlay district. The form may be an insurance policy, surety bond, or other satisfactory mechanism in a form satisfactory to the City Solicitor.
- (B) Maximum Net Density:
- (i) Single-Family Detached: Four (4) dwelling units per acre.
 - (ii) Duplexes: Four (4) dwelling units per acre.
 - (iii) Single-Family Attached: Six (6) dwelling units per acre.
 - (iv) Townhomes: Eight (8) dwelling units per acre.
 - (v) Multi-Family: Twelve (12) dwelling units per acre.
- (C) Permitted Mix of Residential Uses per Development: No more than sixty-five percent (65%) of the dwellings of any residential development shall be single-family detached. At least thirty-five percent (35%) of the dwellings shall be single-family attached, duplex, townhome or multi-family type and at least three (3) of these four (4) dwelling types shall be included in each development.
- (D) Age Oriented Accessibility: Each Single-Family (Attached or Detached) or Duplex Type Dwelling shall have at least one (1) house entry from the exterior be a step-free entrance.
- (E) Open Space: Residential development shall set aside a minimum of twenty-five percent (25%) of the gross land area for private open space. As active adult age restricted dwellings, for purposes of calculating the amount of public open space dedication a dwelling unit shall be assumed to contain 1.8 persons per residence.
- (F) Allowed Lot Size: Minimum/Maximum.
- (i) Single-family detached and duplex: 6,000/9,000 SF.
 - (ii) Single-family attached: 6,000/9,000 SF.
 - (iii) Townhomes: 2,500/no max SF.
 - (iv) Multi-family: 10,000/no max SF.
- (G) Maximum Building Footprint:
- (i) Retail and Services: Two thousand (2,000) gross square feet.
 - (ii) Office: Five thousand (5,000) gross square feet.
- (H) Minimum Lot Width:
- (i) Single-Family Detached: fifty-six (56) feet, with limited use of lesser lot widths allowed as narrow as forty-five (45) feet. "Limited" means lot widths less than fifty-six (56) feet shall be used no more than four (4) lots within a span of five hundred (500) feet.
 - (ii) Duplexes: sixty (60) feet.

- (iii) Single-Family Attached: twenty (20) feet.
 - (iv) Townhomes: twenty-four (24) feet.
 - (v) Multi-Family Uses: one hundred fifty (150) feet.
 - (vi) Non-Residential Uses: fifty (50) feet.
- (I) Setbacks: Unless modified pursuant to Section 1203.08, "Minor Modifications," the yard setbacks shall be:
- (i) Front Yard Setback: twenty (20) feet minimum, thirty-five (35) feet maximum.
 - (ii) Minimum Side Yard Setback:
 - (I) Single-Family Detached/Attached: five (5) feet, fifteen (15) feet total both sides.
 - (II) Other Residential: ten (10) feet.
 - (III) Side-Facing Attached Garage: twenty-five (25) feet.
 - (IV) Other Accessory Structures: five (5) feet.
 - (V) Corner Lots: twenty (20) feet for street side not designated as "front".
 - (iii) Minimum Rear Yard Depth:
 - (I) Principal Structure: thirty (30) feet.
 - (II) Accessory Structure: eight (8) feet.
- (J) Maximum Number of Units per Structure:
- (i) Townhomes: eight (8) units per structure.
 - (ii) Multi-Family: twelve (12) units per structure.
- (K) Maximum Structure Height: thirty-five (35) feet.
- (L) Building Siting and Orientation.
- (i) Principal Residential Structures—Single-Family Detached and Duplexes.
 - (I) The main entrance(s) to the residence shall face the street.
 - (II) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
 - (ii) Principal Residential Structures—Single-Family Attached, Town homes, and Multi-Family.
 - (I) The entrance to at least one (1) dwelling unit within each building shall face the street.
 - (II) Each unit within a structure shall have its own front entryway to the outside.
 - (III) The front wall of the principal structure, or the front wall of at least one (1) principal structure in a multi-building development, shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
 - (iii) Principal Residential Structures on Corner Lots.
 - (I) In general, the structure shall face one (1) of the streets and not the corner.
 - (II) One (1) side of the structure shall be designated the "front" and shall be subject to the requirements set forth in paragraph (A) or (B) above, and requirements regarding private walks and entryways set forth below in subsection (12).

- (iv) Private Garages.
 - (I) Doors of attached garages may face the street of no more than fifty percent (50%) of the single-family attached and detached, duplex, and townhome dwellings within a street frontage of five hundred (500) feet.
 - (II) Detached garages shall be located only in the rear yard.
 - (III) New development of a residential dwelling shall provide space for the storage of at least one (1) car within an enclosed garage.
 - (IV) Garages for single family or townhome dwellings shall not be larger than seven hundred twenty (720) square feet.
- (v) Non-Residential Development.
 - (I) The main entrance to the principal structure shall face the street.
 - (II) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
 - (III) The main body of the principal structure shall be closest to the street.
- (M) Architecture and Design Standards. Architectural Design Guidelines located in Appendix D apply except for those regarding parking garages and the look alike standards. These two (2) topics have been modified as follows:
 - (i) Attached garages are restricted within each single family attached, single family detached and town homes development so that:
 - (I) No more than fifty percent (50%) of the dwellings shall have front facing garages within a span of street of five hundred (500) feet; and
 - (II) No more than sixty percent (60%) of the dwellings shall have the garage forward of the main house mass; and
 - (III) No dwelling shall have an attached garage that is both a front facing and forward of the main house mass.
 - (IV) Front facing garage doors must be single car widths and finished to blend with the main cladding materials of the home. Each individual opening is not to exceed nine (9) feet clear height and twelve (12) feet clear width.
 - (V) Front elevations shall be designed to minimize the visual impact of the garage. A front entry garage must be set back a minimum of two (2) feet from the front line of the main mass of the house. Second floors may project over the garage and porches or other architectural elements may project beyond the face of the garage. (Garages whose doors are located on a side or rear elevation of the building are not required to step back from the façade.)
 - (ii) No parking garage accessory structures are allowed for multifamily or mixed-use structures. Parking must be surface lots, or if structured and attached to the principal structure containing the dwelling units then is permitted.
 - (iii) Single and two (2) family dwellings shall not look alike. The subject building shall not look like the buildings on two (2) lots to either side of it and three (3) buildings facing it across the street.
- (N) Private Walkway Entrances. All new development shall connect the front of the principal structure to the sidewalk with a private connecting walkway entrance and/or driveway surfaced with either concrete, brick, or stone.
- (O) Driveway Curb Cuts.

- (i) Single-Family Detached: No more than one (1) driveway curb cut per lot.
 - (ii) Single-Family Attached, Duplexes and Multi-Family: No more than driveway curb cuts per development site.
 - (iii) Non-Residential Uses: No more than one (1) driveway curb cut per lot.
 - (iv) Compliance with Traffic Study: All developments must comply with the State Route 91 Traffic Corridor Study.
- (P) Location of Parking. In addition to the off-street parking requirements set forth in Section 1207.12 of this Code, off-street parking requirements set forth in Section 1207.12 of this Code, off-street parking shall be located only to the side and rear of the principal building. Off-street parking shall not be allowed within the front setback area.
- (Q) Distance Between Residential Buildings. Structures containing either single-family-attached, townhomes, or multi-family dwelling units shall be separated from each other by a minimum of sixteen (16) feet at their closest points.
- (R) Pedestrian/bicycle Pathways and Linkages:
- (i) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways. Funds in lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.
 - (ii) Any amount of land set aside for trails in a development shall be credited toward either the public or private open space requirements set forth in this section and in Section 1207.05 of this Code.
 - (iii) Sidewalks or multi-use paths shall be provided on both sides of all streets, shall run parallel to the street within the right-of-way, and shall be separated from the curb by a planting strip at least five (5) feet in width. Sidewalks shall be at least five (5) feet wide.
 - (iv) Provision shall be made in the design of developments to feature interconnections with existing or planned streets and pedestrian or bikeway systems on adjoining properties with multi-use paths eight (8) feet in width, and sidewalks.
- (S) Environmental Standards. See Section 1205.14, "Floodplain/Floodway Overlay."

([Ord. No. 16-148](#) , § 9, 2-21-2017)

1205.12. - District 9: Darrowville Commercial Corridor.

- (a) Purpose. District 9 is intended to encourage neighborhood scaled retail and service business and enhance the southern gateway to the community. It respects the boundaries of the historic Darrowville Village and is distinguished from the suburban style commercial development in Stow and the office/industrial zoning to the north. It offers recreational and wellness amenities, including the Metro parks Bike and Hike Trail, which should be enhanced with complementary retail and personal service businesses. With adjacent and nearby housing, District 9 retail, services and offices offer a sustainable development pattern that encourages walking and promotes alternative circulation to dependency on State Route 91. Historic structures will be preserved wherever feasible with development standard incentives and new development should incorporate those structures. The Darrowville historic structures may be razed if found to be economically infeasible to renovate, or to relocate and reuse the building based upon the findings of a feasibility study for the historic buildings performed for the structure(s) in question by the owner/developer and approved by the Planning Commission as well as approved by the Architectural and Historic Board of Review. Eight (8) structures have been identified as historic:
- (1) 5108 Darrow Road - an Italianate house c. 1870;

- (2) 5114 Darrow Road - a New England-style home c. early 1850s;
- (3) 5122 Darrow Road - a Queen Anne-style home c. 1880s;
- (4) 5136 Darrow Road - a home; and
- (5) Darrowville Post Office c. 1900;
- (6) 5158 Darrow Road - a farmhouse dating to 1853;
- (7) 5192 Darrow Road - an Italianate home c. 1870;
- (8) 5230 Darrow Road - a Greek Revival farmhouse c. 1837.

The Planned Development option can provide flexibility with certain development standards in exchange for higher quality design and integrated connection between uses and buildings. In addition, District regulations are intended to relieve any new traffic and congestion impacts arising from new development by following the recommendations of the State Route 91 Traffic Corridor Study including provisions for connector roads that are distinguished from public streets.

(b) Uses By-Right. Subject to the restrictions of [subsection] (d)(5)(c) of this section, "Maximum Floor Area to Lot Area Ratio, Maximum Building Footprint":

- (1) Residential:
 - (A) Dwelling units stacked above or mixed with offices or other commercial space.
- (2) Commercial/Retail:
 - (A) Artisan studios, photography shops and studios, and art galleries.
 - (B) Assembly and meeting halls.
 - (C) Automated teller machines (ATMs).
 - (D) Banks or other financial institutions.
 - (E) Bars/taverns more than two hundred (200) feet from a residential use.
 - (F) Commercial nurseries.
 - (G) Medical clinics.
 - (H) Offices, business or professional.
 - (I) Recording, radio, or television studios.
 - (J) Restaurants, except drive-through restaurants, more than two hundred (200) feet from a residentially zoned property.
 - (K) Retail uses without outdoor sales or storage.
 - (L) Services, business, personal, or repair, except vehicle repair.
- (3) Reserved.
- (4) Institutional/Civic/Public:
 - (A) Essential public utility and public services, including but not limited to bus shelters and bus stops, but not including power generating stations, transfer stations, or outdoor storage.
 - (B) Government administrative offices.
 - (C) Public park or recreation area, including multipurpose trails.
 - (D) Public recreational facilities, indoor or outdoor.
 - (E) Public safety and emergency services.
- (5) Planned Developments:

- (A) Planned developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.
- (6) Accessory Uses: See Section 1206.03, "Accessory Uses."
- (c) Conditional Uses. The following uses shall be conditionally permitted in District 9 subject to meeting all applicable requirements set forth in (d) of this section, including the restrictions of (d)(5)(c), "Maximum Floor Area to Lot Area Ratio, Maximum Building Footprint", and Section 1206.02, "Conditional Uses."
 - (1) Commercial/Retail:
 - (A) Automobile repair and services.
 - (B) Bars or taverns located within two hundred (200) feet of a residential use.
 - (C) Bed and breakfast inn.
 - (D) Convenience stores.
 - (E) Day care centers, child or adult.
 - (F) Entertainment and amusement facilities, indoor.
 - (G) Funeral home.
 - (H) Liquor stores.
 - (I) Lodging.
 - (J) Recreational or sports training facilities, commercial.
 - (K) Restaurants, except drive through restaurants, located within two hundred (200) feet of residentially zoned property.
 - (L) Retail uses with outdoor sales or storage.
 - (2) General Agricultural Operations.
 - (3) Institutional/Civic/Public Uses:
 - (A) Schools, public or private—preschool, elementary, secondary, or post-secondary.
 - (4) Accessory Uses: See Section 1206.03, "Accessory Uses."
- (d) Property Development/Design Standards. In addition to compliance with all applicable standards set forth in Chapter 1207, "Zoning Development and Site Plan Standards," all development in District 9 shall comply with all of the following development/design standards (all standards are minimums unless otherwise noted):
 - (1) Mix of Uses. More than one (1) principal use permitted by-right or conditionally in District 9 may be developed or established together within a single structure or in multiple structures on the same lot, provided all applicable requirements set forth in this section and Code, and all other applicable ordinances, are met.
 - (2) Minimum Distance Between Buildings: twenty-five (25) feet, except for historic structures when this minimum shall be reduced to fifteen (15) feet.
 - (3) Minimum Lot Size: one (1) acre, except lots containing historic structures shall have no minimum lot size provided no new separate driveway is provided with less than one (1) acre, and the Floor Area to Lot Area Ratio applies.
 - (4) Minimum Lot Width: two hundred (200) feet.
 - (5) Maximum Floor Area to Lot Area Ratio:
 - (A) Retail and Services: .35 to 1.0
 - (B) Office: 50 to 1.0

- (C) Maximum Building Footprint:
 - (i) The building footprint area of any one (1) retail building or retail use may not exceed five thousand (5,000) gross square feet as a use by right, or ten thousand (10,000) gross square feet as a Conditional Use, except as provided in this subsection.
 - (ii) If part of a multi-building complex of three (3) or more buildings on a site plan approved with five (5) acres or more, the City Manager may permit retail buildings of ten thousand (10,000) gross square feet or less.
 - (iii) Within a Planned Development, any one (1) retail building may not exceed twenty thousand (20,000) gross square feet nor any single retail business use exceed fifteen thousand (15,000) square feet.
 - (iv) No variance shall be granted to the maximum allowed building footprint area of this subsection.
- (6) Setbacks: Unless modified pursuant to Section 1203.08, "Minor Modifications," the yard setbacks in District 9 shall be the following. Setbacks shall be measured from dedicated right-of-way or public access easement boundary lines:
 - (A) Minimum Front Yard Setback: twenty (20) feet.
 - (B) Minimum Side Yard Setback: ten (10) feet, except when the side yard abuts a residential use, the side yard setback for buildings or parking shall be increased to thirty (30) feet. Buildings may share a common side wall when addressed by easement; then the side yard setback does not apply between those buildings.
 - (C) Minimum Rear Yard Setback: one hundred (100) feet, except when the rear yard abuts a residentially zoned property the setback for parking shall be at least fifty (50) feet to the adjoining property line. For lots with retained historic structures the rear yard setback shall be reduced to ten (10) feet from historic structures.
- (7) Maximum Structure Height: thirty-five (35) feet.
- (8) Architecture and Design Standards. See architectural design guidelines located in Appendix D.
- (9) Commercial/Retail Parking: In addition to the standards for off-street parking set forth in Section 1207.12 of this Code, the following restrictions shall apply in District 9:
 - (A) Location and Access.
 - (i) Parking in the front yard is limited to one (1) aisle and two (2) rows of parking spaces. All other off-street parking shall be located at the rear or side of the building on the interior of the lot and shall to the maximum extent feasible be accessed by means of shared driveways.
 - (ii) Credit against the required amount of off-street parking shall be granted for on-street parking that is available for general public use on a daily basis and is located within a maximum radius of three hundred (300) feet from the subject use.
 - (B) Shared Parking: Parking lots located to the rear of principal buildings shall be interconnected with commercial/retail parking lots on adjacent properties to the maximum extent feasible. As per Section 1207.12(h), "Joint or Collective Parking Facilities," cross-access easements or other acceptable agreements for adjacent lots with interconnected parking lots shall be required in language acceptable to the city's solicitor to ensure availability of shared parking to users.
 - (C) Historic Structures. The preservation of historic structures shall not require off-street parking for the uses contained within such structures.
- (10) Vehicular Access/Driveway Curb Cuts.

- (A) Vehicular access to all new development must comply with the State Route 91 Traffic Corridor Study or similarly adopted document.
 - (B) To the maximum extent feasible, vehicular access to all new development in District 9 shall be from entrance drives, access roads, or shared driveways.
 - (C) All driveways within District 9 shall be spaced at least two hundred (200) feet from the pavement edge of any other driveway or public street intersection.
 - (D) Driveway curb cuts shall be limited to one (1) per development site and, to the maximum extent feasible, the number of curb cuts shall be minimized by consolidation, shared driveways, or other means.
- (11) Pedestrian Amenities:
- (A) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways. Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.
 - (B) Sidewalks.
 - (i) Sidewalks at least five (5) feet wide shall be provided on all sides of a lot that abut a public street, way, or open space.
 - (ii) Sidewalks at least five (5) feet wide shall be provided along the full length of a building facade that features a customer entrance, and along any building facade abutting a public parking area.
 - (iii) All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.

([Ord. No. 16-44](#), § 3, 7-19-2016; [Ord. No. 16-148](#), § 9, 2-21-2017)

1205.13. - District 10: Ravenna Road Corridor.

- (a) Purpose. District 10 encompasses properties in the northeast corner of the City of Hudson and is characterized by a mix of large-lot single-family residences, commercial uses, professional office, and industrial uses. Today, there remain large expanses of open space and a verdant riparian corridor that give the District a distinctively semi-rural feel. The intent of these regulations is to permit the continuation of a mix of large-lot residential and smaller-scale commercial uses in District 10, and in particular to permit limited commercial uses that are not in conflict with commercial uses allowed in the Village Core and along the State Route 91 corridor. Residential development is permitted in conformance with the rural residential and conservation standards required in District 2; all new nonresidential development will be required to provide adequate landscaping and other means to buffer it from adjacent residential uses.
- (b) Uses By-Right.
 - (1) Residential:
 - (A) Single-family detached.
 - (B) Family day care homes, small (one (1) to six (6) children).
 - (C) Residential group homes for up to five (5) handicapped or elderly people.
 - (2) Commercial/Retail:
 - (A) Artisan studios, photography studios and shops, and art galleries.

- (B) Commercial nurseries.
- (C) Office, business or professional, provided that total gross floor area does not exceed five thousand (5,000) square feet.
- (D) Private-membership recreational facility or club.
- (E) Retail uses, provided that total gross floor area does not exceed five thousand (5,000) square feet.
- (F) Services, business, personal, or repair, except vehicle repair, provided that total gross floor area does not exceed five thousand (5,000) square feet.
- (3) Agricultural:
 - (A) General agricultural operations.
- (4) Institutional/Civic/Public:
 - (A) Government administrative offices.
 - (B) Public park or recreation areas, including multipurpose trails.
 - (C) Public recreational facilities, indoor or outdoor.
 - (D) Public safety and emergency services.
 - (E) Essential public utility and public services installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage.
- (5) Planned Developments:
 - (A) Planned developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.
- (6) Accessory Uses: See Section 1206.03, Accessory Uses.
- (c) Conditional Uses. The following uses shall be conditionally permitted in District 10 subject to meeting all applicable requirements set forth in this section and Section 1206.02, Conditional Uses.
 - (1) Residential:
 - (A) Open Space Conservation Subdivision.
 - (2) Commercial/Retail:
 - (A) Bed and breakfast inns.
 - (B) Convenience store.
 - (C) Family.
 - (D) Garden Centers.
 - (E) Office, business or professional, with total gross floor area exceeding five thousand (5,000) square feet.
 - (F) Recreational or sports training facility, commercial.
 - (G) Services, business, personal, or repair, except vehicle repair, with total gross floor area exceeding five thousand (5,000) square feet.
 - (H) Veterinary facility, small animal clinic (allowing overnight, indoor boarding)
 - (3) Institutional/Civic/Public Uses:
 - (A) Places of religious worship, including churches and synagogues. Religious schools and day care centers may be permitted as accessory uses within the same structure as the principal use.

- (B) Schools, public or private—preschool, elementary, secondary, or post-secondary.
- (4) Accessory Uses:
 - (A) Oil and Gas Exploration and Extraction of lots of at least twenty (20) acres in size under single ownership.
 - (B) Shared driveways for dwellings.
 - (C) See Section 1206.03, Accessory Uses.
- (d) Property Development/Design Standards. In addition to compliance with all applicable standards set forth in Chapter 1207, Zoning Development and Site Plan Standards, development in District 10 shall comply with all of the following development/design standards (all standards are minimums unless otherwise noted):
 - (1) Maximum Net Density: one (1) dwelling unit per two and one-half (2.5) acres.
 - (2) Open Space:
 - (A) Open Space Conservation Subdivisions Encouraged.
 - (i) All residential developments or subdivisions of five (5) or more lots that satisfy the minimum five-acre parcel size threshold set forth in Section 1207.06(d) of this Code are encouraged to utilize the Open Space Conservation Subdivision provisions in order to preserve a substantial amount of land for open space use and, to the maximum extent feasible, to prevent development in sensitive environmental areas including but not limited to woodlands and wetlands.
 - (ii) Open Space Conservation Subdivisions in District 10 shall comply with all requirements, including minimum open space requirements, set forth in Section 1207.06, "Open Space Conservation Subdivisions," of this Code.
 - (iii) In the case of any conflict between the provisions set forth in this Section 1205.13 and in Section 1207.06, "Open Space Conservation Subdivisions," the provisions set forth in Section 1207.06 shall apply.
 - (B) Open Space:
 - (i) Non-Open Space Conservation Developments. In addition to compliance with the standards and requirements governing open space dedications set forth in Section 1207.05 of this Code, non-open space conservation developments in District 10 shall set aside a minimum of fifty percent (50%) of the gross land area for private open space.
 - (ii) Open Space Conservation Subdivisions. Open space developments shall comply with the requirements set forth in Section 1207.06, "Open Space Conservation Subdivisions."
 - (3) Maximum Floor Area to Lot Area Ratio: Commercial/Retail: .40 to 1.0
 - (4) Minimum Lot Size:
 - (A) Residential Uses:
 - (i) Open Space Conservation Developments: ten thousand (10,000) square feet.
 - (ii) Non-Open Space Conservation Developments: two and one-half (2.5) acres.
 - (B) Non-Residential Uses: two (2) acres.
 - (5) Minimum Lot Width:
 - (A) Residential Uses: two hundred (200) feet, except that the minimum lot width may be reduced to a minimum of sixty (60) feet if the development incorporates open space

conservation lots pursuant to the standards set forth in this section and Section 1207.06 of this Code.

- (B) Non-Residential Uses: two hundred (200) feet.
- (6) Setbacks/Yard Requirements:
 - (A) Open Space Conservation Developments: All residential open space conservation developments shall comply with the setback and yard requirements set forth in Section 1207.06(e) of this Code.
 - (B) All Other Developments—Case-by-Case Determination: Because of the pervasiveness of sensitive environmental areas within District 10, building setbacks and yard requirements for development shall be determined on a case-by-case basis by the PC either during the subdivision approval process or during the site plan approval process. All determinations of setbacks and yard requirements shall use as a starting point the minimum setbacks set forth in paragraphs (C)—(E) below, which may be modified pursuant to the conditions and criteria set forth in Section 1207.01, Maximum Impervious Surface Coverage.
 - (C) Minimum Front Yard Setback:
 - (i) Residential Uses: fifty (50) feet.
 - (ii) Non-Residential Uses: one hundred (100) feet.
 - (iii) All Uses on Lots Fronting Ravenna Road: one hundred (100) feet, of which the front fifty (50) feet shall comprise a bufferyard that shall be landscaped pursuant to Section 1207.04(k).
 - (D) Minimum Side Yard Setback:
 - (i) Principal Residential Structure: fifteen (15) feet.
 - (ii) Principal Non-Residential Structure: fifteen (15) feet.
 - (iii) Side-facing attached garage: twenty-five (25) feet.
 - (iv) Other accessory structures: fifteen (15) feet.
 - (v) Corner lots: fifty (50) feet for street side not designated as "front."
 - (E) Minimum Rear Yard Setback:
 - (i) Principal Structure: twenty-five (25) feet.
 - (ii) Accessory Garage: ten (10) feet.
 - (iii) Other Accessory Structures: five (5) feet.
 - (F) Arterial Setbacks: See arterial setback and landscaping requirements in Section 1207.04(k), Landscaping/Buffering.
- (7) Maximum Structure Height: thirty-five (35) feet.
- (8) Building Siting and Orientation. The following building siting and orientation requirements shall apply to all new development in District 10, except for new development with a front yard depth of one hundred thirty (130) feet or more:
 - (A) Principal Residential Structures.
 - (i) The main entrance to the residence shall face the street.
 - (ii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
 - (B) Principal Residential Structures on Corner Lots.

- (i) In general, the structure shall face one (1) of the streets and not the corner.
 - (ii) One (1) side of the structure shall be designated the "front" and shall be subject to the requirements set forth in paragraph (A) above.
- (C) Private Garages.
- (i) Doors of attached garages shall not face the street.
 - (ii) An attached garage shall be sited so that its door is not visible from the primary direction of approach.
 - (iii) Detached garages shall be located only in the rear yard.
 - (iv) New development of a principal single family detached dwelling shall provide space for the storage of at least two (2) cars within an enclosed garage.
- (D) Non-Residential Development.
- (i) The main entrance to the principal structure shall face the street.
 - (ii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
 - (iii) The main body of the principal structure shall be closest to the street.
 - (iv) An accessory garage shall be sited so that its door is not visible from the primary direction of approach.
- (9) Bufferyard Requirements for Lots Abutting a Historic Landmark. New development on lots that abut a historic landmark shall establish a bufferyard equivalent to or greater than "Bufferyard C" as set forth in Section 1207.04(g) of this Code. The bufferyard shall be established on the boundary that abuts the historic landmark.
- (10) Driveway Curb Cuts:
- (A) Lot widths of one hundred fifty (150) feet or less: No more than one (1) driveway curb cut per residential lot.
 - (B) Lot widths of more than one hundred fifty (150) feet: No more than two (2) driveway curb cuts per non-residential lot.
- (11) Location of Parking. In addition to the off-street parking requirements set forth in Section 1207.12 of this Code, non-residential development in District 10 shall comply with the following standards:
- (A) Location: Off-street parking shall be located to the side and rear of the principal building. No more than ten percent (10%) of the non-residential off-street parking may be located in front of the principal building, including within the front yard setback area.
 - (B) Shared Parking. Parking lots for non-residential development located to the rear of the principal building shall be interconnected with commercial/retail parking lots on adjacent properties to the maximum extent feasible. As per Section 1207.12(h), "Joint or Collective Parking Facilities," cross-access easements or other acceptable agreements for adjacent lots with interconnected parking lots shall be required in language acceptable to the city's solicitor to ensure availability of shared parking to users.
- (12) Vehicular Access. To the maximum extent feasible, vehicular access to all new development in District 10 shall be from entrance drives, access roads, or shared driveways.
- (13) Architecture and Design Standards. See architectural design guidelines located in Appendix D.
- (14) Pedestrian/Bicycle Pathways and Linkages:

- (A) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways. Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.
- (B) Any amount of land set aside for trails in a development shall be credited toward either the public or private open space requirements set forth in this section and in Section 1207.05 of this Code.
- (C) Sidewalks:
 - (i) Sidewalks at least five (5) feet wide shall be provided along the full length of a building façade that features a customer entrance and along any building façade abutting a public parking area.
 - (ii) All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.
- (D) To the maximum extent feasible, provision shall be made in the design of developments for interconnections with existing or planned streets and pedestrian or bikeway systems or adjoining properties, unless the City determines that such interconnections would have adverse impacts on open spaces, wetlands, sensitive environmental areas, or other significant natural areas.

([Ord. No. 16-148](#), § 9, 2-21-2017)

1205.14. - Floodplain/Floodway Overlay District.

(a) General Provisions.

- (1) Statutory Authorization. Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of Hudson, State of Ohio, does ordain as follows:
- (2) Findings of Fact. The City of Hudson has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.
- (3) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and to:
 - (A) Protect human life and health;
 - (B) Minimize expenditure of public money for costly flood control projects;
 - (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (D) Minimize prolonged business interruptions;
 - (E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
 - (F) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;

- (G) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
 - (H) Minimize the impact of development on adjacent properties within and near flood prone areas;
 - (I) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
 - (J) Minimize the impact of development on the natural, beneficial values of the floodplain;
 - (K) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
 - (L) Meet community participation requirements of the National Flood Insurance Program.
- (4) Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include methods and provisions for:
- (A) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
 - (B) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
 - (C) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
 - (D) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
 - (E) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.
- (5) Lands to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Hudson as identified in Section (a)(6), including any additional areas of special flood hazard annexed by City of Hudson.
- (6) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and/or maps are adopted:
- (A) Flood Insurance Study Summit County, Ohio and Incorporated Areas and Flood Insurance Rate Map Summit County, Ohio and Incorporated Areas both effective July 20, 2009.
 - (B) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation.
 - (C) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Hudson as required by Section (d)(3), Subdivisions and Large Scale Developments.
- Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the ~~City Manager's Office of Hudson Administrative Offices, 46 Ravenna Street Hudson, Ohio 44236.~~
- (7) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.
- (8) Interpretation. In the interpretation and application of these regulations, all provisions shall be:
- (A) Considered as minimum requirements;
 - (B) Liberally construed in favor of the governing body; and,

- (C) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (9) Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Hudson, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.
- (10) Severability. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
- (b) Definitions. Unless specifically defined below, words or phrases used in these regulations shall first be interpreted according to the definitions set forth in Chapter 1213, if applicable, or otherwise so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.
- (1) "Accessory structure." A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (2) "Appeal." A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.
- (3) "Base flood." The flood having a one-percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-percent chance annual flood or one hundred (100) year flood.
- (4) "Base (100-Year) Flood Elevation (BFE)." The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from one (1) to three (3) feet).
- (5) "Basement." Any area of the building having its floor subgrade (below ground level) on all sides.
- (6) "Development." Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (7) "Enclosure below the lowest floor." See "Lowest Floor."
- (8) "Executive Order 11988 (Floodplain Management)." Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (9) "Federal Emergency Management Agency (FEMA)." The agency with the overall responsibility for administering the National Flood Insurance Program.
- (10) "Fill." A deposit of earth material placed by artificial means.
- (11) "Flood" or "flooding." A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (A) The overflow of inland or tidal waters; and/or
- (B) The unusual and rapid accumulation or runoff of surface waters from any source.

- (12) "Flood Hazard Boundary Map (FHBM)." Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (13) "Flood Insurance Rate Map (FIRM)." An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (14) "Flood Insurance Risk Zones." Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
- Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
- Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
- Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of one (1) to three (3) feet (usually sheet flow on sloping terrain); average depths are determined.
- Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of one (1) to three (3) feet (usually areas of ponding); base flood elevations are determined.
- Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
- Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than one (1) foot or with contributing drainage area less than one (1) square mile; and areas protected by levees from the base flood.
- Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.
- (15) "Flood Insurance Study (FIS)." The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- (16) "Flood Protection Elevation." The Flood Protection Elevation, or FPE, is the base flood elevation plus one and one-half (1.5) feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.
- (17) "Floodplain Administrator." The Floodplain Administrator is the City Manager or his designee.
- (18) "Floodway." A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one (1) foot at any point within the community.
- The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity floodwaters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (19) "Freeboard." A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and

floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

- (20) "Historic structure." Any structure that is:
- (A) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
 - (C) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
 - (D) Individually listed on the inventory of historic places maintained by City of Hudson's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

- (21) "Hydrologic and hydraulic Engineering Analysis." An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

- (22) "Letter of Map Change (LOMC)." A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

- (23) "Lowest floor." The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

- (24) "Manufactured home." A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle." For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

- (25) "Manufactured home park." As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three (3) or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and

includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

- (26) "National Flood Insurance Program (NFIP)." The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
- (27) "New construction." Structures for which the "start of construction" commenced on or after the initial effective date of the City of Hudson Flood Insurance Rate Map, September 30, 1980, and includes any subsequent improvements to such structures.
- (28) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.
- (29) "Recreational vehicle." A vehicle which is (1) built on a single chassis, (2) four hundred (400) square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (30) "Registered Professional Architect." A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.
- (31) "Registered Professional Engineer." A person registered as a professional engineer under Chapter 4733 of the Revised Code.
- (32) "Registered Professional Surveyor." A person registered as a professional surveyor under Chapter 4733 of the Revised Code.
- (33) "Special Flood Hazard Area." Also known as "Areas of Special Flood Hazard," it is the land in the floodplain subject to a one-percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.
- (34) "Start of construction." The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings,

piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

- (35) "Structure." A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
 - (36) "Substantial Damage." Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
 - (37) "Substantial Improvement." Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:
 - (A) Any improvement to a structure that is considered "new construction;"
 - (B) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (C) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure."
 - (38) "Variance." A grant of relief from the standards of these regulations consistent with the variance conditions herein.
 - (39) "Violation." The failure of a structure or other development to be fully compliant with these regulations.
- (c) Administration.
- (1) Designation of the Floodplain Administrator. The City Manager ~~or his designee~~ is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.
 - (2) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:
 - (A) Evaluate applications for permits to develop in special flood hazard areas.
 - (B) Interpret actual floodplain boundaries in the field and provide flood hazard and flood protection elevation information.
 - (C) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
 - (D) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
 - (E) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
 - (F) Enforce the provisions of these regulations.

- (G) Provide information, testimony, or other evidence as needed during variance hearings.
 - (H) Coordinate map maintenance activities and FEMA follow-up.
 - (I) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.
- (3) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in subsection (a)(6), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.
- (4) Application Required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:
- (A) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
 - (B) Elevation of the existing, natural ground where structures are proposed.
 - (C) Elevation of the lowest floor, including basement, of all proposed structures.
 - (D) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
 - (E) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - (i) Floodproofing certification for non-residential floodproofed structure as required in subsection (d)(5).
 - (ii) Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of subsection (d)(4) are designed to automatically equalize hydrostatic flood forces.
 - (iii) Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in subsection (d)(9)(C).
 - (iv) A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one (1) foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by subsection (d)(9)(B).
 - (v) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by subsection (d)(9)(A).

- (vi) Generation of base flood elevation(s) for subdivision and large-scale developments as required by subsection (d)(3).
- (F) A floodplain development permit application fee set by the schedule of fees adopted by the City of Hudson.
- (5) Review and Approval of a Floodplain Development Permit Application.
 - (A) Review.
 - (i) After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in subsection (c)(4) has been received by the Floodplain Administrator.
 - (ii) The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.
 - (B) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditioned upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.
- (6) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.
- (7) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:
 - (A) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
 - (B) For all development activities subject to the standards of subsection (c)(10)(A), a Letter of Map Revision.
- (8) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Board of Zoning and Building Appeals in accordance with Section (e) of these regulations.
- (9) Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for:
 - (A) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than five thousand dollars (\$5,000.00).
 - (B) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
 - (C) Major utility facilities permitted by the Ohio Power Siting Board under Ohio R.C. 4906.

- (D) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Ohio R.C. 3734.
- (E) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988—Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

- (10) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Hudson flood maps, studies and other data identified in subsection (a)(6) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- (A) Requirement to Submit New Technical Data.

- (i) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six (6) months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with subsection (d)(3).
- (ii) It is the responsibility of the applicant to have technical data, required in accordance with subsection (c)(10)(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- (iii) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation; and
 - b. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- (iv) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to subsection (c)(10)(A)(i).

- (B) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Manager of the City of Hudson, and may be submitted at any time.

- (C) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Hudson have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Hudson Flood Insurance Rate Map accurately represent the City of

Hudson boundaries, include within such notification a copy of a map of the City of Hudson suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Hudson has assumed or relinquished floodplain management regulatory authority.

- (11) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:
- (A) In FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
 - (B) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations.
 - (C) When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:
 - (i) Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - (ii) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations exist or where the preliminary base flood elevations exceed the base flood elevations in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
 - (D) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard in the field. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section (e), Appeals and Variances.
 - (E) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.
- (12) Substantial Damage Determinations. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:
- (A) Determine whether damaged structures are located in special flood hazard areas;
 - (B) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
 - (C) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

- (d) Use and Development Standards for Flood Hazard Reduction. The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in subsection (a)(6) or (c)(11)(A):
- (1) Use Regulations.
 - (A) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Hudson are allowed provided they meet the provisions of these regulations.
 - (B) Prohibited Uses.
 - (i) Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Ohio R.C. 3701.
 - (ii) Infectious waste treatment facilities in all special flood hazard areas, permitted under Ohio R.C. 3734.
 - (2) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
 - (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
 - (B) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
 - (C) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.
 - (3) Subdivisions and Large Developments.
 - (A) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
 - (B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - (C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - (D) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least fifty (50) lots or five (5) acres, whichever is less.
 - (E) The applicant shall meet the requirement to submit technical data to FEMA in subsection (c)(10)(A)(i)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by subsection (d)(3)(D).
 - (4) Residential Structures.
 - (A) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring [(d)(4)(A)] and construction materials resistant to flood damage [(d)(4)(B)] are satisfied.
 - (B) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
 - (C) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities

that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

- (D) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent natural grade.
 - (E) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of floodwaters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - (i) Be used only for the parking of vehicles, building access, or storage; and
 - (ii) be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - (iii) have a minimum of two (2) openings on different walls having a total net area not less than one (1) square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one (1) foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (F) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 - (G) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of subsection (d)(4).
 - (H) In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- (5) Nonresidential Structures.
- (A) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection (d)(4)(A)—(C) and (E)—(H).
 - (B) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - (i) Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - (iii) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with subsection (d)(5)(B)(i) and (ii).

- (C) Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent natural grade.
- (6) Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than six hundred (600) square feet. Such structures must meet the following standards:
- (A) They shall not be used for human habitation;
 - (B) They shall be constructed of flood resistant materials;
 - (C) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
 - (D) They shall be firmly anchored to prevent flotation;
 - (E) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
 - (F) They shall meet the opening requirements of subsection (d)(4)(E)(iii).
- (7) Recreational Vehicles. Recreational vehicles must meet at least one (1) of the following standards:
- (A) They shall not be located on sites in special flood hazard areas for more than one hundred eighty (180) days; or
 - (B) They must be fully licensed and ready for highway use; or
 - (C) They must meet all standards of subsection (d)(4).
- (8) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (9) Assurance of Flood-Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood-carrying capacity of watercourses is minimized:
- (A) Development in Floodways.
 - (i) In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - (ii) Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. Meet the requirements to submit technical data in subsection (c)(10)(A);
 - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - e. Concurrence of the City Manager of the City of Hudson and the Chief Executive Officer of any other communities impacted by the proposed actions.

- (B) Development in Riverine Areas with Base Flood Elevations but No Floodways.
 - (i) In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than one (1.0) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
 - (ii) Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one (1) foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. An evaluation of alternatives which would result in an increase of one (1) foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - b. Subsection (d)(9)(A)(ii), items (a) and (c)—(e).
- (C) Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
 - (i) The bankfull flood-carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood-carrying capacity of the watercourse will not be diminished.
 - (ii) Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
 - (iii) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood-carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Hudson specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
 - (iv) The applicant shall meet the requirements to submit technical data in subsection (c)(10)(A)(i)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.
- (e) Appeals and Variances.
 - (1) Appeals Board Established.
 - (A) The City of Hudson Board of Zoning and Building Appeals ("Board") is hereby appointed to serve as the appeals board for these regulations as established by the City Charter and Codified Ordinances.

(B) Records of the Board shall be kept and filed at ~~46 Ravenna Street Hudson, Ohio 44236~~City of Hudson Manager's Offices.

(2) Powers and Duties.

(A) The Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.

(B) Authorize variances in accordance with subsection (e)(4) of these regulations.

(3) Appeals. Any party-in-interest aggrieved by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Board provided that such person shall file, within twenty (20) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Board.

Upon receipt of the notice of appeal, the Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(4) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(A) Application for a Variance.

(i) Any owner of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Board.

(ii) Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

(iii) All applications for a variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the City of Hudson.

(B) Public Hearing. At such hearing the applicant shall present such statements and evidence as the Board requires. In considering such variance applications, the Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

(i) The danger that materials may be swept onto other lands to the injury of others.

(ii) The danger to life and property due to flooding or erosion damage.

(iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(iv) The importance of the services provided by the proposed facility to the community.

(v) The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.

- (vi) The necessity to the facility of a waterfront location, where applicable.
 - (vii) The compatibility of the proposed use with existing and anticipated development.
 - (viii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (x) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (C) Variances shall only be issued upon:
- (i) A showing of good and sufficient cause.
 - (ii) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
 - (iii) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
 - (iv) A determination that the structure or other development is protected by methods to minimize flood damages.
 - (v) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

- (D) Other Conditions for Variances.
- (i) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (ii) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (e)(4)(B)(i)—(xi) have been fully considered. As the lot size increases beyond one-half (½) acre, the technical justification required for issuing the variance increases.
 - (iii) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (5) Procedure at Hearings.
- (A) All testimony shall be given under oath.
 - (B) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.

- (C) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
 - (D) The administrator may present evidence or testimony in opposition to the appeal or variance.
 - (E) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
 - (F) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
 - (G) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
 - (H) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.
- (6) Appeal to the Court. Those aggrieved by the decision of the Board may appeal such decision to the Summit County Court of Common Pleas, as provided in Ohio R.C. Chapter 2506.
- (f) Enforcement.
- (1) Compliance Required.
 - (A) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in subsection (c)(9).
 - (B) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with subsection (f)(3).
 - (C) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with subsection (f)(3).
 - (2) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:
 - (A) Be put in writing on an appropriate form;
 - (B) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
 - (C) Specify a reasonable time for performance;
 - (D) Advise the owner, operator, or occupant of the right to appeal;
 - (E) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.
 - (3) Violations and Penalties. Whoever violates or fails to comply with any of the provisions of these regulations (including violations of conditions and safeguards established in connection with conditions) shall be subject to action under Sections 1212.02 and 1212.03 of this Code.

CHAPTER 1206. - USE REGULATIONS

1206.01. - Table of permitted and conditional uses by zone district.

The use table set forth below provides a tabular summary of the land uses allowed either by-right or conditionally within each base zone district. Where applicable, the table references (with an asterisk) district limitations on a listed use's size or other features. Those limitations can be found in Chapter 1205, which sets forth zone district use, density, and other property development/design regulations. In addition, the table references by number special conditions applicable to the listed use. The numbered special conditions in the table correspond to the same-numbered special conditions set forth and described in Section 1206.02(c), "Conditional Uses: Special Conditions and Standards," below. In the event of a conflict between the use table and the zone district use regulations set forth in Chapter 1205, the text of the zone district use regulations shall prevail.

Illustration: A new three thousand five hundred (3,500) square foot retail clothing store is proposed to be opened on the ground floor of a building located on Main Street in the Village Core—i.e., in District 5. To determine whether such use is permitted, first look up "Retail" uses in the Table of Permitted and Conditional Uses below. Retail uses are a permitted use ("P") in District 5, but are subject to limits set forth in Chapter 1205 (marked with an "*"). To find out what the limit is on retail uses in District 5, turn to Section 1205.08, District 5: Village Core/Historic District, and see that retail uses are permitted by-right provided that any ground floor retail use is less than five thousand (5,000) square feet—meaning the three thousand five hundred (3,500) foot clothing store is within the permitted bounds.

Illustration: An existing residence in District 3 (Outer Village Residential Neighborhood) is proposed to be converted to a group home for up to six (6) senior citizens. To determine whether such use is permitted, first look up "group home" uses in the Table of Permitted and Conditional Uses below. Group homes for the elderly are permitted as a conditional use ("C") in District 3, which means they must satisfy all the general criteria and standards set forth in Section 1206.02(b), plus any applicable special conditions noted in the "special conditions" column in the Table. As seen, group homes for less than eight (8) persons are subject to three (3) special conditions (numbers 5, 15, and 22). These numbers refer to the same-numbered conditions set forth in Section 1206.02(c)(4), (14), and (22), which require that a group home use meet licensing criteria and adequately address other potential concerns or impacts such as emergency access, twenty-four-hour staffing, and building code compliance.

- (a) By-Right Permitted Uses. Uses identified in a zoning district column of the Use Table with a "P" are permitted by-right and shall be allowed subject to applicable zone district requirements and other zoning development and site plan standards set forth in this Code.
- (b) Conditional Uses.
 - (1) Uses identified in a zone district column of the use table with a "C" are conditional uses and shall be allowed only if reviewed and approved in accordance with the procedures set forth in Section 1203.05 and with the general conditions and standards set forth in Section 1206.02.
 - (2) Conditional use approval shall also be subject to such special conditions as may be indicated in the "special conditions" column of the use table below. Numbers in the "special conditions" column of the use table refer to special conditions and standards applicable to a particular use in all of the districts in which such use is allowed. The referenced special conditions and standards appear in Section 1206.02(c) below. For example, special condition "1" refers to the special use condition set forth in Section 1206.02(c)(1).
- (c) Uses Not Permitted. Uses not identified in a zoning district column of the use table as permitted by-right ("P") or conditionally ("C") are not allowed in such zone district unless otherwise

permitted either through a rezoning or the "use determination" process set forth in Section 1206.06.

P = Permitted By Right C = Conditional *Size or Other Limits Apply—See Zone District Regulations, Chapter 1205														
Zoning Districts														
Use Type	1	2	3	4	5	6	7	7ol	8	8ol	9	10	Special Conditions	
Residential Uses														
Assisted Living		C	C	C	C	C				C	C			4, 10, 11, 12, 14
Duplex		C	C	C	P					P*				
Dwelling units stacked above or mixed with offices or other commercial space					P					C*	P			
Family day care home, small (1—6 children)	P	P	P	P	P							P		4
Model Home	C	C	C	C	C					C				18
Multi-Family				C	C					C*				
Residential group homes for up to 5 handicapped/elderly people	P	P	P	P	P					P*		P		4, 14, 22
Residential group homes for 6—8 handicapped/elderly people	C	C	C	C						C*				4, 14, 22
Single Family, Attached	C	C	C	C	P					P*				

P = Permitted By Right C = Conditional
***Size or Other Limits Apply—See Zone District Regulations, Chapter 1205**

Zoning Districts

Use Type	1	2	3	4	5	6	7	7ol	8	8ol	9	10	Special Conditions
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Single Family, Detached	P	P	P	P	P					P*		P	
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Townhomes	C		C	C	P					P			
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Open Space Conservation Subdivisions	C	C	C									C	
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Accessory Uses/Structures—See Section 1206.03

Shared Driveways for Dwellings	C	C	C	C	P					C		C	
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Commercial/Retail

Adult businesses									P*				25
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Artisan studios, photography studios and shops, and art galleries					P		P*	C			P	P	30
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Assembly and Meeting Halls					P		P		C		P		
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Automated teller machines (ATMs)					P*C*		P				P		13
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Automobile repair and services							C*		C*		C*		6, 7, 8, 10, 15, 17
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Automobile service stations					C		C*						6, 7, 8, 10, 15, 17, 23
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P = Permitted By Right C = Conditional
***Size or Other Limits Apply—See Zone District Regulations, Chapter 1205**

Zoning Districts

Use Type	1	2	3	4	5	6	7	7ol	8	8ol	9	10	Special Conditions
Automotive dealers							C*						6, 8, 17
Bank or other financial institution					P*C*	P*	P*	P	P*		P*		13
Bar or tavern					P*		P*				P*		
Bar or tavern located within 200 feet of a residential use					C		C*				C		27
Bed and breakfast inn	C	C	C	C	P			C		C	C	C	26
Boarding Kennel		C											
Family day care home, large (7–12 children)			C									C	3, 4, 12
Car Wash							C*						10, 17
Commercial nurseries		C							C		P	P	
Commercial operations that involve operation, parking, and maintenance of vehicles, cleaning of equipment, or work processes involving solvents, transfer stations, storage of goods, including self storage.									C				6, 8, 10, 16, 17, 19

P = Permitted By Right C = Conditional
***Size or Other Limits Apply—See Zone District Regulations, Chapter 1205**

Zoning Districts

Use Type	1	2	3	4	5	6	7	7ol	8	8ol	9	10	Special Conditions
Convenience store					C		C*				C	C	11, 24
Day care center, child or adult						C	C*		C		C		3, 4, 12
Entertainment and amusement facilities, indoor					C						C		
Funeral Home					C		C*	C			C		1, 4, 10, 12, 30
Golf course, private	C	C	C										1, 3, 5, 7, 21
Liquor store					C		C*				C		4
Lodging					C	C			C				
Medical clinics					P*	C	P*		P		P		3
Office, business or professional					P*	P	P	P	P	C*	P*C*	P*C*	31
Office business park						P		P	P				
Parking lot as principal use					P								
Parking structure as principal use					C								

P = Permitted By Right C = Conditional
***Size or Other Limits Apply—See Zone District Regulations, Chapter 1205**

Zoning Districts

Use Type	1	2	3	4	5	6	7	7ol	8	8ol	9	10	Special Conditions
Private membership recreational facility or club	C	C	C	C						C			5, 21
Recording, radio or television studios					P*	P	P*	C	P		P*		
Recreational facilities, commercial or sports training facility		C				C			C		C	C	5, 12, 21
Recreational facilities, outdoor					C						C		5, 11, 12, 21
Restaurant					P*	P*	P*		P*	C*	P*		31
Restaurant located within 200 feet of a residential use					C*		C*				C*		27
Retail Uses					P*/C*	P*	P*/C*		P*	C*	P*	P*	31
Retail with outdoor sales or storage					C		C				C*	C	17, 19
Services, business					P*	P*	P*	C	P*	C*	P*	P*/C*	30, 31
Services, personal					P	P*		C	P*	C*			30,31
Services, repair					P	P*			P*				
Showrooms and						P			P				

P = Permitted By Right C = Conditional *Size or Other Limits Apply—See Zone District Regulations, Chapter 1205													
Zoning Districts													
Use Type	1	2	3	4	5	6	7	7ol	8	8ol	9	10	Special Conditions
salesrooms for wholesale distribution													
Wholesale trade						P			P				
Vehicle and equipment rentals						C			C				6, 8, 10, 17, 19
Vehicle repair/services						C			C				7, 9, 11, 16, 17
Veterinary facility, small animal clinic (allow overnight, indoor boarding)		C			C		C	C				C	1, 4, 29, <u>32</u>
Wireless Telecom Facilities						C			C				
Industrial Uses													
Industrial use, light						P*			P				
Industrial use, heavy									C				
Industrial business park						P*			P				
RV, boat, or truck storage									C				
Research laboratory						P*			P				
Resource recovery									P*				

P = Permitted By Right C = Conditional
***Size or Other Limits Apply—See Zone District Regulations, Chapter 1205**

Zoning Districts

Use Type	1	2	3	4	5	6	7	7ol	8	8ol	9	10	Special Conditions
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operations													
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Warehousing, distribution, and storage						P*			P*				
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Workshops and custom small industry uses						P			P				
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Planned Developments

Planned Development	P	P	P		P	P	P		P	C	P	P	
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Institutional/Civic/Public Uses

Cemetery	C	C	C	C	C								20
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Continuing care retirement community			C			C			C				4, 10, 11, 12, 14, 22
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Convention or conference center					C	C			C				
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Installations by essential public utility and public services, including but not limited to bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage	P	P		P	P	P			P	P	P	P	
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P = Permitted By Right C = Conditional
***Size or Other Limits Apply—See Zone District Regulations, Chapter 1205**

Zoning Districts

Use Type	1	2	3	4	5	6	7	7ol	8	8ol	9	10	Special Conditions
Golf course, public	C	C	C										1, 3, 5, 7, 21
Government administrative offices, and services					P	P	P	P	P		P	P	19
Government public works and service facilities		P			C	P			P				
Hospitals, including heliports as accessory use						C			C				4, 8, 9, 11, 14, 16, 17
Institutional residential for the handicapped or elderly (for 9 or more people)			C			C			C				4, 14, 22
Places of religious worship, including churches and synagogues. Religious schools and day care centers may be permitted as accessory uses within the same structure as the principal conditional use.	C	C	C	C	C							C	1, 11, 12
Public safety and	P	P	P	P	P	P	P	P	P	P	P	P	6, 7, 8, 9,

P = Permitted By Right C = Conditional													
*Size or Other Limits Apply—See Zone District Regulations, Chapter 1205													
Zoning Districts													
Use Type	1	2	3	4	5	6	7	7ol	8	8ol	9	10	Special Conditions
emergency services													10, 17
Public (noncommercial) facility for composting		C											
Public recreational facilities, indoor or outdoor	P*/C*	P	P	P	P	P			P	P	P	P	
Public, non-profit, or private cultural facilities including but not limited to libraries and museums.			C	C	P								
Public park or recreation area, including multi-purpose trails	P	P	P	P	P	P			P	P	P	P	
Schools, public or private—preschool, elementary, secondary, or post-secondary; ** (including dormitories)	C	C	C	C**	C						C	C	1, 2, 11, 12, 14
Transportation facilities without repairs (bus terminal, depot, etc.)					C								10, 12, 17
Agricultural													
General agricultural	P*/C	P	P*/C						C		P	P	

P = Permitted By Right C = Conditional													
*Size or Other Limits Apply—See Zone District Regulations, Chapter 1205													
Zoning Districts													
Use Type	1	2	3	4	5	6	7	7ol	8	8ol	9	10	Special Conditions
operations													
Accessory Uses/Structures - See Section 1206.03													
Temporary Uses - See Section 1206.04													

([Ord. No. 16-148](#), § 11, 2-21-2017)

1206.02. - Conditional use standards.

- (a) General Provisions. Conditional uses are listed for each zone district in Chapter 1205 of this Code. Only those uses expressly listed as conditional uses in a particular district may be considered in that zone district. All applications for a conditional use shall demonstrate compliance with the general criteria and standards, as well as any special criteria and standards specific to the requested use as set forth in the Table of Permitted and Conditional Uses by Zone District (1206.01) and in this section.
- (b) Conditional Uses: General Criteria and Standards. In addition to any special conditions and standards listed in the following subsection (c) and/or the Table of Permitted and Conditional Uses by Zone District, all applications for a conditional use shall demonstrate that:
 - (1) The use is consistent with the policies and intent of the corresponding plan district in which it is located, as set forth in the City of Hudson Comprehensive Plan (as amended from time to time).
 - (2) The use is physically and operationally compatible with the surrounding neighborhood and surrounding existing uses. Conditions may be imposed on a proposed conditional use to ensure that potential significant adverse impacts on surrounding existing uses will be reduced to the maximum extent feasible, including, but not limited to, conditions or measures addressing:
 - (A) Location on a site of activities that generate potential adverse impacts such as noise and glare;
 - (B) Hours of operation and deliveries;
 - (C) Location of loading and delivery zones;
 - (D) Light intensity and hours of full illumination;
 - (E) Placement and illumination of outdoor vending machines;
 - (F) Loitering;
 - (G) Litter control;

- (H) Placement of trash receptacles;
 - (I) On-site parking configuration and facilities;
 - (J) On-site circulation;
 - (K) Privacy concerns of adjacent uses.
- (3) The use can generally be accommodated on the site consistent with any architectural and design standards set forth in the applicable district regulations of this Code, and in conformance with all dimensional, site development, grading/drainage, performance, and other standards for the district in which it will be located.
 - (4) To the maximum extent feasible, access points to the property are located as far as possible, in keeping with accepted engineering practice, from road intersections and adequate sight distances are maintained for motorists entering and leaving the property proposed for the use.
 - (5) On-site and off-site traffic circulation patterns related to the use shall not adversely impact adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
 - (6) The use will be adequately served by public facilities and services. Public facilities and services that may be considered in light of this standard include, but are not limited to, water, sewer, electric, schools, streets, fire and police protection, storm drainage, public transit, and public parks/trails. See also Section 1207.11, Adequate Public Facilities.
 - (7) The use provides adequate off-street parking on the same property as the use, in compliance with standards set forth in Section 1207.12 of this Code.
 - (8) Unless addressed in the special conditions and standards set forth below, the use will be screened with fencing and/or landscaping in excess of what is required in Section 1207.04 of this Code, as appropriate, if the use may otherwise result in an adverse impact on adjacent property benefiting from such screening.
 - (9) The residential use is proposed at a density consistent with that of the existing neighborhood density or is compatible by its use of architecture, orientation of structures and parking, and landscape buffer.
- (c) Conditional Uses: Special Conditions and Standards. For every use listed in the Table of Permitted and Conditional Uses by Zone District as a conditional use ("C"), the column titled "Special Conditions" may contain one (1) or more numbers that correspond to the same-numbered special conditions and standards listed in this subsection. The proposed conditional use must satisfy all such special conditions and standards in addition to the general criteria and standards set forth in subsection (b) above.

Special Conditions Addressing Operations:

- (1) The only dwelling on the property, if one (1) is provided, shall be for the priest, deacon, minister, or rabbi associated with the place of worship, or for a facility's manager, caretaker, or maintenance person, and related family.
- (2) All preschools shall provide a play area of at least six thousand (6,000) square feet, and all elementary and secondary schools shall be accredited and licensed by the State of Ohio and shall include academic instruction.
- (3) The use shall contain no overnight accommodations.
- (4) 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.
- (5) Amplification of music, live entertainment, or other noise emanating from the use that is audible at the property line shall not be allowed.

- (6) All vehicle maintenance or repairs shall be wholly conducted within an enclosed structure.
- (7) The storage of hazardous materials for longer than thirty (30) days shall not be permitted.
- (8) Bulk storage in excess of one thousand (1,000) gallons of flammable liquids or in excess of one hundred twenty-five (125) cubic feet of flammable gases shall be underground. A disaster/spill plan shall be completed and shall remain on file with the Fire and Police Departments.

Special Conditions Addressing Parking, Circulation, and Access:

- (9) Points of ingress and egress for police, fire, and other emergency services shall be located to maximize sight distances along adjacent public streets.
- (10) Adequate vehicle turning areas shall be provided on the site so that vehicles and equipment can be maneuvered on site without interrupting traffic flow or blocking public streets.
- (11) The parking area for the use shall be a minimum of fifty (50) feet from adjacent properties used for residential purposes.
- (12) Safe areas for pick-up and discharge of persons shall be provided.
- (13) Drive-through teller or ATM facilities for banks and other financial institutions shall not have direct access to, or from, a public street.
- (14) Adequate provisions shall be made for access by emergency medical and fire vehicles on two (2) sides of the building.

Special Conditions Addressing Compatibility:

- (15) The use or building housing such use shall be located a minimum of three hundred (300) feet from the lot line of any residentially zoned parcel.
- (16) The use or building housing such use shall be located a minimum of five hundred (500) feet away from the lot line of any residential use, except for a transfer station or any building housing a transfer station, shall be located a minimum of one thousand (1,000) feet away from the lot line of any residential use.
- (17) All property lines that adjoin a residential use or district shall be screened with a bufferyard that is equivalent or exceeds screening provided by Bufferyard E as defined in Section 1207.04 of this Code.
- (18) Special Conditions for Model Homes:
 - (A) Such use shall be temporary only and conditional use approval shall automatically lapse and be null and void after two (2) years from the date of PC approval or BZBA approval on appeal, whichever is later.
 - (B) A paved parking area for visitors shall be provided.
 - (C) No business other than new home sales or leasing shall be conducted from the model home.
 - (D) The number of employees on-site at the model home shall not exceed three (3) sales and marketing personnel.
 - (E) A model home shall not be open for public viewing or business before 9:00 a.m. or later than 8:00 p.m.
- (19) Special Conditions for Outdoor Activity and Storage Areas.
 - (A) Outdoor operations or activities shall not include the storage or accumulation of waste products, including tires, waste oils, grease, or other flammable, toxic, or hazardous materials.
 - (B) The manner of outdoor operations or activities shall facilitate access for firefighting, shall prevent hazards from fire or explosion, and shall prevent accumulation of stagnant water.

(20) Special Conditions for Cemeteries:

- (A) Grave sites shall be setback from property and street lines at least one hundred (100) feet.
- (B) Trees shall be removed from the property only to the extent necessary to accommodate projected new grave sites one (1) year in advance. Existing areas on the site that are not forested shall be used first. There shall be no crematorium on the property.
- (C) Maintenance buildings and outside storage areas shall be screened from view of adjacent public roads and dwellings. Bufferyard C shall be used, as defined in Section 1207.04 of this Code.
- (D) The City may require fencing along the perimeter of the cemetery.
- (E) The term cemetery shall include pet cemetery. However, no pet cemetery shall be within or abutting a cemetery used for human burial.
- (F) Adequately funded programs and provisions that meet the approval of the City's solicitor shall be provided to guarantee perpetual care of all cemetery ground. This provision shall apply to all existing cemeteries for which expansions are proposed.

(21) Special Conditions for Commercial Recreational Facilities and Golf Courses:

- (A) Commercial recreational facilities shall generally be limited to fishing clubs, ice skating rinks, miniature golf courses, golf driving ranges, fishing lakes, sports training facility, tennis clubs, or swim clubs. The category shall not be construed to include concert halls or outdoor concert areas, race tracks of any kind, stadiums, or similar facility intended to attract large crowds in excess of one thousand (1,000) people.
- (B) The use of firearms shall not be permitted as a part of user activities at a commercial recreational facility.
- (C) A traffic impact study shall be submitted that assesses the impacts of the proposed use on existing roads, intersections, and circulation patterns, and that demonstrates compliance with the traffic facility standard set forth in Section 1207.11 of this Code, and/or sets forth mitigation measures to eliminate or substantially reduce such impacts.
- (D) The only dwelling on the property, if one (1) is provided, shall be that of a manager or a caretaker of the facility and related family.
- (E) The City may restrict access to the facility, storage of vehicles or materials on the property, and hours of operation to ensure no adverse impacts on adjacent properties.
- (F) The City may restrict outdoor lighting on the property to a greater extent than this Code may otherwise require, in order to eliminate glare on abutting public roads and private property.
- (G) All principal structures such as pools, bath houses, restaurants, or clubhouses shall be set back at least one hundred (100) feet from the front property line and at least fifty (50) feet from other property lines.
- (H) Golf course development shall, to the maximum extent feasible, adhere to the principles governing planning and siting, design, construction, maintenance, and facility operations contained in the publication entitled "Golf and The Environment: Environmental Principles for Golf Courses in the United States" (Center for Resource Management, c. 1996), as amended from time to time. A copy of this publication can be found at the City of Hudson Community Development Department.

(22) Special Conditions for Group Homes and Institutional Residences:

- (A) A plan for security of the premises shall be prepared if the facility is a transitional group home. The PC may require full-time security personnel on the premises at all times if the PC finds that the facility poses a potential security threat to the surrounding neighborhood.

- (B) Twenty-four-hour supervision shall be provided by qualified staff at all transitional group homes, group homes for the handicapped, and institutional residences for the handicapped or elderly.
 - (C) No kitchen facilities shall be located in any bedroom.
 - (D) Except for institutional residences, or as otherwise limited by zone district restrictions, the number of residents occupying the use at any one (1) time, including staff and family of staff, shall not exceed twelve (12) persons. The number of clients or boarders shall not exceed eight (8) persons.
 - (E) The use shall comply with any maximum occupancy standards and off-street parking requirements set forth in this Code or in any other applicable City ordinance, code, or regulation.
 - (F) Such use proposed to be sited in an existing structure and proposed to house more than five (5) clients shall, to the maximum extent feasible, meet the requirements set forth in the current BOCA Building Code.
 - (G) If active and continuous operations are not carried on for a period of twelve (12) consecutive months in a group home or institutional residence that was approved pursuant to this Code, the group home or institutional residence use shall be considered to be abandoned. The use may be reinstated only after obtaining a new conditional use approval.
 - (H) Group homes shall be designed as single-family homes in appearance.
- (23) Special Conditions for Automobile Service Stations:
- (A) The structure housing the station shall be of modern fireproof construction and shall have a minimum enclosed area of one thousand two hundred (1,200) square feet.
 - (B) All service stations shall contain separate lavatories for men and women, separated by soundproof walls.
 - (C) All minor repair work, vehicle washing, lubrication, and installation of parts and accessories shall be wholly performed within an enclosed structure.
 - (D) All automobile parts, dismantled vehicles, and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence. A chain link fence with slats shall not constitute acceptable screening or fencing for the purposes of this provision.
 - (E) All vehicles awaiting repair shall be stored on site in approved parking spaces and under no circumstances shall such vehicles be stored on or obstruct access to a public right-of-way.
 - (F) Gasoline pumps shall be located at least thirty (30) feet from the edge of the right-of-way of a public street. Tanks shall be limited to a maximum capacity of five thousand (5,000) gallons and to one (1) tank for each grade of fuel sold.
 - (G) All tanks containing fuel, oil, waste oils and greases, or similar substance shall be placed underground at least fifty (50) feet from any property line, and vented, in accordance with Ohio Code requirements.
 - (H) All discarded materials such as tires, cans, drums, and the like, shall be stored in an enclosed area and under cover.
 - (I) A canopy over the fuel pumps that is detached from the principal building may be erected provided that such structure is located at least ten (10) feet from any property line or street right-of-way, and such structure is not enclosed.
 - (J) There shall be adequate space on the subject property to allow up to three (3) cars to stack in a line for services without using any portion of an adjacent public street.

- (24) Special Conditions for Convenience Stores:
- (A) The maximum size of a convenience store shall be three thousand, five hundred (3,500) square feet of gross floor area.
 - (B) If gasoline is sold as part of the convenience store operation, the conditions for Automobile Service Stations above shall also apply. In addition, parking areas for retail sales and gasoline service shall be separated from each other, and circulation within the property to each parking area shall be separate and clearly marked or evident.
 - (C) The applicant shall submit a litter control plan as part of the application for conditional use approval.
 - (D) No drive-through service shall be permitted as part of the operation of a convenience store.
- (25) Special Conditions for Adult Businesses. See Section 1207.19(a), Adult Uses.
- (26) Special Conditions for Bed and Breakfast Inns:
- (A) Up to twenty-five percent (25%) of the gross floor area may be in nonliving-quarter accessory uses, including newsstands, gift shops, lounges, restaurants, and similar incidental uses, provided any incidental business is conducted primarily as a service to guests, and there is no entrance to such place of business except from inside the building.
 - (B) No operator shall permit a guest to occupy such accommodations for a consecutive period of more than thirty (30) days.
 - (C) The size of bed and breakfast inns is limited to four (4) guest rooms.
 - (D) Breakfast shall be the only meal served.
- (27) Special Conditions for Restaurants, Bars, or Taverns within Two Hundred (200) Feet of a Residential Use:
- (A) Business shall be conducted within an enclosed building, except that meal service may be provided on an outside patio, provided the patio is no more than one-third (1/3) the floor area of the entire use.
 - (B) Amplified outdoor live performances shall not be permitted.
 - (C) The use shall be screened from adjacent residential properties with Bufferyard D, as defined in Section 1207.04 of this Code.
- (28) Special Conditions for Oil or Gas Exploration:
- (A) The use shall demonstrate compliance with the special development standards set forth in Section 1207.19(c) of this Code and with the standards set forth in Chapter 838 of the City's codified ordinances.
- (29) Special Conditions for District 7 Office Overlay Zone:-
- (A) The maximum impervious surface area shall be fifty percent (50%) of the gross floor area.
 - (B) The parking area for the use shall be a minimum of fifty (50) feet from adjacent properties used for residential purposes.
 - (C) No building shall have a wall sign.
 - (D) No parking shall be permitted between a building and the Darrow Road right-of-way.
- (30) Special Conditions for Shared Driveways for Dwellings:
- (A) Permanent provisions for maintenance, repair, cleaning and replacement shall be documented.

- (31) Special Conditions for District 8 Hike Bike (HB) Senior Housing Overlay Zone: Any restaurant, retail use, business or personal or repair service, and business or professional office shall be located only at a distance that does not exceed one thousand (1,000) feet from both the Metro parks Hike and Bike Trail and Zoning District 9.

(32) Special Conditions for Crematory services for dogs, cats, and other comparable household or domestic pets when permitted as a conditional accessory use:

(A) Crematory services for dogs, cats, and other comparable household or domestic pets may shall be permitted as an accessory use to veterinary facility/small animal clinic principal uses subject to the following condition:

(1) The crematory facility shall be located a minimum of two hundred (200) feet from any residential zoned district or residentially used lot.

1206.03. - Accessory uses/structures.

Permitted uses and approved conditional uses shall be deemed to include accessory uses, structures, and activities that are necessarily and customarily incidental and subordinate to the principal uses allowed in the zoning district, unless specifically prohibited. Accessory uses, structures, and activities shall be subject to the following regulations in addition to the same regulations that apply to principal uses in each district.

- (a) Residential Accessory Uses. Residential uses shall include the following accessory uses, activities, and structures:
- (1) Accessory dwelling units only in District 4 and District 5 when incidental to a principal single-family detached residential use and subject to the following conditions:
 - (A) Accessory dwellings shall consist of living quarters integrated within single-family dwellings, or those located in detached accessory buildings, such as carriage houses or garages, that are located on the same lot as the single family dwelling.
 - (B) Accessory dwellings shall be at least five hundred (500) square feet in total gross floor area, but no more than eight hundred fifty (850) square feet in gross floor area, and shall contain at least two (2) rooms and private sanitary facilities with hot and cold running water, and cooking and food storage facilities
 - (C) For the purposes of calculating residential density, each accessory dwelling shall count as one-half (½) dwelling unit.
 - (D) There shall not be more than one (1) accessory dwelling on a lot in addition to the principal single-family dwelling.
 - (E) A permitted accessory dwelling unit shall comply with all other applicable site and building design, height, access, and other standards for principal dwelling units in the zoning district in which the accessory dwelling will be located.
 - (2) Antennas that are designed to receive television broadcast signals, provided they comply with Sections 1207.15 and 1207.16.
 - (3) Barns.
 - (4) Composting, subject to the following conditions:
 - (A) Such use is not conducted as a business, or as accessory to a business

- (B) The materials to be composted must originate on the same property as the location of the principal building for which it serves;
 - (C) The composting site shall be maintained in a safe, sanitary, neat, and orderly fashion to prohibit the spread of disease vectors, rodents, and insects, and minimize odors;
 - (D) The composting pile or structure shall permit proper aeration of the composted material;
 - (E) The compost pile or structure shall not be located in any front yard or any side yard of a lot;
 - (F) Access to the composting structure shall not face any adjacent property or street;
 - (G) All composting structures shall be screened and/or buffered from adjacent properties by natural materials or by fencing; and
 - (H) No composting structure shall exceed four (4) feet in height.
- (5) Fences and walls, residential, subject to Section 1207.04 of this Code;

The maximum height (excluding incidental decorative items) at any point shall not exceed four (4) feet above the elevation of the surface of the ground at such point, except as may be allowed by (B), (C) and (D) below.

(A) To the rear of the main mass of the principal structure, the maximum height shall not exceed at any point six (6) feet above the elevation of the surface of the ground; except that on a corner lot, abutting in the rear the side lot line of another lot, fences, walls and hedges greater than four (4) feet in height may not be located forward of the adjacent lot's front building line or required setback if undeveloped. No fences, walls or hedges shall be permitted which constitute a visual obstruction hazardous to persons using the street or sidewalks.

(B) Arbors, attached to a fence, shall not exceed ten (10) feet in height.

(C) No hedges or other types of growing plants or shrubs exceeding thirty (30) inches in height, except deciduous trees, shall be planted within the street right-of-way.

(D) A subdivision entrance wall(s) shall be permitted at the entrance(s) to a subdivision. The wall(s) shall not exceed eight (8) feet in height at any point, shall average not more than six (6) feet in height over its entire length and regardless of the number of sections, the entire length of said structure(s) shall not exceed seventy (70) feet at each entrance. Lights, if any, mounted on top of the wall(s) may be up to two (2) feet in height. Wall(s) shall be located so as to not restrict visibility from any driveway and shall be at least two (2) feet in distance from the street lines. Wall(s) may include piers that are up to fifty percent (50%) wider than the rest of the wall(s). Wall(s) may be of constant or variable height, may be curved or straight.

(E) Fences and walls are subject to Section 1207.04 of this Code when required as Landscaping/Buffering.

(F) Measurement of Maximum Fence Height in Feet. Height shall be measured as the vertical distance between the natural grade of land and highest point of the fence, excluding incidental decorative items.

- (6) Garages, carports, and off-street parking areas used to serve the residents of the property, provided that the height of a garage or carport serving a single-family dwelling unit shall not exceed ~~eighteen sixteen (1816) twenty five (25)~~ feet. A garage or carport may be detached from or attached to the principal structure, provided it complies with all applicable zone district regulations.

- (7) Gates and guard houses;

- (8) Guest houses or guest rooms, neither of which may include kitchen facilities, provided such guest houses or guest rooms are used for the housing of guests or resident employees of the occupants of the principal dwelling and provided such facilities are not used as rental units;
- (9) Home occupations, subject to subsection (e) below;
- (10) Horses in District 1, District 2, District 3, and District 10, provided that there shall be a minimum lot area of two (2) acres and at least one (1) acre per horse. Domestic/household pets are permitted in all districts;
- (11) Playhouses, patios, cabanas, porches, gazebos, and incidental household storage buildings, provided that the height of such structures shall not exceed sixteen (16) feet and provided that no storage building shall exceed two-hundred (200) square feet in gross floor area;
- (12) On-premise signs subject to the standards set forth in Section 1207.17 of this Code;
- (13) Private recreational and play facilities for use of the residents of the property and their guests, provided that:
 - (A) No outdoor lighting shall be erected to light private tennis courts;
 - (B) The height of any recreational or play facility shall not exceed twelve (12) feet; and
 - (C) All swimming pools shall be subject to the restrictions set forth in subsection (f) below;
- (14) Private greenhouses, not for commercial purposes;
- (15) Satellite dish antennas thirty-nine (39) inches (1 meter) or less in diameter, provided that to the maximum extent feasible, such satellite dish antenna shall be located in the rear yard of the residential use;
- (16) Solar energy systems:
 - (A) Placement: A Solar Energy Systems-Panel located on the pitched roof of a residential structure may not extend above the peak of the roof or beyond the outside edges of the roof line. Panels greater than six (6) inches in height may not be located on a flat roof of any structure, unless they are screened or are not visible from the public view. Within the Historic District, a Solar Energy Systems-Panel shall not be located on the roof or wall facing the front lot line, and on a corner lot shall not be located on the roof or wall facing the side lot line facing the street that is not designated as the "front".
 - (B) Height: A Solar Energy Systems-Freestanding Solar Array shall not exceed sixteen (16) feet in height from the ground to the highest point of the supporting structure or Panels, whichever is taller.
 - (C) Setbacks: A Solar Energy Systems-Freestanding Solar Array shall not be located closer than fifteen (15) feet to the side and rear property lines, or on a corner lot, the setback for the street side not designated a "front" shall conform to the zoning district setback requirements.
 - (D) Yard Area: A Solar Energy Systems-Freestanding Solar Array shall be located only in the rear yard and shall not occupy more than thirty percent (30%) of the rear yard.
 - (E) Exemption: Any Solar Energy System attached or located on the roof or wall of a building that does not project more than six (6) inches from the surface is exempt from obtaining a Zoning Certificate, except for: 1) A Solar Energy Systems installed in the Historic District; or 2) A Solar Energy Systems located on the roof or wall facing the front lot line or on a corner lot on the roof or wall facing side lot line facing the street that is not designated as the "front".

- (17) Storage or parking of trucks, cars, or major recreational equipment, including but not limited to boats, boat trailers, camping trailers, motorized homes, and house trailers, subject to the restrictions set forth in subsection (g) below.
- (18) Keeping of Chickens on Residential Property: Keeping of chickens on residential property is permitted per the following:
- (A) The keeping of hen chickens for personal consumption, shall be permitted on residentially zoned property subject to the following provisions:
- (1) There shall be a minimum lot area of one (1) acre. There shall be no more than a maximum of twelve (12) hen chickens kept on any property.
 - (2) Fencing: Any portion of a property that is devoted to the keeping of chickens shall be fully enclosed by a fence or enclosure that effectively confines the animals to the property in question. Fencing and enclosures shall be in compliance with all provisions of the zoning ordinance and shall be constructed in a quality, workmanlike manner.
 - (3) Screening: Any portion of a property that is devoted to the keeping of chickens shall be screened from adjacent property with landscaping equivalent to Bufferyard "C."
 - (4) Setback: Any structure (such as a coop, stable, or pen along with any fencing enclosure) shall only be permitted within a rear yard and shall be set back a minimum of fifty (50) feet from the property line and one hundred (100) feet from a structure suitable for occupancy.
 - (5) Sanitation: Properties devoted to the keeping of chickens shall be maintained in a clean and sanitary condition free from accumulations of animal waste, feed, debris, etc.
 - (6) No commercial activity including the breeding of animals or sales of agricultural goods shall be associated with the keeping of chickens or cultivation of crops on residential property.
 - (7) The keeping of more than twelve (12) chickens on a property shall not be permitted as an accessory use and shall be regulated as a general agricultural operation.
- (b) Nonresidential Accessory Uses. Commercial, retail, and industrial uses shall include the following accessory uses, activities, and structures:
- (1) Antennas that are designed to receive television broadcast signals provided they comply with Sections 1207.15 and 1207.16 of this Code;
 - (2) Automated teller machine (ATM) located inside the structure housing the principal use;
 - (3) Cafeteria, dining halls, and similar food services when operated primarily for the convenience of employees, clients, customers, or visitors to the principal use;
 - (4) Dwelling units, other than mobile homes, when used to house security or maintenance employees or personnel;
 - (5) Fences and walls, subject to Section 1207.04 of this Code:
 - (A) The maximum height (~~excluding incidental items~~excluding incidental decorative items) at any point shall not exceed four (4) feet above the elevation of the surface of the ground at such point, except as may be allowed by (B), (C) and (D) below:
 - (B) Commercial fences and walls may, in any required rear or side yard, exceed four (4) feet but shall not exceed at any point eight (8) feet in height above the elevation of the surface of the ground at such point, provided that on a corner lot, abutting in the rear the side lot line of another lot, no fence or wall greater than four (4) feet in height may be located forward of the adjacent lot's minimum front yard setback. No hedges,

fences or walls shall be permitted which constitute a visual obstruction hazardous to persons using the street or sidewalks.

- (C) No hedges or other types of growing plants or shrubs exceeding thirty (30) inches in height, except deciduous trees, shall be planted within the street right-of-way.
 - (D) A subdivision entrance wall(s) shall be permitted at the entrance(s) to a subdivision. The wall(s) shall not exceed eight (8) feet in height at any point, shall average not more than six (6) feet in height over its entire length and regardless of the number of sections, the entire length of said structure(s) shall not exceed seventy (70) feet at each entrance. Lights, if any, mounted on top of the wall(s) may be up to two (2) feet in height. Wall(s) shall be located so as to not restrict visibility from any driveway and shall be at least two (2) feet in distance from the street lines. Wall(s) may include piers that are up to fifty percent (50%) wider than the rest of the wall(s). Wall(s) may be of constant or variable height, may be curved or straight.
- (6) Gates and guard houses;
 - (7) Heliports as an accessory use to hospital uses only;
 - (8) As accessory uses to golf courses or indoor recreational facilities only, clubhouses including space for the sale of golf or other sporting equipment, food, and refreshments.
 - (9) On-premises signs, subject to the standards set forth in Section 1207.17 of this Code;
 - (10) Outdoor serving areas for a restaurant, however in all districts except District 5, outdoor serving areas within two hundred (200) feet of a residential use requires Conditional Use approval.
 - (11) Parking garages and off-street parking areas for employees, customers, and guests;
 - (12) Private recreational facilities for use by employees and guests, subject to the standards set forth in subsection (f) for swimming pools;
 - (13) Restaurants, bars, newsstands, gift shops, clubs, and lounges when inside the principal building containing a permitted lodging use;
 - (14) Swimming pools and tennis courts located on the same parcel of a permitted lodging use, subject to the standards set forth in subsection (f) for swimming pools;
 - (15) Retail sales of goods as part of permitted industrial and warehouse activities, subject to the following conditions:
 - (A) All retail sales shall be conducted within the same structure housing the principal industrial or warehouse use, and no outdoor retail sales activity shall be allowed;
 - (B) Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.;
 - (C) Items for sale shall either be manufactured by the principal use or part of the principal warehouse's stock;
 - (D) Maximum gross floor area of the accessory retail use shall be either ten percent (10%) of the total gross floor area of the principal use or five thousand (5,000) square feet, whichever is less; and
 - (E) Parking for the retail accessory use is provided in accordance with the off-street parking standards for retail uses as set forth in Section 1207.12 of this Code.
 - (16) Retail sales as an accessory use to artisan and photography studios, provided the works of art or photographs for sale shall be work product from the principal studio use;
 - (17) Satellite dish antennas that are seventy-eight (78) inches (2 meters) or less in diameter, provided that, to the maximum extent feasible, the satellite dish antenna is located to the rear of the principal building and is screened from view; and

- (18) Storage of merchandise and non-hazardous materials when located in the same building as the principal use.
- (19) Oil and Gas Exploration and Extraction, subject to the following conditions:
 - (A) The use shall demonstrate compliance with the special development standards set forth in Section 1207.19 of this Code and with the standards set forth in Chapter 838 of the City's codified ordinances.
 - (B) Drilling, storage and tank batteries are located at least three hundred (300) feet or more from lot lines of adjoining properties and are to be opaquely screened so as not to be visible from adjoining properties.
- (20) Solar Energy Systems:
 - (A) Placement: A Solar Energy Systems-Panel located on the pitched roof of a nonresidential structure may not extend above the peak of the roof or beyond the outside edges of a roof line. Panels greater than six (6) inches in height may not be located on the flat roof of any structure unless they are screened, or are not visible from the public view. Within the Historic District, Solar Energy Systems-Panel shall not be located on the roof or wall facing the front lot line, and on a corner lot shall not be located on the roof or wall facing the side lot line facing the street that is not designated as the "front".
 - (B) Height: A Solar Energy Systems-Freestanding Solar Array shall not exceed sixteen (16) feet in height from the ground to the highest point of the supporting structure or Panels, whichever is taller.
 - (C) Setbacks: A Solar Energy Systems-Freestanding Solar Array shall not be located closer than twenty-five (25) feet to the side and rear property lines. Freestanding Solar Arrays shall be no closer than one hundred (100) feet from the lot line of any property that is zoned to permit a residential use.
 - (D) Yard Area: A Solar Energy Systems-Freestanding Solar Array shall be located only in the rear yard and shall not occupy more than thirty percent (30%) of the rear yard.
 - (E) Exemption: Any Solar Energy System attached or located on the roof or wall of a building that does not project more than six (6) inches from that surface of the roof or wall is exempt from obtaining a Zoning Certificate, except for: 1) A Solar Energy Systems installed in the Historic District; or 2) A Solar Energy Systems located on the roof or wall facing the front lot line or on a corner lot on the roof or wall facing the side lot line facing the street that is not designated as the "front".
- (c) Accessory Use Regulations In the Historic District. Accessory use of contemporary (modern) appurtenances, including but not limited to free-standing air conditioning units, trash receptacles, basketball hoops, antennas, and children's play equipment, shall conform to the following requirements:
 - (1) All contemporary appurtenances shall be located in a rear yard so as to lessen their visibility from a public street or other public area.
 - (2) All antennas shall be located in the following order of preference:
 - (A) In a rear or side yard so as not to be visible from a street or other public area, or
 - (B) In an area adequately screened so that the antenna is not visible from a street or other public area and where such screening conforms to all the requirements of this Code.
 - (3) All contemporary appurtenances must comply with the applicable provisions of the City Building and Housing Code and the Fire Prevention Code.
- (d) Accessory Use Development and Operational Standards. The following standards shall apply to all accessory uses and structures:

- (1) Front Setback. No accessory use, structure, or activity, except for permitted fences or walls shall be located or take place within a front yard.
 - (2) Rear Setback. An accessory structure shall not be required to comply with the rear setback/yard requirement for the principal use. Except for permitted fences or walls erected on a property line and except as otherwise expressly allowed by the applicable zone district regulations, accessory structures shall be set back from rear and side lot lines and shall not be closer than the applicable minimum rear and side yard setback.
 - (3) Side Setbacks. No accessory structure shall be located within a side yard, except for permitted fences or walls and on corner lots the majority of the floor area of any accessory structure shall not be located within a side yard.
 - (4) Setbacks from Easements. No accessory structure shall be located within any platted or recorded easement or over any known utility, without the written permission obtained from the easement holder or utility owner.
 - (5) Maximum Building or Structure Size. Except as otherwise expressly limited or allowed in this section, and except for accessory recreational facilities including swimming pools, ~~buildings and structures~~ each building and/or structure accessory to residential uses shall not be larger than ~~one thousand (1,000)~~ twelve hundred (1,200) square feet ~~of building footprint area~~ gross floor area; in district 4 and 5 the building footprint area shall not be larger than one thousand (1000) square feet. Maximum size of a barn shall be ten thousand (10,000) square feet of ~~building footprint gross floor area for~~ area for an agricultural use.
 - (6) Maximum Number of Accessory Buildings. On any lot two and one-half (2.5) acres or less, the maximum number of accessory buildings shall be three (3). On any lot greater than two and one half (2.5) fifty-one hundredths (2.51) acres, the maximum number of accessory structures shall be four (4).
 - (7) Height. Except for television antennas and as otherwise expressly limited or allowed, no accessory structure shall exceed ~~eighteen sixteen (1816)~~ feet in height.
 - (8) Building Separation. Unless attached to the principal structure, accessory structures (excluding spas and/or hot tubs) shall be located at least five (5) feet from any other structure. Nothing in this section shall prohibit an accessory garage located ten (10) feet or more from the principal dwelling unit to be attached to the principal building by a breezeway or similar structure.
 - (9) Dwelling Unit Prohibited. Except as otherwise expressly allowed, no dwelling unit shall be located in any accessory structure or building.
 - (10) Outdoor Storage of Equipment. Except as otherwise expressly limited or allowed in this section, the outdoor storage of construction, landscape, or other similar equipment is not permitted in any residential district.
- (e) Home Occupations. Home occupations shall be allowed as an accessory use in all Districts, subject to the following conditions:
- (1) Permit.
 - (A) No home occupation shall be conducted until an application for a home occupation permit is reviewed and approved by the City Manager according to the standards set forth herein.
 - (B) A home occupation permit shall be issued only to a resident of the dwelling unit in which the home occupation is to be conducted. If the resident rents the dwelling unit, the resident shall provide evidence of written permission from the dwelling unit's owner as part of the permit application.

- (C) Home occupation permits shall not be transferable and shall not run with the land. All home occupation permits shall expire upon the sale, transfer, or lease of the property to a new owner or tenant.
- (2) Size. Home occupations shall not occupy more than twenty-five percent (25%) of the total gross floor area of the principal dwelling unit.
- (3) Operational Standards.
 - (A) All activities associated with the home occupation shall be conducted within the principal dwelling or an accessory structure. No outside activity or operations shall be permitted.
 - (B) No equipment shall be used that creates a nuisance due to noise, odor, glare, vibrations, or electrical interference.
 - (C) Home occupations shall be subject to the Performance Standards, including noise standards, set forth in Section 1207.10 of this Code.
 - (D) Home occupations shall be subject to the provisions and standards set forth in Section 1207.11, Adequate Public Facilities.
- (4) Outdoor Storage and Exterior Appearances.
 - (A) No changes in the exterior appearance of the dwelling to accommodate the home occupation shall be allowed.
 - (B) No outdoor storage of materials or equipment in conjunction with the home occupation shall be permitted.
 - (C) All equipment, supplies, stock material and trailers used for landscaping, lawn maintenance or related businesses shall be parked or stored only within enclosed buildings separated by fifty (50) feet from any property line of a residentially zoned lot.
- (5) Employees. Not more than one (1) person who is not a resident of the dwelling unit may be employed in the home occupation.
- (6) Parking.
 - (A) A home occupation shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation, but in no case shall provide more than two (2) additional off-street parking spaces.
 - (B) Required off-street parking to serve a home occupation shall not be permitted in the front yard of the dwelling, other than in a driveway.
 - (C) To the maximum extent feasible, side yard areas shall not be converted to off-street parking areas to serve a home occupation.
- (7) Personal and Professional Services. Personal and professional services shall be provided on an appointment-only basis.
- (8) Prohibited Home Occupations as Accessory Uses. The following uses and activities shall not be permitted or conducted as a home occupation:
 - (A) Bed and breakfast inns;
 - (B) Funeral homes;
 - (C) Lodging;
 - (D) Restaurants;
 - (E) Retail sales and services;
 - (F) Vehicle or equipment sales, rental, or repair; or

- (G) Veterinary facilities and/or small animal clinics or kennels.
- (f) Swimming Pools. Swimming pools, spas, and hot tubs, ~~including spas~~, may be allowed as an accessory use subject to the following conditions:
- (1) Placement: Swimming pools, spas, and hot tubs shall be placed only ~~in a rear yard~~ to the rear of the main mass of the principal structure. On residential lots, the pool shall be placed no closer than fifteen (15) feet to the side or rear lot line. On corner residential lots, the pool shall be no closer than fifty (50) feet to the side lot line.
 - (2) Height: No swimming pool shall have a height above grade greater than fifty-two (52) inches (as measured at a distance of six (6) inches from the side of the pool). The height of any pool appurtenances shall not be greater than three (3) feet above the top of the pool. The combined height above the ground of any swimming pool plus appurtenances shall not exceed six (6) feet at any point.
 - (3) Enclosure/Fencing:
 - (A) All swimming pools shall be completely surrounded by a fence or wall not less than four (4) feet in height (measured from finished grade level), which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches wide except for doors and gates and shall be installed prior to the swimming pool being filled with water. A principal or accessory building may be used as part of such enclosure.
 - (B) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling or accessory building which forms a part of the enclosure need not be so equipped.
 - (C) A portable spa may be secured by the use of a rigid safety cover with a locked top, in lieu of a fence or wall. A portable spa is defined as a non-permanent structure intended for recreational bathing, for which all controls, water heating, and water circulating equipment are an integral part of the product.
 - (4) Screening: All swimming pools shall be screened by material of sufficient density to obscure its view from adjacent dwellings and/or public streets. Screening shall be placed no closer to the side of the pool than seventy-two (72) inches.
 - (5) Illumination: All illumination for the pool or surrounding area must be directed entirely onto the pool area and must not shine onto adjacent properties or streets. (See Section 1207.14, Exterior Lighting.)
 - (6) Drainage: Discharge of any water from a swimming pool shall be onto the property where the pool is located or into the nearest storm sewer. The discharge shall not flow onto, through, or otherwise affect adjacent properties.
 - (7) Other Regulations: The construction and operation of swimming pools shall meet all other applicable county and state regulations.
- (g) Parking of Trucks, Mobile Homes, Recreational Vehicles and Equipment, and Cars~~Motor~~ Vehicles.
- (1) The parking or storage of inoperable, abandoned, or unlicensed motor vehicles is prohibited outdoors in all districts. See Section 1207.12(g). The parking, storage or placement of mobile homes is prohibited in all districts, except by permission of City Council pursuant to Section 1206.04(b)(4).
 - (2) No truck shall be parked overnight or stored in any district, except for Districts 6 and 8, unless in an enclosed structure. No truck or bus shall be parked during daylight hours in any district, except Districts 6 and 8, unless for deliveries.

- (3) Recreational vehicles and equipment shall not be parked or stored on a lot in any zone district for more than three (3) calendar days in any calendar month, regardless of the actual length of time that the recreational vehicle or equipment is parked or stored on the lot in any one (1) calendar day. The parking or storage shall only be for the purpose of cleaning, loading and repairing such recreational vehicle or equipment before or after it has been used.
- (4) Recreational vehicles and equipment, shall have no fixed connections to electricity, water, gas or sanitary sewer facilities, nor shall they be used for dwelling, business, or commercial purposes or for any accessory uses in any zone district.
- (5) Recreational vehicles and equipment may be parked or stored in any zone district within an enclosed structure or, if parked or stored outside all of the following requirements shall be satisfied:
 - (A) The vehicle or equipment may be parked no closer to the street than the front wall of the dwelling. On a corner lot this restriction applies to the distance from the side street also. Bufferyard C, as defined in Section 1207.04 of this Code shall be installed.
 - (B) Not more than one (1) recreational vehicle or one (1) piece of recreational equipment per premises may be so parked.
 - (C) Screening material of sufficient density to obscure recreational vehicles and equipment from adjacent dwelling and/or public or private streets shall be provided.
 - (D) The vehicle or equipment shall be parked no closer than three (3) feet from any property line.
- (6) Parking of any recreational vehicles and equipment, shall only be allowed in the side or rear yards of a lot on which exists a single-family or duplex dwelling.
- (7) Parking of more than one (1) recreational vehicle or one (1) piece of recreational equipment ~~and/or more than five (5) cars~~ in any exterior yard area of a lot on which exists a single-family or duplex dwelling shall be prohibited.

(8) Parking of one utility trailer subject to the restrictions of (5)(A) – (D)

(98) Parking of more than five (5) motor vehicles in any exterior yard area of a lot on which exists a single family or duplex dwelling for more than seven (7) calendar days in one (1) calendar year shall be prohibited.

(109) For purposes of the above Section 1206.03, "motor vehicle" shall mean any vehicle that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires.

([Ord. No. 16-44](#), § 5, 7-19-2016)

1206.04. - Temporary uses.

- (a) Permit Required. A permit for temporary uses may be issued within any zone district provided such temporary use meets the requirements of this section. The permit shall be issued for a specified period and shall contain such conditions as are necessary for protection of the public health and safety and as necessary to mitigate any potential adverse impacts. The City Council, or the City Manager, as authority is specified, may require such assurances or guarantees of compliance with conditions as is reasonable and appropriate under the circumstances.

(b) The following temporary uses may be permitted by ~~the City Manager~~City Council:

(1) Holiday Sales.

(A) Holiday sales activities, such as sales of Christmas trees, shall be permitted temporary uses in the following Districts:

- (i) District 5—Village Core/Historic District.
- (ii) District 6—Western Hudson Gateway.
- (iii) District 7—Outer Village Commercial Corridor and Office Overlay Zone.
- (iv) District 9—Darrowville Commercial Corridor.

(B) The term of the temporary use permit shall not exceed sixty (60) days.

(C) Permitted holiday sales activities may occur within required zone district setbacks, provided that no display shall encroach into a required setback by more than fifty percent (50%) of the required setback depth and provided that no display or related equipment shall be located within a required sight triangle.

(2) Seasonal Sales:

(A) Seasonal Art, Craft, and Book Sales (and other similar uses as determined by the City Manager) shall be permitted as a temporary use in the following Districts:

- (i) District 4: Historic Residential Neighborhood
- (ii) District 5: Village Core District
- (iii) District 8: Industrial Office/Park

~~(BA)~~ Seasonal sales of farm produce and packaged agricultural products shall be permitted as a temporary use in the following Districts:

- (i) District 2—Rural Residential Conservation.
- (ii) District 5—Village Core/Historic District.
- (iii) District 7—Outer Village Commercial Corridor and Office Overlay Zone.
- (iv) District 9—Darrowville Commercial Corridor.
- (v) District 10—Ravenna Road Mixed-Use Corridor.

~~(CB)~~ Structures incidental to such sales need not comply with the applicable front setback requirements provided that no such structure shall be located within a required sight triangle.

~~(DG)~~ The term of the temporary use permit shall not exceed sixty (60) days.

~~(ED)~~ All structures incidental to such sales shall be removed at the end of the season during which they are used.

(3) Temporary Housing:

(A) A mobile home or camper may be permitted as a temporary use in all Districts for the purpose of providing a temporary residential structure following a disaster, such as fire, windstorm, or flood.

(B) Such temporary housing shall be located to minimize its impact on any adjacent residential uses. A sketch plan showing the proposed location shall be approved by the City Manager as part of the permit application.

- (C) The term of the temporary use permit shall be no more than six (6) months, except that the City Manager may extend the term for an additional six-month period upon showing of good cause by the owner.
 - (D) Permitted temporary housing shall be removed within thirty (30) days after the completion of the permanent residential structure on the site, even if the temporary use permit is still valid.
- (c) Contractor's Office/Temporary Construction Uses may be permitted by the City Manager as follows:
- (1) Permitted in all Districts. The use of construction sheds or construction trailers in connection with site construction, or an area used for the temporary storage of building materials and equipment necessary for construction of a permanent use, are permitted temporary uses in all Districts, subject to the following regulations and restrictions.
 - (2) Term of permit. The term of a temporary use permit for construction uses shall automatically expire thirty (30) days after completion of construction, or upon cessation of construction for more than sixty (60) days, or one (1) year after issuance, whichever occurs first. The City Manager may grant up to three (3), six-month extensions if the builder maintains active and continuous construction on the site or within the subdivision.
 - (3) Site requirements.
 - (A) A construction trailer, construction shed, or a construction yard, shall be located on the lot on which construction is progressing and shall not be located within twenty-five (25) feet of any abutting residential use.
 - (B) A construction yard may be sited on a lot adjacent to the construction site provided that access from the temporary construction yard to the construction site(s) does not affect public streets or surrounding uses.
 - (C) Siting of a temporary construction yard shall provide adequate buffering for adjacent structures and uses.
 - (D) A construction yard shall be maintained in good condition during the time of its use. Construction yards and sites shall be regularly mowed and weed growth shall be controlled. Trash and rubbish barrels/receptacles shall be provided on-site and trash pick-up and removal shall occur on at least a weekly basis.
 - (4) Dwelling prohibited. A construction trailer or construction shed shall be used only as temporary field offices and for storage of incidental equipment and supplies, and shall not be used as any type of dwelling.
 - (5) Commencement of use. A construction trailer or construction shed, or a temporary construction yard, shall be moved, erected, or established on a construction site no earlier than two (2) weeks prior to the date on which construction actually commences. If construction is interrupted and ceases for more than sixty (60) days, a construction trailer or construction shed shall be removed until actual construction commences again.
 - (6) Fire hazards. No flammable materials, as defined in the City's Fire Code, shall be stored in the construction trailer or construction shed.
 - (7) Trailer/shed requirements:
 - (A) All construction trailers and construction sheds shall have at least ten (10) feet on all sides for clearance. Two (2) or more construction trailers may be joined for passage from trailer to trailer.
 - (B) All construction trailers and construction sheds shall contain solid floors, electric lights, heat, and doors with locks.
 - (C) Every construction trailer and construction shed shall be maintained in clean and orderly condition, with rubbish barrels for waste materials.

- (8) Completion of temporary use: Upon completion of the temporary use, the site shall be cleaned, all evidence of the use(s) removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

- (d) Portable Storage Units may be permitted by the City Manager as follows:

The use of portable storage units manufactured for that purpose, commonly known as PODS - Portable On-Demand Storage and similar products which are placed onto a property for a temporary period are permitted, provided they are in compliance with the provisions of this subsection. Such temporary use may be used as temporary storage of personal property or to transport such property to a different location. Portable storage units shall not be considered structures under the provisions of this Code if registered with the City and in compliance with the following regulations and restrictions.

1. Registration Required. Prior to their use, all portable storage units shall be registered with the Department of Community Development.
2. Term and cost of permit. Upon registration, portable storage units shall be allowed for no more than two (2) periods in any twelve-month period, one (1) period no more than sixty (60) days in length and another period not more than thirty (30) days in length, except that the City Manager may extend either of the periods upon a showing of extenuating circumstances, such as repair for fire damage. No fee shall be charged for the application or issuance of this temporary use permit.
3. Site requirements. The portable storage unit must be placed on a paved or graveled surface and be at least five (5) feet from all property lines and must be placed within a rear yard area if accessible by an existing driveway. The number of portable storage units shall not exceed two (2) and each shall be no larger than ten (10) by eighteen (18) feet.

([Ord. No. 16-87](#) , § 1, 8-2-2016)

1206.05. - Nonconforming uses/structures/lots.

- (a) Applicability. The provisions of this section shall apply to uses, structures, and lots that were legally existing as of the effective date of this Code, December 31, 1999, but that become non-conforming as the result of the application of this Code to them or from reclassification of the property under any subsequent amendments to this Code.
- (b) Purpose. It is the general policy of the City of Hudson to allow nonconforming uses, structures, or lots to continue to exist and to be put to productive use. However, it is also the general policy of the City to bring as many aspects of such nonconformities into conformance with this Code as is reasonably practicable, all subject to the limitations of this section. The limitations of this section are intended to recognize the interests of property owners in continuing to use their property but to reasonably control expansions, reestablishment of discontinued uses, and the re-establishment of nonconforming buildings and structures that have been substantially destroyed.
- (c) Authority to Continue. Nonconformities shall be allowed to continue in accordance with the requirements of this section.
- (d) Repairs and Maintenance. Repairs and normal maintenance required to keep nonconforming uses and structures in a safe condition shall be permitted, provided that no alterations shall be made except those allowed by this section or required by law or ordinance.
- (e) Nonconforming Uses. Nonconforming uses shall be subject to the following standards:
 - (1) Enlargement. A nonconforming use may be enlarged, increased, or extended beyond the area it occupied as of the effective date of this Code, December 31, 1999, provided that the Board of Zoning and Building Appeals, pursuant to the procedure set forth in Section 1203.06 of this Code, finds all of the following:

- (A) The enlargement will not interfere with the operation of conforming uses in the District or with circulation on adjacent public streets; and
 - (B) The enlargement will cause no greater adverse impacts on surrounding properties than did the original nonconforming use; and
 - (C) Increases and enlargements do not exceed twenty-five percent (25%) of the area that the nonconforming use occupied as of the effective date of this Code, or except as (D) below.
 - (D) Increases and enlargements do not exceed one hundred fifty percent (150%) of the area within the existing exterior walls of the building that the nonconforming use occupied and said use and building existed as of the effective date of this Code.
- (2) Relocation. No nonconforming use shall be moved in whole or in part from its original location as of the effective date of this Code to any other part of such parcel, building, structure, or to another lot except in compliance with this Code.
- (3) Discontinuance and Abandonment:
- (A) If a nonconforming use is voluntarily discontinued for a period of twenty-four (24) consecutive months or more, any use of the property thereafter shall be in conformance with regulations and provisions set by this Code for the district in which such property is located.
 - (B) Discontinuance of a nonconforming use may be indicated by non-use and the removal of either stock-in-trade or substantially all equipment, fittings, or furniture needed to operate the use.
- (4) Damage or Destruction.
- (5) (A) Except as otherwise expressly permitted in subpart (B) below, if any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of its fair market value prior to the destruction, such use shall not be restored except in conformance with this Code. The determination of such reduced value shall be made by the Board of Zoning and Building Appeal, which may, if necessary, consult with a city-appointed appraiser.
- (B) A structure devoted solely to a nonconforming single family dwelling or two-family residential use that is damaged or destroyed by fire, earthquake or other act of God, may be reconstructed so as not to exceed one hundred ten percent (110%) of the gross floor area of the previous structure as used before such event of damage or destruction. All reconstruction of the structure must be completed within two (2) years following the event of damage or destruction, shall not increase the degree of nonconformance or noncompliance existing prior to such damage or destruction, and shall otherwise be in conformance with this Code.
- (6) Change in Use/Substitution:
- (A) The Board of Zoning and Building Appeals may permit a nonconforming use to be changed to a second non-conforming use provided that the new use shall be of the same general character or of a character less intensive than the original nonconforming use and provided the new use will result in equal or less impact on the surrounding community and district.
 - (B) A nonconforming use that changes to a conforming use or to a second nonconforming use as set forth in paragraph (A) above may not thereafter revert to the original nonconforming use.
- (7) Accessory Uses. No use that is accessory to a principal nonconforming use shall continue after such principal nonconforming use ceases or terminates.
- (8) Nonconforming as to Parking.

- (A) Nonconformity as to off-street parking or loading shall not render a use subject to the conditions of this section.
 - (B) A use that is nonconforming as to off-street parking or loading shall not be changed to another use requiring more off-street parking or loading unless the additional required parking or loading is provided.
 - (C) The Board of Zoning and Building Appeals may permit a nonconforming use to provide off-street parking or loading on a lot other than the lot on which the use is located.
- (f) Nonconforming Structures. A nonconforming structure as more fully defined in Section 1213 includes a structure lawful prior to the Land Development Code, but which fails to meet setback, height, or other site development requirements of this Code. Nonconforming structures other than those which nonconformity is created by size of use limitations listed by Uses by Right and Conditional Uses of each Zoning District of Chapter 1205 shall be subject to the following standards:
- (1) Enlargement.
 - (A) A nonconforming structure may be expanded without approval from the BZBA provided the proposed expansion does not exceed fifty percent (50%) of the existing footprint and:
 - (i) The expansion does not increase the degree of nonconformity; or
 - (ii) The extension of a structure which is nonconforming due to side yard setback shall be allowed so long as the extension is not closer to the side property line and the extension does not exceed twenty-five percent (25%) of the existing structure length, including porches and architectural features but excluding decks.

Existing footprint and structure length shall mean the dimensions as they existed December 31, 1999.
 - (B) A nonconforming structure may otherwise be enlarged, increased, or extended beyond the area it occupied as of the effective date of this Code, December 31, 1999, provided the Board of Zoning and Building Appeals, pursuant to the procedure set forth in Section 1203.06 of this Code, finds all of the following:
 - (i) The enlargement will not interfere with the operation of conforming uses in the District or with circulation on adjacent public streets; and
 - (ii) The enlarged structure will cause no greater adverse impacts on surrounding properties than did the original conforming structure.
 - (C) The nonconforming structure is not a structure that is the subject of listed "Uses By-Right" or "Conditional Uses" in Chapter 1205 that have a gross floor area limitation or that have a gross floor area limitation on Main Street in District 5.
 - (2) Damage or Destruction:
 - (A) If any nonconforming structure is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of its fair market value prior to the damage or destruction, such structure shall not be restored except in conformance with this Code. The determination of such reduced value shall be made by the Board of Zoning and Building Appeal, which may, if necessary, consult with a city-appointed appraiser.
 - (B) If a nonconforming structure is damaged or destroyed, by any means, to the extent of fifty percent (50%) or less of its fair market value prior to the damage or destruction, no repairs or restoration shall be made unless commenced within six (6) months and completed within twenty-four (24) months of the date of the calamity. The determination of such reduced value shall be made by the Board of Zoning and Building Appeal, which may, if necessary, consult with a city-appointed appraiser.
 - (3) Relocation. Nonconforming structures shall not be moved for any reason or for any distance except to be brought into compliance with this Code.

(g) Nonconforming Lots of Record.

- (1) Development Permitted. Regardless of the area or width of a lot of record that legally existed as of the effective date of this Ordinance, December 31, 1999, and subject to paragraph (2) below, such lot may be developed for any use permitted in the district in which the lot is located, provided, however, that where required setback, open space, density, or other requirements make development impractical, the Board of Zoning and Building Appeals may permit development to occur after granting specific variances.
- (2) Consolidation Required. If two (2) or more lots or parcels are contiguous, in single and common ownership, and are of record as of the effective date of this Code, December 31, 1999, or amendments thereto, and if all or part of the lots or parcels with no principal structures thereon do not meet the minimum lot area requirements set forth in the applicable district regulations of this Code, then the lands involved shall be considered to be a single, undivided parcel for the purposes of this Code. No portion of such parcel shall be used or sold in a manner that renders compliance with the lot area requirements set forth in this Code less than the requirements set forth in this Code.

1206.06. - Use classification procedure.

(a) Applicability.

- (1) The zone district use regulations in this Code set forth broad classes of permitted uses. Whenever there is a dispute whether a specific, proposed use falls into one (1) of the broader classes of permitted uses, the provisions of this section shall apply to resolve the dispute.
- (2) The provisions of this section shall not apply to permit any use that is specifically prohibited in a zone district.

(b) Procedure for Determination of Disputed Uses. All questions or disputes whether a specific proposed use is permitted in the applicable zone district shall be determined upon application to the City Manager. Within fourteen (14) days from the date that a submitted application is certified as complete pursuant to Section 1203.01(c) above, the City Manager shall make a determination as to whether the proposed use falls into a use category permitted either by-right or conditionally in the applicable zone district, based on the standards and criteria set forth in subsection (c) below.

(c) Standards for Review. A determination whether a proposed specific use is permitted in a particular zone district shall be made based on consideration of the following criteria and standards:

- (1) The proposed use is of the same general character in terms of external impacts, hours of operation, and the like, or within the same SIC group number classification, as the latter is defined in the Standard Industrial Classification Manual (OMB 1987 or its successor publication), as any of the uses permitted by-right or as conditional uses; and
- (2) The impacts of the proposed use are equal to or less than any specifically listed permitted or conditional uses in the zone district in which the proposed use is to be located, considering but not limited to impacts on traffic, the environment, and surrounding properties; and
- (3) The proposed use is consistent with the stated intent and purposes of this Code and the zone district in which it is to be located.

(d) Application. Applications for determination of disputed uses shall be submitted to the City Manager upon such forms as approved by the City Manager.

(e) Submittal Requirements. See Appendix A for submittal requirements for applications for determination of disputed uses.

(f) Appeals. See Section 1212.01(a).

CHAPTER 1207. - ZONING DEVELOPMENT AND SITE PLAN STANDARDS

Applicability: Chapter 1207 Zoning Development and Site Plan Standards shall apply to all development in the City of Hudson except development in Districts 6 and 8. Development in Districts 6 and 8 shall be subject only to Section 1207.18 "Zoning Development and Site Plan Standards for Districts 6 and 8" and the Code sections incorporated by reference therein.

1207.01. - Maximum impervious surface coverage.

(a) Maximum Impervious Surface Coverage.

- (1) Single-Family Residential Uses. The maximum impervious surface coverage for any residential property, including parking areas and accessory buildings and structures, shall not exceed forty percent (40%) of the total gross area of the underlying lot or lots, as determined by the Community Development Department, unless storm water management, existing conditions, or other techniques approved by the City Engineer to control storm water and runoff are employed, but in no case shall the impervious surface coverage exceed sixty percent (60%) of the total gross area of the underlying lot or lots. A survey of the property may be required to verify the impervious surface coverage of the property.
- (2) Planned Developments. The maximum impervious surface coverage, including parking area and accessory buildings and structures, shall be determined on a case-by-case basis based on the criteria set forth in subsection (b) below.
- (3) All Other Non-Residential Uses. The maximum impervious surface coverage for commercial, industrial, and institutional uses shall be determined on a case-by-case basis based on the criteria set forth in subsection (b) below, but in no case shall the maximum impervious surface coverage exceed sixty percent (60%) of the total gross area of the underlying lot or lots except for the following:
 - (A) The impervious surface coverage in District 5 for commercial/retail buildings may not exceed eighty percent (80%) and for single-family attached, townhomes, and multi-family residential may not exceed seventy-five percent (75%).
 - (B) The impervious surface coverage in the District 7 Overlay may not exceed fifty percent (50%).
 - (C) The impervious surface coverage for development in Districts 6 and 8 may not exceed seventy-five percent (75%).

(b) Criteria for Establishing Impervious Site Coverage and Limits of Disturbance. In establishing maximum impervious surface and limits of disturbance, the following criteria and standards shall be considered and applied:

- (1) Minimize visual impacts from the development, including but not limited to screening from adjacent properties and protection of scenic views.
- (2) Preservation of significant trees or vegetation. (See Section 1207.02, Tree and Vegetation Protection.)
- (3) Erosion prevention and control, including but not limited to protection of steep slopes and natural drainage channels. (See Section 1207.02, Tree and Vegetation Protection; Section 1207.03, Wetland/Stream Corridor Protection; and Section 1207.07, Stormwater Management/Drainage/Erosion Control.)
- (4) Protection of aquifer recharge areas, and in particular areas lying within the one-mile and five-mile time of travel limits for the City of Hudson's designated Wellhead Protection Area. (See Section 1207.08, (Wellhead Protection Area Standards.)

- (5) Stream corridor and wetland protection and buffering. (See Section 1207.03, Stream Corridor and Wetlands Protection.)
- (6) Preservation of existing levels of ecological integrity as shown on any of the individual metrics or the undeveloped IEI composite set forth in Appendix B to this Code.
- (c) Limits of Disturbance—Development Standards and Guidelines.
 - (1) Construction Activity Inside the Limits of Disturbance:
 - (A) All construction activity, including, without limitation, grading, excavation, or stockpiling of fill material shall be contained within the approved limits of disturbance.
 - (B) No construction activity shall be permitted within the limits of disturbance, whether to provide for a building site, on-site utilities or services, or for any roads or driveways, prior to the approval of any required erosion and sedimentation control plan for the development.
 - (2) Land Disturbing Activities Outside the Limits of Disturbance. Land disturbance activity may occur outside the limits of disturbance for the following limited purposes:
 - (A) Restoration of previously disturbed or degraded areas.
 - (B) Utility installations and emergency public safety activities when such activities and installations cannot reasonably be contained within the Limits of Disturbance or other nearby developed areas.
 - (C) Construction of a multi-purpose trail that will provide public access for recreational purposes when such trail cannot reasonably be contained within the Limits of Disturbance or other nearby developed areas.
 - (D) Enhancement of the habitat values and/or other natural resource values of an identified natural area.
 - (E) Landscaping, including vegetation clearing, planting of lawns, and tree removal may occur in the areas outside the limits of disturbance, except that trees with a diameter at breast height (DBH) of nine (9) inches or more shall not be removed, except as provided in Section 1207.02.
 - (F) Bufferyards. Areas along the perimeter of a lot that are outside the established limits of disturbance may be disturbed to establish a bufferyard as required by Section 1207.04 of this chapter.
 - (3) Standards For Protection During Construction:
 - (A) Designation and Fencing. Approved Limits of Disturbance shall be shown on the final site plan or subdivision plan. Limits of Disturbance shall be designated in the field prior to commencement of excavation, grading, or construction with fencing or other methods approved by the City Manager. For the protection of trees and clumps of trees to be preserved, see the tree protection specifications in Section 1207.02(d) below.

([Ord. No. 16-148](#), § 13, 2-21-2017)

1207.02. - Tree and vegetation protection (new construction only).

- (a) Purposes. Protection of existing tree and vegetation cover is intended to preserve the visual and aesthetic qualities of the city, to encourage site design techniques that preserve the natural environment and enhance the built environment, to control erosion and sediment run-off into streams and bodies of water, to protect wildlife habitat, to provide shade, and to conserve energy by reducing building heating and cooling costs.
- (b) Tree/Vegetation Removal.

- (1) Outside the Limits of Disturbance. No trees with a diameter at breast height (DBH) of nine (9) inches or greater shall be removed outside the approved limits of disturbance, except as may be specifically exempted in this section.
 - (2) Within the Limits of Disturbance. Whenever practicable, significant trees and existing vegetation within the limits of disturbance should be preserved.
 - (3) Priority Areas for Retention. Priority areas for retention of existing trees and vegetation shall include, but not be limited to riparian areas, wetlands, wildlife habitat, aquifer or wellhead protection areas, areas falling within the two (2) highest quality ecological integrity classifications for any of the individual metrics or composite as set forth in Appendix B to this Code, and other sensitive natural areas. Streets, buildings, and lot layouts shall be designed to minimize disturbance to all trees nine (9) inches DBH or larger.
- (c) Replacement/Mitigation Requirements for Violations of this Section.
- (1) Trees. Any tree nine (9) inches DBH or larger that is removed in violation of this section from outside the limits of disturbance shall be:
 - (A) Replanted on the site; or
 - (B) Replaced with a tree of the same or equivalent species; or
 - (C) Replaced with trees of the same or equivalent species and in quantities consistent with the dollar values set forth in the Schedule A below.
 - (2) Cash Payment In-Lieu of Tree Replacement. Alternately, for any tree nine (9) inches DBH or larger that is removed from outside the limits of disturbance, the applicant may pay cash in-lieu of tree replacement consistent with the dollar values set forth in Schedule A below. All monies received by the City from an applicant for the purpose of tree mitigation shall be placed in an individual conservation escrow account.

SCHEDULE A:

Tree Removed (In Inches)	Tree Value Equivalent/ Cash-In-Lieu Amount
9+ to 11	\$200.00
11+ to 14	340.00
14+ to 17	550.00
17+ to 21.5	750.00
21.5+ to 23	965.00
23+ to 25	1,413.00
25+ to 27	2,010.00
27+ to 29	2,730.00
29+	3,440.00

Schedule A, above, is subject to index adjustments for inflation.

- (3) Exception. The Planning Commission may waive the tree mitigation provisions set forth in this section if it finds that removal of a tree or trees nine (9) inches DBH or greater was necessary due to site planning efforts to protect sensitive areas on the lot or site, including but not limited to wetlands, stream corridors, or aquifer protection areas.
- (d) Site Construction Standards. All applicants shall meet the following standards:
 - (1) Trees to be Removed. Trees authorized for removal shall be marked on the curb side with an orange "X" of at least four (4) inches in height.
 - (2) Trees to be Relocated. Trees to be relocated shall be marked on two (2) sides with a white "dot" of at least four (4) inches in height. Trees shall be transported and relocated directly into the ground with a hydraulic spade to a permanent on- or off-site location approved by the city before construction begins. Trees larger than five (5) inches or larger shall be moved with a spade ninety (90) inches or larger. Trees smaller than five (5) inches shall be moved with a spade sixty (60) inches or larger.
 - (3) Trees to be Preserved. Trees and groups of trees to be preserved on site, including their root zone (the most critical portion of a tree's root zone is an area approximately one (1) foot in radius for each diameter inch of trunk), shall be protected during the entire construction period with orange fencing of a minimum height of four (4) feet, secured with metal T-posts, no closer than six (6) feet from the trunk of any tree or one-half (½) the drip line, whichever is greater or other methods approved by the City Manager. Any fenced area shall be posted with a sign with at least two-inch high lettering reading "Tree Preservation Area—Do Not Disturb." Such signs shall be posted at least every one hundred (100) feet or on each separate fenced area. No signs, notices, or permits shall be nailed or attached to protected trees. The applicant shall be responsible for maintenance of signs and fencing at all times.
 - (4) Prohibited Activities within Preservation Areas:
 - (A) The applicant shall be responsible for ensuring that within the fenced areas there is no disturbance of soil, clearing, grubbing, grading, stock-piling of soil or any other materials or equipment, or disposal of any fluids or other materials that may be harmful to the tree(s) or vegetation.
 - (B) Change in site grade greater than six (6) inches within the dripline of protected trees, or within three (3) feet of protected vegetation, such that drainage flows into or collects near protected tree(s) and vegetation is prohibited.
 - (5) Limits on Excavation Near Preserved Trees. The installation of utilities, irrigation lines, or any underground fixture requiring excavation deeper than six (6) inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of twenty-four (24) inches. The auger distance shall be as set forth in the chart below:

Tree Diameter	Auger Distance From
0—2	1
3—4	2
5—9	5
10—14	10
15—19	12
Over 19	15

- (e) Exemptions. The following trees and vegetation shall be exempt from the requirements of this section:
 - (1) Dead, dying, or naturally fallen trees or vegetation, unless the Community Development Staff determines that an action or actions of the applicant or his agents has contributed substantially to the deterioration of a tree or vegetation, or trees and vegetation found to be a threat to public health, safety, or welfare;
 - (2) Trees or vegetation that are determined by the City to substantially obstruct clear visibility at driveways and intersections;
 - (3) Tree species that constitute a nuisance to the public such as Corkscrew Willow, Flowering Pear, Weeping Willow, Colorado Blue Spruce, and Austrian Pine.
 - (4) Trees that are removed from a large stand of trees or forests that are overly dense as part of a plan approved by a qualified forester and the City Community Development Staff for the purpose of maintaining the health and viability of the stand of trees or forest.
- (f) Plant Materials, Installation, and Maintenance.
 - (1) Topsoil. To the maximum extent feasible, topsoil that is removed during construction activity shall be conserved for later use on areas requiring landscaping and revegetation.
 - (2) Plant Materials. The selection of plant materials shall be based on the City of Hudson's climate and site conditions. A list of allowable and preferred plant species that are adaptable to the City of Hudson can be found in Appendix C of this Code.
 - (3) Plant Quality. All plants shall be Specimen Quality for the plant type, free of any defects, of normal health, height, leaf density, and spread appropriate to the species as defined by American Association of Nurserymen or International Society of Arboriculture standards.
 - (4) Installation. All tree replacement in each phase of a development shall be either installed or installation shall be secured with a letter of credit, escrow, or performance bond for one hundred twenty-five percent (125%) of the value of the trees prior to the issuance of a certificate of zoning compliance for any building in such phase. The performance guarantee required by this section shall be in addition to any performance guarantee(s) for landscaping required in Section 1207.04 of this chapter.
 - (5) Maintenance. Existing trees and vegetation shall be considered as elements of the project in the same manner as parking, building materials, and other site details, and if damaged during construction or dead within two (2) years of completion of development, shall be promptly replaced based on the requirements of this section.

1207.03. - Wetland/stream corridor protection.

- (a) Purpose. The following requirements and standards are intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions that stream corridors, associated riparian areas, and wetlands provide.
- (b) Boundary Delineation.
 - (1) Qualified Professional. Stream corridor and wetland area delineation shall be performed by a qualified professional that has demonstrated experience necessary to conduct site analysis. Delineations shall be subject to the approval of the City Manager, City Engineer, and the City Community Development Staff.
 - (2) Stream Corridor Boundaries. Stream corridors shall be delineated at the ordinary high-water mark as defined in Chapter 1213 of this Code. Stream corridors shall not include ditches that are commonly known to be irrigation ditches and that do not contribute to the preservation and enhancement of fisheries or wildlife.

- (3) Wetland Boundaries. Boundary delineation of wetlands shall be established by reference to the City of Hudson's Environmental Resource Atlas and the Index of Ecological Integrity (ACRT, Inc., 1996), or if a property is not included in the Atlas or the Index, or if the Atlas or Index boundary is disputed by either the City or applicant, then by using the Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1, dated 1987. Subsequent revisions of the Federal Manual shall not be incorporated into this delineation methodology. Although the Federal Manual may change in the future, the City will use this referenced manual as a basis for wetland determination. The following City of Hudson studies shall also be used by reference to establish wetland boundaries: Mudbrook, Brandywine and Meadowbrook.
- (c) Prohibited Activities. No person shall engage in any activity that will disturb, remove, fill, drain, dredge, clear, destroy, or alter any area, including vegetation, within stream corridors, wetlands, and their setbacks, except as may be expressly allowed in this Code.
- (d) Compliance with Applicable Federal Wetlands Laws or Regulations.
 - (1) No person shall engage in any activity that will disturb, remove, fill, drain, dredge, clear, destroy, or alter any area, including vegetation, within a wetland as delineated or would be delineated by the procedures of this section, except as may be expressly allowed by this Code.
 - (2) The City shall not grant final approval to any development or activity, including subdivisions, in a wetland that falls within the federal government's jurisdiction until all necessary federal approvals and permits have been obtained.
- (e) Setbacks. The following setbacks are considered minimum distances:
 - (1) Stream Corridors. All buildings, accessory structures, parking lots, grading and clearing shall be set back from the ordinary high-water mark of stream corridors. The minimum setback widths are:
 - (i) One hundred (100) feet on each side of all streams draining an area greater than twenty (20) square miles, or
 - (ii) Seventy-five (75) feet on each side of all streams draining an area greater than 0.5 square miles (320 acres) and up to twenty (20) square miles, or
 - (iii) Fifty (50) feet on each side of all streams draining an area greater than 0.05 square miles (32 acres) and up to 0.5 square miles (320 acres).
 - (iv) Thirty (30) feet on each side of all streams draining an area less than 0.05 square miles (32 acres).
 - (2) Wetlands. All buildings, accessory structures, and parking areas or lots shall be set back at least fifty (50) feet horizontally (map distance), from the delineated edge of a wetland.
 - (3) Private Open Space/Landscaping Credit. All setback areas shall be credited toward any relevant private open space set-aside requirements or landscaping requirements.
- (f) Preservation of Vegetation. All existing vegetation within the steam corridor or wetland setback area shall be preserved, and where necessary to provide adequate screening or to repair damaged riparian areas, supplemented with additional native planting and landscaping approved by the City Community Development Staff.
- (g) Exceptions. The following structures and necessary grading may be excepted from this section (Wetland/Stream Corridor Protection) provided construction and the area disturbed minimizes impact to the maximum extent feasible: (1) Bridges over streams and the setback area; (2) Stormwater management wet basins within the setback area when native plantings are used.

1207.04. - Landscaping/buffering.

- (a) Purpose. The purpose of these regulations is to provide minimum standards involving the development of land to provide attractive views from roads and adjacent properties; to screen from view visually unattractive uses; to require screening between incompatible land uses and to protect

the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and headlight glare.

(b) Applicability.

- (1) **New Property Development.** Landscaping requirements shall apply to all new property development, except bufferyard requirements shall not apply to individual single family dwellings and parking lots of five (5) spaces or smaller.
- (2) **Collective Substantial Expansion of Existing Buildings.** Landscaping requirements shall apply to any collective substantial expansion of existing buildings, other than individual single family dwellings, and as further excepted as follows. Bufferyards (subsections (d)—(h) and perimeter parking lot landscaping (subsection (m)(3)) are required only to the extent that the site improvement is visible from roads or adjacent property, but that bufferyards shall not be required for parking lots of five (5) spaces or fewer. General landscaping (subsection (j)), landscaping in the front yard and front setback (subsection (l)), and landscaping for parking lot islands (subsection (m)(2)) will be based proportionately on the area of the footprint of the improvement, not the area of the total resulting building footprint. Substantial expansion of existing buildings shall be defined based on the criteria established below:

When Existing Structure is...	A Substantial Expansion is...
0—1,000 sq. ft.	50% or greater
1,001—10,000 sq. ft.	40% or greater
10,001—25,000 sq. ft.	30% or greater
25,001 and larger	20% or greater

- (3) **Improvements Other Than New Property Development or Collective Substantial Expansions of Existing Structures.** Bufferyard and landscaping requirements shall not apply to improvements that are not new property development or collective substantial expansions of existing structures, except as follows. Perimeter parking lot landscaping (subsection (m)(3) and screening/landscaping for service structures (subsection (n)) are required only to the extent that the site improvement is visible from roads or adjacent property. Landscaping for parking lot islands ([subsection] (m)(2) will be based proportionately on the area of the footprint of the improvement, not the area of the total resulting footprint. In no case shall bufferyard requirements apply to individual single family dwellings and parking lots of five (5) spaces or smaller.
- (c) **Plan Review.** For any bufferyard or landscaping required in this Code, the applicant shall submit a landscape plan to the City Manager for approval as part of the Site Plan Review process or Subdivision Review process. Landscape plans shall be prepared by a landscape design professional practicing within their areas of competence, except that the City Manager may waive this requirement for individual single family dwellings. Refer to Appendix A for landscape plan submittal requirements.
- (d) **Bufferyards.** Bufferyards shall be required around the boundary of all new developments to separate adjacent incompatible land uses and screen and soften the detrimental impacts of incompatible uses upon one another and upon the surrounding property line. Boundary bufferyards may vary in width

depending on site conditions and on the level of screening required for line of sight, noise suppression, or other nuisance related purpose.

- (e) General Standards for Bufferyards.
 - (1) Responsibility for Installation of Buffer. Boundary and streetscape buffer areas shall be provided by the person in charge of or in control of developing the property whether as owner, lessee, tenant, occupant, or otherwise (hereinafter referred to as "Owner").
 - (2) Location:
 - (A) Boundary buffers shall be located along the rear and side boundaries of a lot or parcel. On sloped areas the boundary buffer should be located to maximize its screening effectiveness.
 - (B) Streetscape buffers shall be located along, but outside of, the public right-of-way and may be required along private street easements.
 - (3) Structures Within Required Buffer. No structure shall be permitted within a required buffer other than a wall, fence, or earth berm. A driveway in the side yard that connects a paving area on the lot to the street shall not encroach into the boundary buffer area.
 - (4) Level of Bufferyard Required:
 - (A) The bufferyards illustrated in subsection (g) below depict the total bufferyard required to be erected by the higher intensity use when it is being located next to the same or lower intensity use.
 - (B) When a use is proposed to be developed adjacent to a higher intensity use existing as of the effective date of this ordinance, it shall be required to plant a minimum Level B Bufferyard.
 - (C) The land use class of a vacant adjoining parcel shall be classified as the lowest intensity use permitted in the existing zone district.
 - (5) Hierarchy of Land Use Intensities. For purposes of this section, the following is a listing of land uses from highest intensity (A) to lowest intensity (I):
 - (A) Industrial.
 - (B) General Agricultural Land Use.
 - (C) Retail Commercial.
 - (D) Institutional/Civic.
 - (E) Office Commercial.
 - (F) Village Core Non-Residential Land Uses.
 - (G) Multi-Family Residential.
 - (H) Single Family Residential Open Space Conservation Subdivision.
 - (I) Single Family Residential Conventional.
 - (6) Adjacent Parcels. When adjacent parcels are being developed, the required buffer shall be placed on each parcel being developed. However, a buffer that meets the requirement of both parcels may be placed astride the boundary if a written agreement, signed by both owners, is filed with the City Manager, is recorded in the real estate property records of the County and runs with the property.
 - (7) Bufferyard Establishment. Once a bufferyard has been approved by the Planning Commission and established by the owner, it may not be used, disturbed, or altered for any purpose.
- (f) Determination of Bufferyard Type. A number of bufferyard requirements for new development are specified in various sections of this Code. Where no bufferyard standard is specified, the

determination of the appropriate type of bufferyard required between two (2) adjacent parcels is made by the following procedure:

- (1) Identify the land use of the proposed development property; and
- (2) Identify the adjacent land use(s).
- (3) Identify the bufferyard type by referring to Table 1 on next page.

Table 1 Bufferyard/Land Use Matrix

	Single Family Residential—Conventional Land Use	Single Family Attached Townhome Land Use	Single Family Residential—Open Space Conservation Subdivision Land Use	Multi-Family Residential Land Use	Village Core Non-Residential Land Use	Office Commercial Land Use	Institutional /Civic Land Use	Retail Commercial Land Use	General Agricultural Land Use	Industrial Land Use
Single Family Residential—Conventional Land Use	N/A	B	C	D	C	D	D	D	C	E
Single Family Attached Townhome Land Use		N/A	C	C	C	D	D	D	D	E
Single Family Residential—Open Space Conservation Subdivision			A	C	C	D	D	D	D	E
Multi-Family Residential Land Use				A	B	C	C	D	D	E
Village Core Non-Residential					N/A	N/A	N/A	N/A	N/A	N/A
Office Commercial Land Use						A	A	B	C	C
Institutional/Civic Land Use							A	B	C	C

	Single Family Residential—Conventional Land Use	Single Family Attached Townhome Land Use	Single Family Residential—Open Space Conservation Subdivision Land Use	Multi-Family Residential Land Use	Village Core Non-Residential Land Use	Office Commercial Land Use	Institutional /Civic Land Use	Retail Commercial Land Use	General Agricultural Land Use	Industrial Land Use
Retail Commercial Land Use								A	B	C
General Agricultural Land Use									N/A	N/A
Industrial Land Use										A

- (1) Bufferyard Increases Based on Height of Non-Residential Buildings. When a non-residential building is developed adjacent to an existing residential use or residential lot, the required boundary bufferyard between the non-residential development and the residential use shall be increased according to the following table:

When the Height of the Nonresidential Use Is:	The Required Boundary Bufferyard Type Shall Be:
35 Feet or Less	As Shown in Table 1 Above
35 Feet or More	One Level Higher Than the Type Shown in Table 1 Above. (e.g., if Table 1 shows Bufferyard C, Bufferyard D shall be established).
35 Feet or More, But Building is Set Back At Least 300 Feet from Lot Line Adjoining the Residential Use	As shown in Table 1 Above

(g) Bufferyard Type Requirements.

- (1) The application of bufferyard requirements must be flexible. A single standard applied to all uses can impose unnecessary hardship to landowners in certain instances and lead to monotonous landscapes in others. In order to provide a level of flexibility, a developer may choose from several widths and planting options within each type of bufferyard as provided in this section.

- (2) Bufferyard Type. The type and extent of bufferyard plantings or screening shall be a function of the degree of potential incompatibility of the adjacent land uses as set forth in Table 1 above.
- (A) Bufferyard A—Minimal: Minimum bufferyard width five (5) feet. (See Figure 10).
 - (B) Bufferyard B—Minor: Minimum bufferyard width ten (10) feet. (See Figure 11.)
 - (C) Bufferyard C—Moderate: Minimum bufferyard width fifteen (15) feet. (See Figure 12.)
 - (D) Bufferyard D—Substantial: Minimum bufferyard width twenty-five (25) feet. (See Figure 13.)
 - (E) Bufferyard E—Major: Minimum bufferyard width forty (40) feet. (See Figure 14.)
- (3) Bufferyard Width. Each bufferyard has five (5) width options. As width increases, the number of plantings per one-hundred-foot length decreases by a given factor referred to as the Plant Unit Multiplier. A Plant Unit Multiplier of one (1) is used for the minimum width of each bufferyard. The minimum width can be reduced, in certain instances, by using fences/walls within the bufferyard as illustrated below. An earth berm of the same height may be substituted for a fence or wall as illustrated on the following pages. When a bufferyard is required in addition to perimeter landscaping of parking of subsection (m), the required bufferyard may be satisfied concurrently with the requirements of subsection (m) by the more intensive planting and the more extensive width required by either this subsection or subsection (m).

Bufferyard A—Minimal

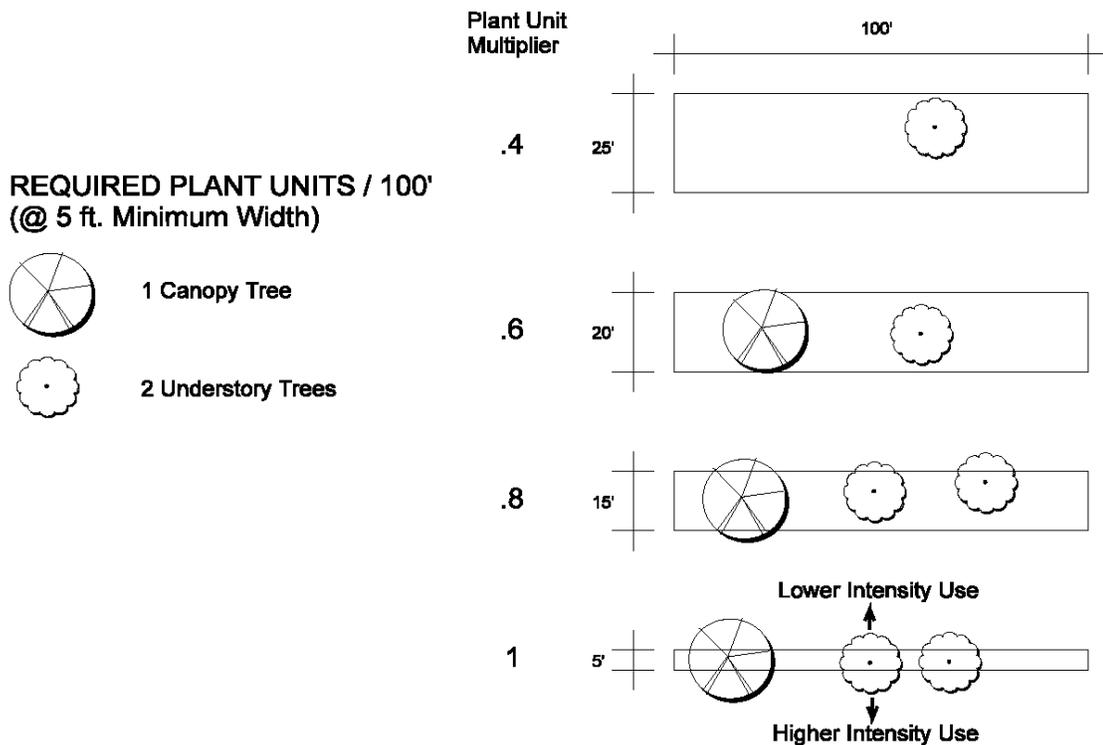


Figure 10: Bufferyard A - Minimal
Bufferyard B—Minor

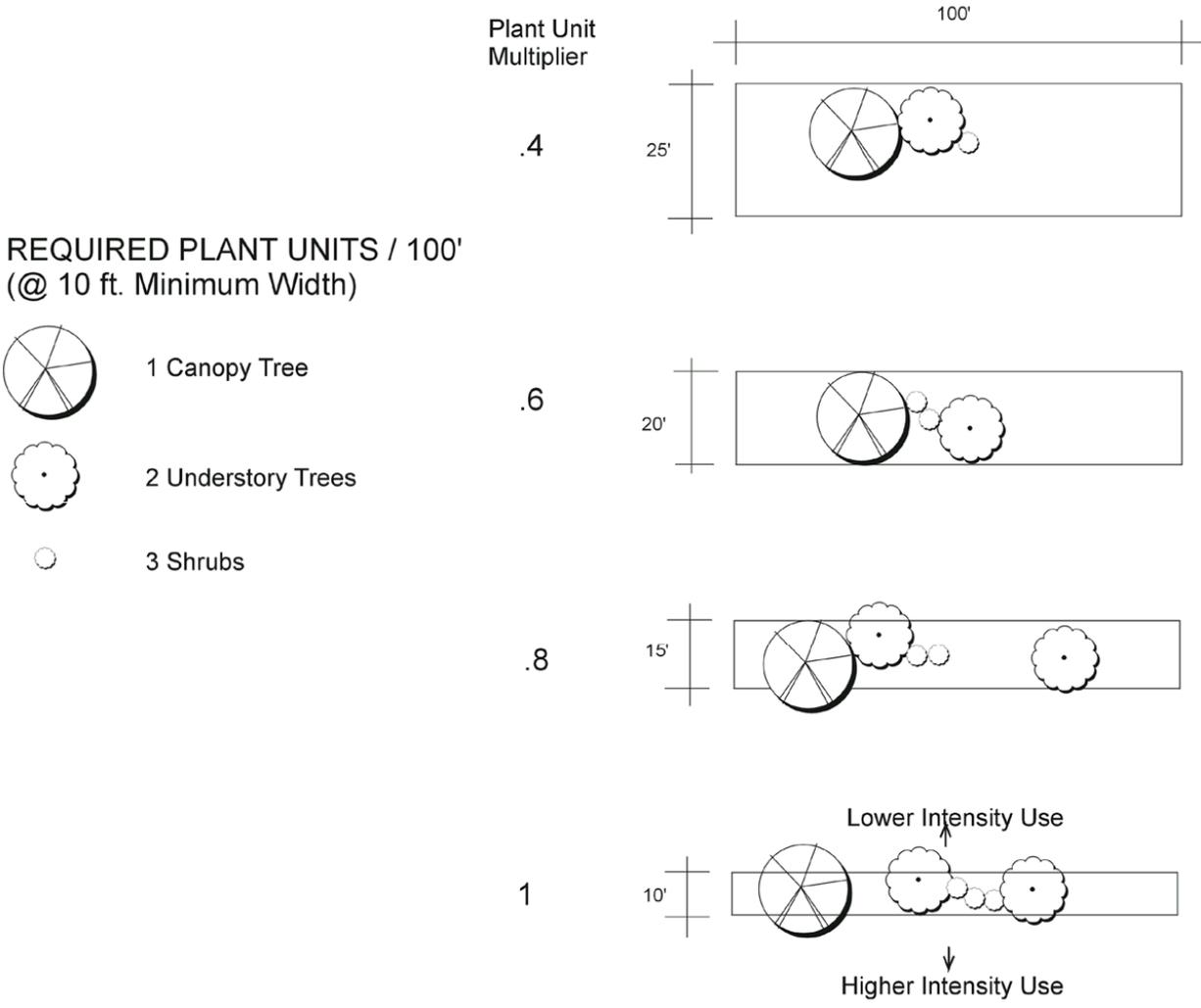


Figure 11: Bufferyard B - Minimal

Bufferyard C—Moderate

REQUIRED PLANT UNITS / 100'
(@ 15 ft. Minimum Width)



3 Canopy Trees



6 Understory Trees



9 Shrubs

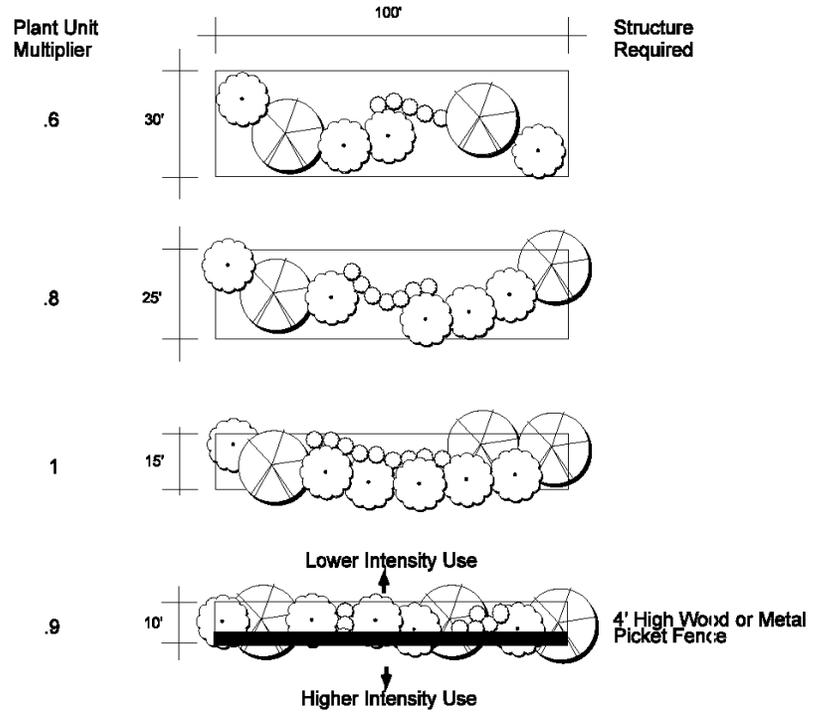


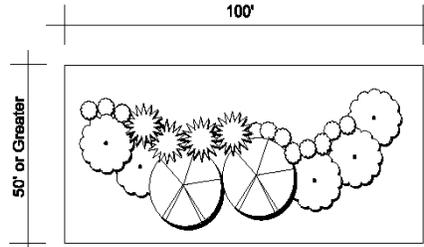
Figure 12: Bufferyard C - Moderate
Bufferyard D—Substantial

REQUIRED PLANT UNITS / 100'
 (@ 25 ft. Minimum Width)

-  4 Canopy Trees
-  8 Understory Trees
-  18 Shrubs
-  8 Evergreen/Conifers

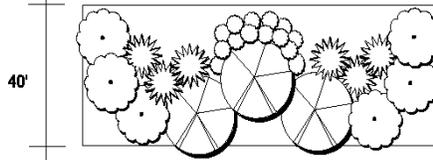
Plant Unit
Multiplier

.6

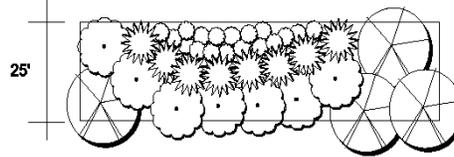


Structure
Required

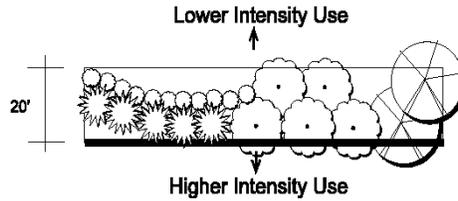
.8



1



.6



6' High Masonry,
Brick, or Stone Wall

Figure 13: Bufferyard D - Substantial

Bufferyard E - Major

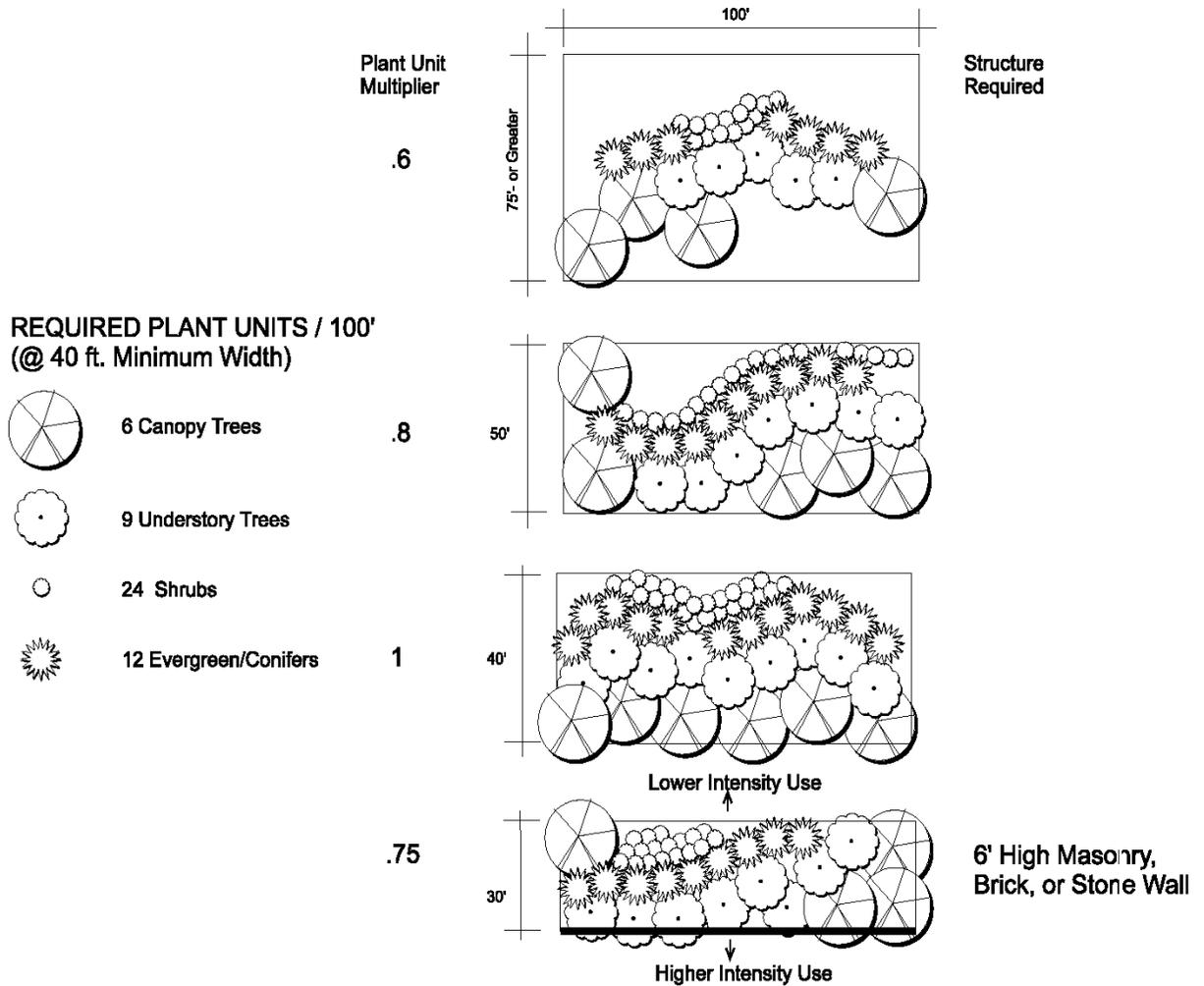
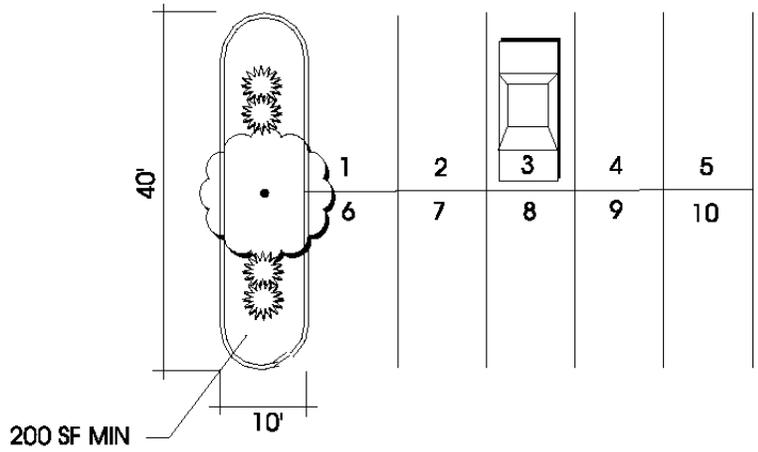


Figure 14: Bufferyard E - Major

- (h) Bufferyard Fences and Earth Berms. Bufferyards C, D, and E include the optional use of fences or earth berms as part of the bufferyard requirements. For all Bufferyards A- E, where the minimum bufferyard distance width is being met, if a four (4) to six (6) foot earth berm or a four (4) to six (6) foot fence or wall is installed as part of the bufferyard, then the required bufferyard plant material may be reduced by no more than fifteen percent (15%). This fifteen percent (15%) reduction is in addition to other allowable reductions in plant material due to increasing the minimum bufferyard width, as illustrated in subsection (g), Bufferyard Requirements, above.
- (i) Street Tree Planting Requirements. The planting of street trees shall be required at the time a parcel is developed or redeveloped and final landscape grade is completed in all zoning districts, and in accordance with the following regulations. The following are requirements for the planting of street trees within the street right-of-way unless drainage ditches prohibit adequate planting area, then street trees shall be planted on private land adjacent to the right-of-way.

- (1) All developers shall plant trees along public streets of their developments in such a manner, type, quantity and location as set forth below. Any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of the development. See Appendix C for Plant List of acceptable trees and plants. For purposes of this section, trees shall be defined by mature heights they reach as indicated by the following: large—sixty (60) feet and taller, medium—up to forty (40) feet, and small—up to twenty (20) feet.
 - (A) The minimum spacing between trees shall be forty (40) feet for large trees, thirty (30) feet for medium trees, and twenty (20) feet for small trees.
 - (B) The maximum spacing between trees shall be fifty (50) feet for large trees, forty (40) feet for medium trees, and thirty (30) feet for small trees.
 - (C) The minimum distance between the edge of the mature tree and the edge of the street shall be six (6) feet for a large tree, four (4) feet for medium, and small trees.
 - (D) The tree location shall be at least thirty (30) feet from an existing stop sign or from the standard location of a stop sign at street intersections and ten (10) feet from fire hydrants and utility poles.
 - (E) A small tree shall be used when planting under or within ten (10) lateral feet of overhead utility wires. A medium tree shall be used when planting within twenty (20) lateral feet of overhead utility wires.
 - (F) The developers shall be required to maintain the trees for two (2) years after the trees are planted and to replace any tree which fails to survive or does not exhibit normal growth characteristics of health and vigor within such two-year period. A two-year guarantee period shall begin at each planting and shall recommence as trees are replaced. Upon completion of a street tree planting, the landscape contractor shall contact the City Community Development Staff for a preliminary inspection. The guarantee period shall begin after the approval of the City Community Development Staff. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the city's inspection, shall promptly be replaced at the expense of the developer.
- (j) General Landscaping. These requirements are in addition to the landscaping requirements and the street tree requirements set out in Section 1207.04.
 - (1) Residential Landscaping Requirements:
 - (A) All residential lots shall be planted with a minimum of three (3) trees with a minimum diameter at breast height (DBH) of one (1) inch. Any single-family detached lot shall have at least one (1) of the required trees located in the front yard, or on the south or west side of the house for effective summer cooling, or in the case of a corner lot, in the front yard or the side yard facing the street. Existing trees properly preserved within the limits of disturbance of equal or larger DBH will satisfy this requirement. (See subsection (t), Landscaping Credits below).
 - (B) For any residential development with attached or multi-family buildings, two (2) trees, with a minimum DBH of one (1) inch, shall be planted for each unit on individual lots, if provided, or within the Open Space Area(s). Existing trees, of equal or larger DBH, if properly preserved, will satisfy this requirement.
 - (2) Non-Residential Landscaping Requirements: In all institutional, commercial, and industrial developments: one (1) tree shall be planted of a minimum two (2) inches DBH shall be planted for every two thousand (2,000) square feet of gross area of building footprint or fraction thereof. Existing trees properly preserved within or outside of the limits of disturbance, of equal or greater DBH, will satisfy this requirement.
- (k) Landscaping Requirements for Front Yard/Front Setbacks.

- (1) Uses Fronting on Arterials: Except in District 5 and 9, landscaped buffers shall be required within the front yard setback area of all uses fronting an arterial street. The landscaped buffer shall meet the following standards:
 - (A) The minimum width of the bufferyard shall be fifty (50) feet, except that residential open space conservation subdivision lots fronting an arterial street shall establish a landscaped bufferyard with a minimum width of one hundred (100) feet unless the Planning Commission determines that a less wide bufferyard is compatible with existing development patterns in the surrounding community. (See Section 1207.06).
 - (B) Plantings for every one hundred (100) feet of bufferyard length: four (4) small trees and two (2) large or medium trees from the Tree Plant List. (Appendix C)
 - (C) Trees shall be planted in a random pattern, interspersing sizes of trees Large, Medium, and Small (see Appendix C for Large, Medium and Small Tree Plant List).
 - (D) Only the native plant species for each of these categories of trees as set forth in Appendix C shall be utilized.
 - (2) Non-Residential Uses Fronting Non-Arterial Roadways: In all non-residential developments fronting non-arterial streets, at least ten percent (10%) of the total front yard area adjacent to the public or private street shall be landscaped with a mixture of trees, shrubs, planting beds and/or perennials.
- (l) Landscaping for Parking Lots.
- (1) General Requirements:
 - (A) Parking lots containing ~~more than six thousand (6,000) square feet of area or~~ twenty (20) or more vehicular parking spaces, ~~whichever is less,~~ shall provide interior landscaping of the peninsular or island types of uncompacted, well-drained soil that contains a minimum of six (6) inches of top soil mix, as well as perimeter landscaping.
 - (B) All parking lots shall provide perimeter landscaping.
 - (2) Interior Landscape Requirements for Parking Lots:
 - (A) For every ten (10) parking spaces or fraction thereof, the applicant shall provide not less than one hundred sixty (160) square feet of interior landscaped parking lot areas containing at least one (1) tree with a minimum DBH of two (2) inches and four (4) shrubs. (See Figure 15.)
 - (B) The minimum landscape area permitted shall be one hundred sixty (160) square feet with a minimum planting width of nine (9) feet.
 - (C) Maximum contiguous area. In order to encourage the required landscape areas to be properly dispersed, and to break up large expanses of parking, no individual landscape area shall be larger than five hundred (500) square feet in size in vehicular use areas less than thirty thousand (30,000) square feet and no individual area shall be larger than two thousand (2,000) square feet in vehicular use areas over thirty thousand (30,000) square feet. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.



OR

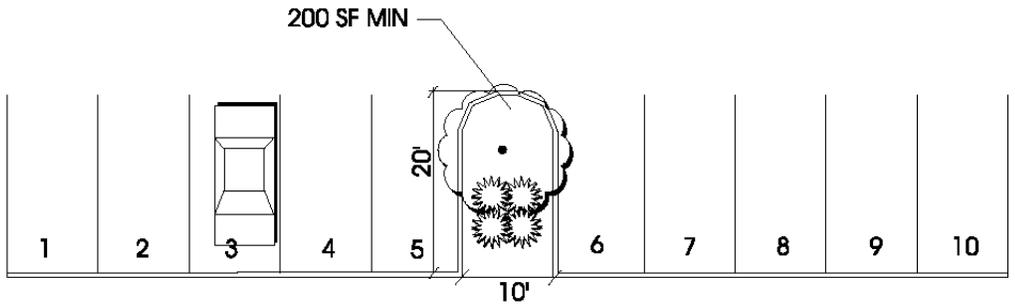


Figure 15: Interior Landscape Requirements

- (3) Perimeter Landscaping for Parking Lots:
 - (A) Parking lots shall have perimeter landscaping of a minimum width of five (5) feet exclusive of vehicle overhang. (See Figure 16.)
 - (B) This perimeter landscaping shall contain sufficient plant material that will achieve an effective, opaque screen of a height of at least three (3) feet within two (2) years of installation. The perimeter buffer zone shall also contain deciduous trees and allow adequate snow storage area.

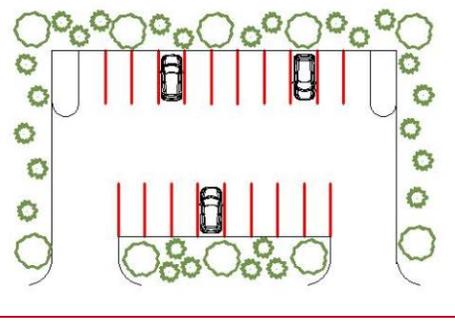


Figure 16: Perimeter Landscape Requirements

(C) When perimeter landscaping of parking lots is required even in addition to a bufferyard of subsection (g), the required perimeter landscaping of parking may be satisfied concurrently with the requirements of [subsection] (g) by the more intensive planting and the more extensive width required by either this subsection or subsection (g).

(4) Vehicle Overhang.

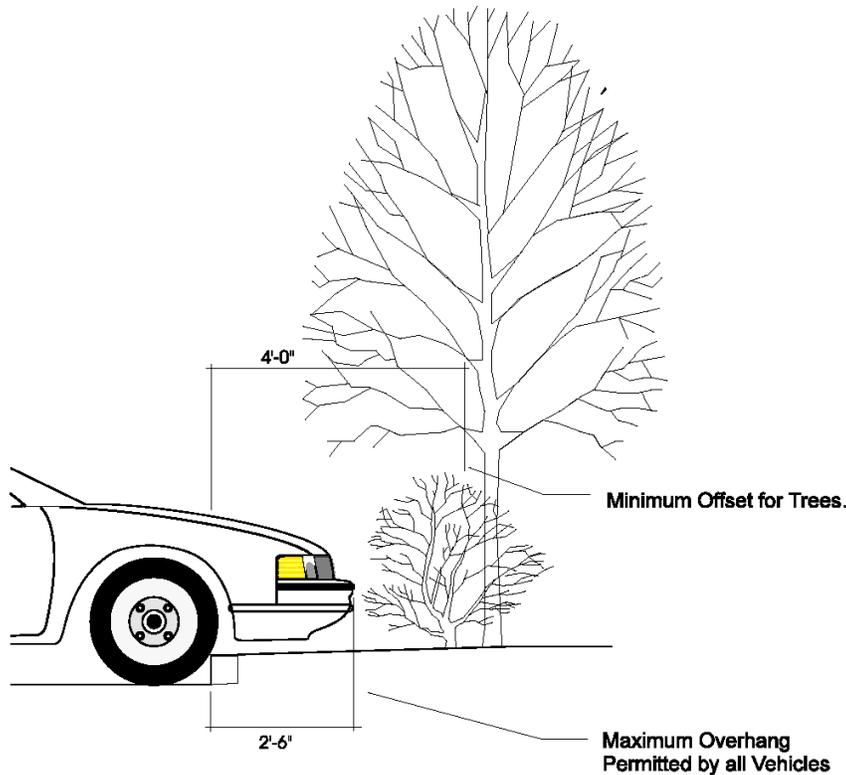


Figure 17: Vehicle Overhang

- (A) Parked vehicles may hang over the interior landscaped area no more than two and one-half (2½) feet. Concrete or other wheel stops shall be provided to ensure no greater overhang on the landscaped area. (See Figure 17.)
- (B) Where parked vehicles will overhang a four-foot minimum spacing shall be provided from edge of pavement to all trees. (See Figure 17.)
- (5) Ground Cover: Grass or ground cover shall be planted on all portions of the required landscaping area not occupied by other landscape material. Such material fulfills required interior or perimeter landscaping.
- (m) Screening and Landscaping for Service Structures. Service structures shall include but not be limited to propane tanks, dumpsters, electrical transformers, utility vaults which extend above the surface, electrical and other equipment or elements providing service to a building or a site. Service structures may be grouped together.
- (1) Location of screening. A solid, opaque fence or wall shall enclose any service structure on all sides, unless such structure must be frequently accessed in which case screening on all but one (1) side is required. Continuous evergreen planting shall additionally be incorporated when viewed from a street. The average height of the screening fence or wall shall be one (1) foot more than the height of the enclosed structure, but shall not exceed the maximum permitted height of fences and walls of the District. For additional screening requirements for

screening/landscaping required for vehicle loading, See Section 1207.13(s), for industrial uses, see Section 1207.18(c), Industrial Design Guidelines.

- (2) Mechanical equipment and service functions associated with a building shall, to the maximum extent feasible, be incorporated into the overall design theme of the building and the landscape so that these functions are out of view from public ways and adjacent properties while allowing convenient access.
 - (3) Plant material required for screening of service structures shall not count towards the fulfillment of other landscape requirements in this section. No interior landscaping shall be required within an area screened for service structures.
 - (4) Curbs to protect plant material. Whenever plant material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular basis, a curb to contain the placement of the container shall be provided adjacent to the plant material. The curbing shall be at least one (1) foot from the material and shall be designed to prevent possible damage to the plant material when the container is moved or emptied.
- (n) Approval.
- (1) No site plan, subdivision plat, or other development plan required under this Code shall receive final approval unless a landscaping plan meeting the requirements of this section has been submitted and approved.
 - (2) No certificate of zoning compliance shall be issued unless the following criteria are fully satisfied with regard to the approved landscaping plan:
 - (A) Such plan has been fully implemented on the site and inspected by the City Community Development Staff; or
 - (B) Such plan has been guaranteed by an improvement agreement between the developer and the City in a form acceptable to the City Solicitor and secured by a letter of credit, cash escrow, or other instrument acceptable to the City Solicitor, in an amount equal to one hundred ten percent (110%) of the cost of such installation. See also Section 1208.15(b), Performance Guarantees.
- (o) Timing of Installation. Landscaping and bufferyards shall be installed within six (6) months of the completion of construction.
- (p) Landscaping Materials and Specifications. Existing vegetation shall be preserved in accordance with Section 1207.02, Tree and Vegetation Protection, and may be credited towards landscaping requirements as set forth below.
- (1) The following items are suitable for screening uses individually or in combination with each other provided they create an opaque screen, subject to review and approval by the Planning Commission. Nursery stock identification tags shall not be removed from any planting prior to final inspection and approval of installation by the City.
 - (A) Walls and Fences. When walls or fences are used to fulfill screening requirements, they shall be detailed on the landscaping plan. They are to be of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with or without wooded or synthetic slat material shall not be allowed to satisfy bufferyard C and landscaping requirements.
 - (B) Plants. All plants are to be living and part of the acceptable plants list identified in Appendix C. All specifications for the specimen quality and installation of trees and shrubs shall be in accordance with the most recent edition of "American Standards for Nursery Stock" published by the American Association of Nurserymen. Trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be planted as bare root as well as balled and burlapped or containers.
 - (i) Deciduous Trees. Large/medium sized deciduous trees shall have a minimum DBH of at least two (2) inches when installed at the time of planting. Small sized deciduous

trees shall have a minimum DBH of at least one (1) inch when planted. If deciduous trees are to be used for screening purposes, additional materials, including fences/walls or earth berms, must be used to create an opaque buffer.

- (ii) Evergreen Trees .Evergreen trees shall be a minimum of six (6) feet in height at the time of planting. If used for screening, evergreen plantings shall be designed to provide an effective, opaque screen within four (4) years of planting.
 - (iii) Shrubs and Hedges. Shrubs and hedges shall be at least eighteen (18) inches in height or twenty-four (24) inches in spread at the time of planting. If used for screening, all shrubs and hedges shall be designed to provide an effective, opaque screen within four (4) years after planting.
 - (iv) Grass or Ground Cover. Grass of the Fescus (Gramineak) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Summit County. In swales or other areas subject to erosion, solid sod, erosion reducing net, or suitable mulch shall be used and nursegrass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted in such a manner as to provide seventy-five percent (75%) complete coverage after two (2) growing seasons.
- (2) Earth Berms. Earth berms and/or elevated grades may be used as physical barriers which block or screen an unattractive view. Differences in elevation between areas requiring screening does not constitute an earth berm. Earth berms and/or elevated grades shall be constructed of earthen materials and shall conform to the following standards:
- (A) The maximum side slope shall be three (3) horizontal to one (1) vertical (3:1) and the design shall be reviewed by the City Manager to ensure that proper erosion prevention and control practices have been utilized.
 - (B) Earth bBerms and/or elevated grades shall be designed with physical variations in height and alignment throughout their length.
 - (C) Landscape plant material installed on earth berms and/or elevated grades shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
 - (D) The landscape plan shall show sufficient detail, including a plan and profile of the earth berm and/or elevated grade, soil types, and construction techniques to demonstrate compliance with the above provisions.
 - (E) Earth berms and/or elevated gradesBerms shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
 - (F) No part of any earth berm and/or elevated grade which is elevated more than eighteen (18) inches above natural grade shall be located within ~~ten (10)~~fifteen (15) feet of any right-of-way or property line.
 - (G) Grass or ground cover shall be used and maintained to prevent erosion of the earth berm and/or elevated grade.
 - (H) No earth berm and/or elevated grade shall be left unvegetated with appropriate ground cover, mulch, turf grass or other suitable landscape material longer than one (1) planting season after completion of construction.
 - (I) Natural surface drainage patterns shall not be adversely affected by construction of earth berms and/or elevated grades.
 - (J) No earth berm and/or elevated grade shall be used to allow a fence to exceed the maximum allowed height of a fence as measured from the natural grade of land without the earth berm and/or elevated grade.

- (q) Maintenance of Landscaping and Bufferyards.
 - (1) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. Such maintenance shall include all actions necessary to keep plantings healthy and orderly in appearance and to keep walls, fences, and berms in good repair and neat appearance.
 - (2) Any landscape material that fails to meet the minimum requirements of this section at the time of installation shall be removed and replaced with acceptable materials. All unhealthy or dead plant material shall be replaced within two (2) years.
- (r) Conflicts in Requirements. When an activity or land use falls under more than one (1) of the bufferyard or landscaping requirements as listed in this Code, the most stringent of the requirements shall be applied.
- (s) Clear Sight Triangles. To insure that landscape materials do not constitute a driving hazard, a clear sight triangle shall be observed at all street and access drive intersections. Ground cover and trees with at least eight (8) feet of limbless trunk shall be permitted within the sight distance triangle. In the case of a city street intersection, the sight triangle shall consist of the area between points twenty (20) feet along both intersecting streets from their respective edge of pavements. See Figure 18.

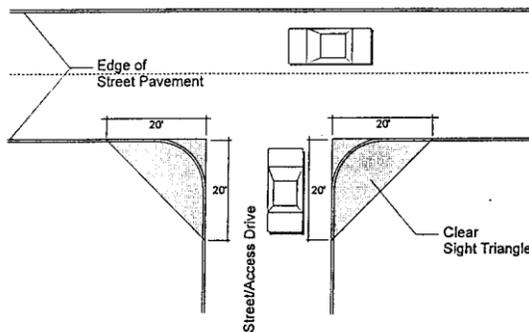


Figure 18: Clear Sight Triangles

- (t) Landscaping Credits. The purpose of landscaping credits is to provide for the opportunity to protect and preserve existing trees and established plant material.
 - (1) Trees. Credit may be given for preservation of existing Large/Medium/Small Deciduous and Evergreen Trees as follows:
 - (A) Existing healthy trees may be preserved and used to fulfill landscape requirements for any required planting provided they are in accordance with the standards set forth in this section.
 - (B) Trees may be credited only one (1) time towards any one (1) bufferyard, screen, or other landscape requirements set forth in this section and other related sections. Trees must be located within the required landscape area in order to be credited.
 - (C) Trees that conform to these standards and are proposed to be used for credit shall have location, species, and DBH or height indicated on the required landscape plan.
 - (D) Trees shall be credited according to the following criteria in the quantities shown:

Minimum Diameter at Breast Height	Number of Trees Credited
36 inches or greater	5
26—36 inches	3
9—25 inches	2
2—8 inches	1

- (E) The landscape plan shall indicate the quantities of trees credited and illustrate the required surrounding landscape area for each tree credited.
- (F) If any preserved tree dies within two (2) years, one (1) tree of similar size and species shall be replaced for each tree credited against such a preserved tree.
- (2) Shrubs. Shrubs may be credited on a one-to-one basis towards landscape material requirements if the following criteria are met:
 - (A) Existing healthy shrubs may be used to fulfill landscape requirements for any required planting provided they conform to the standards set forth in this section.
 - (B) Shrubs may be credited only one (1) time towards any one (1) required bufferyard, or screen.
 - (C) Shrubs that conform to these standards and are proposed to be used for credit shall have location, species, and height indicated on the required landscape plan.
 - (D) If any shrub used for credit dies within one (1) year of plan approval, one (1) shrub of similar size and species shall be replaced for each shrub credited.

([Ord. No. 16-44](#), § 7, 7-19-2016; [Ord. No. 16-148](#), § 13, 2-21-2017)

1207.05. - Open space.

- (a) Purpose. These regulations are intended to provide park and recreation facilities for the community, provide passive and active recreation opportunities, and to preserve open space and sensitive natural areas.
- (b) Applicability.
 - (1) All plans for residential subdivisions of land or residential land development shall provide for private and public open space as provided in this section.
 - (2) Exemptions: The following residential subdivisions and developments shall be exempt from the public open space dedication and private open space requirements set forth in the zone district regulations and this section:
 - (A) Residential subdivisions or developments of less than five (5) residential units or lots subdivided or developed within any five-year period; and
 - (B) Residential development or subdivisions in District 5 (Village Core) consisting of ten (10) or less dwelling units or lots.

- (c) Locational Criteria.
- (1) All dedications of land for public parks and open space and all set-asides for private open space shall be consistent with the criteria and guidelines set forth in the following:
 - (A) The City of Hudson Comprehensive Plan,
 - (B) The Index of Ecological Integrity Report (ACRT, Inc. 1996); and
 - (C) Parks and Recreation Plans and policies adopted by the City of Hudson.
 - (2) Where significant natural and scenic resource assets exist on the property, the Planning Commission shall, to the maximum extent feasible, give priority to their preservation through the park and open space dedication requirements or set aside requirements set forth in the applicable zone district regulations. The Planning Commission shall use the Index of Ecological Integrity Report (ACRT, Inc., 1996) and other applicable plans and reports, and may also seek the recommendation of the Park Board, to determine whether significant natural resources exist on a proposed site that should be protected through the dedication and set-aside requirements, with priority being given to the following sensitive areas (which are not listed in any particular priority order):
 - (A) Riparian Corridors.
 - (B) Wetlands.
 - (C) Floodplains.
 - (D) Aquifer Recharge Areas.
 - (E) Wildlife Migration Corridors.
 - (F) Endangered Wildlife/Plant Habitat Areas.
 - (G) Extensive Tree Canopy Areas.
 - (H) Scenic View Areas.
 - (I) Agricultural Land.
 - (J) Old Growth Forest.
 - (3) Dedications for public open space and parks shall be at locations deemed appropriate by the Planning Commission, with advice from the Park Board. If a specific site has been designated on any applicable park or open space plan for future park, open space, or trail purposes, the preliminary or final subdivision plan shall show the dedications of land in a location that corresponds to the plan designation.
 - (4) The following shall not be counted towards public park and open space dedication and private open space set aside requirements:
 - (A) Private yards;
 - (B) Street rights-of-way;
 - (C) Open parking areas and driveways for dwellings;
 - (D) Land covered by structures; and
 - (E) Detention/retention ponds, except that detention or retention areas and stormwater management structures or facilities may be included in calculating the amount of open space required provided that such areas or facilities are accessible and usable as community amenities by the public or the residents of the development (e.g., picnic areas, playgrounds, ponds for fishing and/or boating, etc.).
- (d) Amount of Public Open Space Dedication.

- (1) For final subdivision plats or plans, dedication of usable public open space, including parks and multi-purpose trails, shall be made in an amount roughly proportional to the need or demand generated by the proposed development. The following minimum standards shall apply ~~unless the applicant demonstrates that the demand created by the development is less than such requirements due to unique factors such as the age of the occupants of the development or uses proposed:~~ Twenty-ten acres (240) acres of public open space and/or community park land per one thousand (1,000) residents of a development or proportional fraction thereof;
 - ~~(B) Six (6) acres of passive open space per one thousand (1,000) residents of a development or proportional fraction thereof; and~~
 - ~~(C) Three (3) acres of neighborhood parks per one thousand (1,000) residents of a development or proportional fraction thereof.~~
 - (2) Land dedicated for multi-purpose trails to satisfy these requirements in whole or in part shall be in accord with the park plan contained in the City of Hudson Comprehensive Plan or other subsequently adopted neighborhood or city wide comprehensive plans.
 - (3) For purposes of this subsection, a housing unit shall be assumed to contain 3.1 persons per single-family residence or 1.8 persons per multi-family residence.
- (e) Payment of Funds-In-Lieu of Park and Open Space Dedication.
- (1) The Planning Commission may allow the developer to contribute funds in-lieu of land dedication at its sole discretion.
 - (2) For purposes of determining the value of land for fees contributed in-lieu of dedication, the value shall be based upon the fair market value per acre of the entire land being subdivided multiplied by the total acreage of land dedication required by this Code. Such value shall be determined as of the date of the filing of the subdivision or development plan with the Planning Commission.
- (f) Parkland and Open Space Acquisition Fund. All fees paid by the developer in lieu of dedication of public park and open space land shall be paid to the City of Hudson and upon receipt shall be deposited in a separate interest bearing account kept specifically for public park and open space funding purposes.
- (g) Amount of Set-Asides for Private Open Space. The amount of land required to be set-aside to provide private open space for the use and enjoyment of a development's residents as set forth in Chapter 1205 of this Code for each of the zone districts
- (h) General Design Criteria. Land set aside for public and private park and open space uses shall meet the following design criteria, as relevant:
- (1) The park and open space land shall be reasonably located to serve all of the residents of the subdivision or land development.
 - (2) The park and open space land shall be compact and contiguous unless the land shall be used as a continuation of an existing trail or linear park or specific topographic features require a different configuration. An example of such topographic features would be the provision of open space along a scenic creek.
 - (3) At the discretion of the Planning Commission, when the park and open space land required to be dedicated or set aside is less than three (3) acres in size, the park and open space land may be located at a suitable place on the periphery of the subdivision or land development so a more usable tract will result when additional park and open space land is obtained or set aside when adjacent land is developed.
 - (4) When public park and open space land exists adjacent to the tract to be subdivided or developed, the park and open space land shall, to the maximum extent feasible, be located to adjoin and enlarge the presently existing park and open space land.

- (5) If the developer is planning to construct recreational facilities on the dedicated or set-aside property as an amenity for the residents of the development, such recreational facilities shall be constructed in accordance with current recommendations of the National Recreation and Parks Association.
- (i) Trails and Linear Parks. The Planning Commission may require as a condition of final subdivision plat approval the dedication and improvement of multi-purpose trails and linear parks, which shall be credited toward all applicable public park and open space land dedication requirements, provided that such trails and linear parks meet the following standards:
 - (1) Dedications of land shall be a minimum width of eighteen (18) feet; and
 - (2) The multi-purpose trail or linear park shall conform to any Park and Recreation Plan adopted by the City of Hudson, if applicable.
- (j) Provisions for Ownership. The Planning Commission, with advice from the Park Board, will review and recommend the form of ownership being proposed. All park and open space land shall be utilized only for non-commercial passive or active recreation or for conservation purposes, shall be permanently reserved as open space in a manner satisfactory to the City and at no cost to the City, and shall be either:
 - (1) Dedicated to a public entity, subject to the entity's acceptance; or
 - (2) Owned jointly or in common by the owners; or
 - (3) Owned by a non-profit land trust or similar organization approved by the City, such as the Hudson Land Conservancy.
- (k) Maintenance. The owner of the development property will be responsible for maintenance of all open space and parks, unless dedicated to a public entity. A homeowner association may be established for the purpose of permanently maintaining all open space and non-commercial recreation facilities. Such homeowner association agreements, guaranteeing continuing maintenance, and giving lien to the City in the event of lack of such maintenance, shall be submitted to the Planning Commission for approval prior to the issuance of any final subdivision plat approvals or other development approvals. See also Section 1208.13, Homeowner Associations.

1207.06. - Open Space Conservation Subdivisions.

- (a) Purpose. The purpose of the Open Space Conservation Subdivision option is to provide alternative zoning regulations that permit residential development to take a more compact form in order to preserve and maintain existing open areas and sensitive natural resources. The Open Space Conservation Subdivision regulations are designed to advance the following goals:
 - (1) Preserve open space in amounts that are greater than that achievable with more conventional subdivision design in order to provide a more environmentally sensitive residential development by preserving the natural character of open fields, farmland, stands of trees, ponds, streams, native vegetation, and similar natural features;
 - (2) Reduce the lot area, yard, and setback requirement of the base zoning district in order to permit the grouping or clustering of dwelling units; and
 - (3) To allow a more flexible and economical residential layout and street design to provide a more efficient and aesthetic use of open space, and to save infrastructure costs.
- (b) Applicability. Open Space Conservation Subdivisions shall be permitted as an option within the following Zoning Districts:
 - (1) District 1—Suburban Residential Neighborhood.
 - (2) District 2—Rural Residential Conservation.
 - (3) District 3—Outer Village Residential Neighborhood.
 - (4) District 10—Ravenna Road Mixed Use Corridor.

- (c) Permitted Uses. In addition to conservation, agricultural, and non-commercial recreational uses, permitted uses in an Open Space Conservation Subdivision shall include the residential uses as provided in the applicable Zone District.
- (d) Minimum Parcel Size.
 - (1) Districts 1 and 3: Subject to the provisions set forth herein, Open Space Conservation Subdivisions shall be permitted only on sites containing an area of ten (10) or more acres
 - (2) Districts 2 and 10: Subject to the provisions set forth herein, Open Space Conservation Subdivisions shall be permitted only on sites containing an area of ten (10) or more acres as of the effective date of this Code.
- (e) Lot Dimensions. To protect surrounding uses and to ensure that Open Space Conservation Subdivision is compatible, the following standards apply in lieu of relevant Zone District standards.
 - (1) Minimum Lot Area and Width:

(A)	Minimum lot area:	6,000 square feet (Districts 1 and 3) 10,000 square feet (Districts 2 and 10)
(B)	Minimum lot width:	60 feet (Districts 1 and 3) 100 feet (Districts 2 and 10)
(C)	Minimum lot width: (Corner lots)	80 feet (Districts 1 and 3)

- (2) Setbacks.
 - (A) Intent: The intent of the following setback requirements is to establish uniform building setbacks within an Open Space Conservation Subdivision, especially uniform front yard setbacks, in order to produce building/street patterns that evoke the character of small rural villages.
 - (B) Case-by-case determination: Building setbacks, yard requirements and maximum impervious area for lots within an Open Space Conservation Subdivision in these districts shall be determined on a case-by-case basis by the City Manager and PC during the subdivision approval process or the site plan approval process. All determinations of setbacks and yard requirements shall use as a starting point the minimum setbacks set forth in subsection (C) below, which may be modified to meet the criteria set forth in 1207.01, Maximum Impervious Surface Coverage.
 - (C) Recommended Building/Yard Setbacks for Open Space Conservation Subdivision Lots:
 - (1) Minimum Front Yard Setback: twenty (20) feet.
 - (2) Minimum Side Yard Setback: ten (10) feet.
 - (3) Minimum Rear Yard Setback (Principal Structure): twenty-five (25) feet.
 - (4) Minimum Rear Yard Setback (Accessory Structure): ten (10) feet for accessory private garages; five (5) feet for all other accessory structures.

- (5) Perimeter Setback: Buildings shall be setback at least one hundred (100) feet from the perimeter property line of the subdivision.
- (f) Bufferyard Requirement for Open Space Conservation Subdivisions Fronting Arterials. Open Space Conservation Subdivisions developments fronting an arterial road or street shall establish a landscaped bufferyard with a minimum width of one hundred (100) feet along the boundary fronting the arterial street or road, unless the Planning Commission determines that a less wide bufferyard is compatible with existing development patterns in the surrounding community. See Section 1207.04(l) for landscaping requirements for this bufferyard.
- (g) Density for Open Space Conservation Subdivisions.
 - (1) Base Density. The overall density of an Open Space Conservation Subdivision shall be based on the specific density prescribed by the base underlying zoning district as provided in Chapter 1205, Zoning District and Use Regulations.
 - (2) If an Open Space Conservation Subdivision is in more than one (1) zone district, the number of allowable dwelling units must be separately calculated for each portion of the subdivision that is in a separate zone district, and must then be combined to determine the number of dwelling units allowed in the entire subdivision.
 - (3) Density Bonuses. Except for Open Space Conservation Subdivisions within District 2 (Rural Residential Conservation District) and District 10 (Ravenna Road Mixed Use Corridor District), density may be increased above the maximum amount allowable in the Zone District within each category as stipulated below. However, the density in the subdivision shall not exceed by more than twenty-five percent (25%) the maximum density permitted in the zone district(s) in which the subdivision is located. Density increases may be authorized by the Planning Commission as follows:
 - (A) A five percent (5%) increase of density for every ten percent (10%) increase in park or open space over the required minimums set forth below. The type and location of additional open space must be approved by the Planning Commission.
 - (B) A maximum ten percent (10%) increase in density for dedicating recreation facilities that represent an addition to what is otherwise required by this Code. These recreational facilities must be provided for the general public and approved by the Park Board and may be facilities such as follows: equipped playgrounds, sports playfields, finished multi-purpose trail surfaces, etc.
 - (4) Review Criteria for Approval of Density Bonuses: The Planning Commission may approve a request for a density bonus within an Open Space Conservation Subdivision provided it finds that:
 - (A) The Open Space Conservation Subdivision proposal, taking into account the bonus density, meets all the standards set forth in subsection (i) below;
 - (B) The proposal, taking into account the bonus density, will enhance the surrounding community; and
 - (C) The proposal, taking into account the bonus density, will have no adverse impact on adjacent properties or development, or the applicant has agreed to adopt appropriate mitigation measures, such as additional or heightened landscaping, screening, exterior lighting standards, and other design features as recommended by the City Manager during the site plan review process to buffer and protect adjacent properties from the proposed development.
- (h) Open Space.
 - (1) A minimum of fifty percent (50%) of the gross acreage in an Open Space Conservation.
 - (2) Subdivision shall be retained as open space.
 - (3) The open space may be of two (2) types:

- (A) Private open space; or
 - (B) Public open space, which shall be lands within the Open Space Conservation Subdivision deeded to the City, or to another entity acceptable to the City, for use and maintenance as permanent open space.
- (3) This fifty percent (50%) open space requirement shall be credited towards the open space dedication and set aside requirements set forth in this Code, as applicable.
 - (4) See Section 1207.05, Open Space, for open space standards and criteria, including locational and design criteria.
- (i) Standards for Open Space Conservation Subdivision Approval. Open Space Conservation Subdivisions are intended to result in environmentally sensitive and innovative design appropriate for and tailored to the site. Toward that end, all Open Space Conservation Subdivisions shall comply with the following standards:
 - (1) Compliance with all other applicable use and development standards, including adequate public facility and performance standards, as set forth in this Code.
 - (2) Preservation of significant natural resources, natural areas and features, native vegetation, riparian corridors, wetlands, significant wildlife habitats, open lands, or agricultural property through maintenance of large, contiguous blocks of land and other techniques.
 - (3) Provision of additional amenities such as parks, trails, common areas, and access to public recreational areas and open space.
 - (4) Protection of adjacent residential development through landscaping, screening, fencing, buffering, and similar measures. See Section 1207.04(e) for required type of landscaped bufferyards between Open Space Conservation Subdivisions and other land uses.
 - (5) Adequate utility services must be available to the property.

1207.07. - Stormwater management/drainage/erosion control.

- (a) Purposes. The purposes of this section are to protect existing properties by controlling the water runoff from development areas, to protect the environmental integrity of the existing wetlands, to preserve the water quality of Hudson's wellhead protection areas, to implement water quality studies for the Mudbrook/Powers Book, Brandywine Creek, and Tinkers Creek watersheds, and to provide minimum design standards for stormwater management facilities.
- (b) Applicability. Stormwater retention/detention applies to all development in the City of Hudson except "Minor Development" as defined in Section 1203.09(d), Site Plan Review.
- (c) General Criteria. The City of Hudson Engineering Standards for Infrastructure Construction are the accepted design and construction specifications for stormwater management facilities in the City. All provisions in the Engineering Standards shall be applicable to all development in the City of Hudson, Ohio.
- (d) Additional Regulations.
 - (1) In addition to the requirements of the Engineering Standards for Infrastructure Construction, the following additional regulations shall be adhered to:
 - (A) Retention/Detention Basins. Developers constructing detention basins are encouraged to design them for use as neighborhood open space and recreation components and to consider designs based on Summit County Soil and Water Conservation District recommendations or guidelines from the Center for Watershed Protection. Adequate signage declaring the intended use of the basin shall be conspicuously displayed along with appropriate warnings about storms. All such signs shall be approved by the City.
 - (B) To the maximum extent feasible, the applicant's stormwater management plan shall include the following non-structural control techniques. Where the applicant proposes the

use of detention/retention facilities, he must first utilize one (1) or more of the following runoff reduction measures. The applicant shall provide a written justification of the utilization of the following in calculating storage capacities of the detention/retention facilities:

- (i) Areas undisturbed (cleared) by construction;
 - (ii) Restriction of development on steep slopes;
 - (iii) Maintenance of vegetation buffers;
 - (iv) Minimization of impervious surfaces and use of pervious surfaces;
- (C) Use of terraces, contoured landscapes, tiered pond systems, runoff spreaders, grass or rock-lined waterways; and/or
- (D) Use of infiltration trenches.
- (E) Other techniques appropriate to the site as recommended by the City Community Development [and/or City of Hudson Engineering Department](#) Staff.
- (2) Wetlands may be considered for use in reducing stormwater runoff using the following criteria:
- (A) No existing or proposed structure shall be affected due to flooding during the post-development 25-, 50-, or 100-year storm.
 - (B) No adverse impact will occur on existing vegetation within the wetland.
 - (C) The use of a modified level spreader as defined in the City of Hudson Design Specifications is required at all stormwater outlets to the wetland.
 - (D) The City may request further study parameters of the wetland if additional concerns are raised.
 - (E) Exception: Wetlands located in the City of Hudson's mapped Wellhead Protection Areas shall not be used for the purposes of reducing stormwater runoff.
 - (F) The written approval of the Army Corps of Engineers and/or the Ohio Environmental Protection Agency is required.
- (3) Channels, Swales, and Ditches. Channels, swales, and ditches are not permitted as part of the primary stormwater management system in any new development, except as provided below. Due to topography or other reasons approved by the City Engineer, swales or ditches between buildings are permitted to carry stormwater to an underground system.
- (A) Stormwater from no more than one (1) acre of residential development or a one-half-acre area in commercial, industrial, or retail districts shall be transported on the surface before being intercepted by an underground drainage system.
- (4) Erosion and Sediment Control. Stormwater Pollution Prevention Plans are required for the purpose of controlling the pollution of public waters by sediment from accelerated soil erosion and accelerated stormwater runoff caused by earth disturbing activities and land use changes connected with developing urban areas.
- (5) Plat Notes. A note shall be added to all final plats indicating that the detention/retention facilities shall be owned and maintained by the property owner or homeowners/condominium association as appropriate. The note should also indicate that the City of Hudson reserves the right to assess the responsible entity for any necessary maintenance and/or improvements that must be performed by the City.

1207.08. - Wellhead Protection Area standards.

- (a) Designation of Wellhead Protection Areas and Adoption of Official Map. The boundaries of all wellhead protection areas in the City of Hudson are shown on a map entitled "City of Hudson, Ohio, Wellhead Protection Areas Map." This map, together with all notations, references, and other

information shown thereon, is hereby adopted by reference and declared to be a part of this Code as if set forth herein. Original copies of the Wellhead Protection Areas Map and all amendments thereto shall be maintained in the office of Community Development. In case of any dispute regarding the classification of any property within a designated wellhead protection area subject to this section, the original maps maintained by the office of Community Development shall control.

- (b) Prohibited Uses and Activities. Notwithstanding any allowance for such uses or activities within Chapter 1205, "Zoning Districts," the following uses and activities shall be prohibited within the designated five-year time-of-travel wellhead protection areas:
- (1) All agricultural, commercial, retail, or industrial uses;
 - (2) All institutional/civic/public uses, including solid waste disposal facilities, but not including passive recreational or natural open space systems, including trails;
 - (3) All golf course uses (public or private);
 - (4) Individual on-lot sewage systems, including septic systems, dry wells, and package plants;
 - (5) Other prohibited activities:
 - (A) Use of regulated or unregulated hazardous materials, in an amount defined by the Ohio Environmental Protection Agency as constituting a medium to high pollution risk for wellhead protection purposes;
 - (B) Use of above or below ground storage tanks (flammable, toxics, petroleum products, and other chemicals); and
 - (C) Any other uses or activities listed by the Ohio Environmental Protection Agency, as part of the agency's Ohio Wellhead Protection Program, that fall within Category I, "Medium to High Pollution Risk," or Category II, "Medium Pollution List."
- (c) Lot Coverage. Within a wellhead protection area, lot coverage by principal and accessory structures and buildings, parking areas, driveways, and other impervious surfaces shall be minimized to the maximum extent feasible.

1207.09. - Utilities.

(Reserved for future use)

Note— In District 2, the adopted Engineering Standards for Infrastructure Construction with respect to curbs and street lighting of public streets as requirements of new development are subject to Section 1203.07, Variances, of this Code.

1207.10. - Performance standards.

In addition to any standards required in the underlying districts, all developments shall meet the following performance standards:

- (a) Noise/Hours of Operation.
- (1) Applicability. The following noise standards are in addition to, and shall supplement, noise standards found at Section 648.14 of the City's General Offenses Code.
 - (2) General Standard: No activity or operation within the city shall exceed the maximum permitted sound levels db(A) as set forth below, at the property line of the receiving premises measured from any point along the property line on which the noise source is located, except as provided in this section:

Source of Sound and Time	Premises Receiving Sound/Sound Level db(A)		
	Residential	Commercial/Institutional	Industrial
Residential			
Day	55	60	60
Night*	50	50	50
Commercial/Institutional			
Day	55	60	65
Night	50	50	55
Industrial			
Day	55	60	70
Night		50	60

* Night shall mean the hours between ~~9~~10:00 p.m. and 7:00 a.m.

(3) Additional Standards for Specific Operations and Activities.

- (A) Refuse Collection/Loading. No person shall engage in waste disposal services or refuse loading and collection or operate any compacting equipment or similar mechanical device in any manner so as to create any noise exceeding the standards set forth above when measured at a distance of fifty (50) feet from the equipment when inside of or within five hundred (500) feet of a residential zone. No refuse loading or collection shall take place between the hours of 6:00 p.m. and 7:00 a.m.
- (B) Truck/Rail Loading. No truck or rail loading or unloading shall be allowed within two hundred fifty (250) feet of a residential lot between the hours of ~~9~~10:00 p.m. and ~~7~~6:00 a.m.
- (C) Animals. No owner, keeper, or harbinger of any animal shall permit such animal to continuously or frequently bark, howl, or emit other audible sounds that create offensive noise to the annoyance or discomfort of any person of ordinary sensibilities occupying any premises within one thousand (1,000) feet of the animal.
- (D) Homeowners' Outdoor Equipment.
 - (i) No person shall operate engine or motor-powered lawn or maintenance tools intended for use in residential areas such as power mowers, garden tools, riding tractors, power saws, edgers, and similar equipment, that would create a noise that exceeds the fixed source standards set forth above except between the hours of 7:00 a.m. and ~~9:00~~~~10:00~~ p.m.
 - (ii) Where applicable, homeowners' outdoor equipment shall have mufflers that are kept in good working condition.
 - (iii) Snow blowers and snow plows are exempted from time requirements of this section when necessary to remove ice and snow.
- (E) Construction. No person shall use any pile driver, shovel, hammer derrick, hoist tractor, roller, or other mechanical apparatus operated by fuel or electric power in building or construction operations between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday or between the hours of 7:00 p.m. on Saturday and before 9:00 a.m. on Sunday (and all holidays observed by the City of Hudson) or after 5:00 p.m. on Sunday within a

residential area, or within five hundred (500) feet of a school, except for temporary conditions approved by the City Manager.

(F) New Construction or Additions. All new construction or additions in excess of five thousand (5,000) square feet that are planned to house any stationary machinery, device, or equipment that will create noise that exceeds sixty (60) db(A) shall be reviewed to ensure that noise mitigation measures such as building noise attenuation and insulation, siting modifications, berms, barriers, and other measures are utilized to effect noise level reductions up to fifteen (15) db(A) more than normal construction or to fifty-five (55) db(A) at the property line abutting any residential development, whichever will result in the lower expenditure for the applicant.

(4) Exemptions. The following operations and activities are exempted from the limitations of this section:

(A) Warning or alarm devices that have the purpose of signaling unsafe or dangerous situations or calling for police.

(B) Noises resulting from authorized public activities such as parades, fireworks displays, sports events, musical productions, and other activities that have the approval of the City Manager or City Council.

(b) Vibrations. No activity or operation shall cause or create earthborne vibrations in excess of the displacement values set forth below on or beyond any abutting parcel zoned for residential, commercial, institutional, or industrial use or shall cause any inherent or recurring generated vibration perceptible without instruments at any point along the property line on which the vibration source is located.

Steady-State Vibration Limits		
Vibration Limit	Peak Particle Velocity (Inches per Second)	Peak Particle Velocity (Inches per Second)
	Daytime	Nighttime
At a Residential Parcel	0.03	0.01
At a Commercial/Institutional/Industrial Parcel	0.06	0.06
Note: Nighttime limits shall be considered to prevail from 9:00 p.m. to 7:00 a.m.		

(c) Odors. No person or business shall cause or allow the emission of odorous air contaminants from any source that results in detectable odors that are measured in excess of the following limits:

(1) For areas used predominantly for residential purposes, it is a violation if odors are detected after the odorous air has been diluted with seven (7) or more volumes of odor-free air. ^[2]

(2) No violation shall occur provided that the person or business causing or allowing the emission of odorous air contaminants is employing the best available treatment, maintenance, and control currently available to maintain the lowest possible emission of odorous gases.

(d) Air Quality/Emissions.

(1) To minimize off-site fugitive emissions, trucks carrying dry bulk materials are to be fully enclosed, or the cargo is to be enclosed within canvases, tarpaulins, or other method of

confinement that fully covers the payload area of the truck. Alternatively, a crusting agent may be used to cover the cargo.

- (2) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred or transported off the lot by natural causes or forces.
- (e) Hazardous Waste/Materials.
- (1) All hazardous materials or wastes that might cause fumes or waste or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.
 - (2) No hazardous materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred or transported off the lot by natural causes or forces.
 - (3) No outdoor storage of any extremely hazardous substances as defined by the United States Environmental Protection Agency in 40 CFR 355 (Appendix A) in excess of the threshold planning quantities set forth therein shall be permitted within five hundred (500) feet of any residential structure.
 - (4) If the proposed uses or tenants of a facility, building, or project are known to use or store hazardous materials or wastes onsite in excess of the amounts set forth in UFC Article 4.108, the applicant shall prepare at the direction of the City Fire Chief, a hazardous materials impact analysis that:
 - (A) Assesses potential off-site impacts and appropriate mitigation procedures and precautions; and
 - (B) Examines methods to reduce the use and storage of hazardous materials and the production of hazardous wastes at the site.
- (f) Glare or Heat. If the proposed activity or operation produces intense glare or heat, whether direct or reflected, that is perceptible from any point along the development's property lines, the operation shall be conducted within an enclosed building or with other effective screening sufficient to make such glare or heat imperceptible at the property line.
- (g) Operational/Physical Compatibility. The following conditions may be imposed upon the approval of any development to ensure that it is compatible with existing uses, including but not limited to, restrictions on:
- (1) Hours of operation and deliveries;
 - (2) Location on a site of activities that generate potential adverse impacts on adjacent uses such as noise and glare;
 - (3) Placement of trash receptacles;
 - (4) Location of loading and delivery areas;
 - (5) Light intensity and hours of full illumination;
 - (6) Placement and illumination of outdoor activity areas and equipment, including vending machines and portable toilet/restroom facilities.

Footnotes:

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Note— The most widely used technique is the American Society of Testing Materials method using a syringe for making multiple dilutions and then determining if the odor is detectable once diluted. A scentometer measures the odor threshold. Air is drawn through carbon filters to produce odor free air, and mixed with a known amount of odorous gas. A limitation of this approach is that it assumes that equal amounts of all odors are equally objectionable—in other words, it focuses on quantity, not quality. A good discussion of odor pollution can be found in Frank L. Cross, Jr., Air Pollution Odor Control Primer (1973).

1207.11. - Adequate public facilities.

- (a) Purpose. The purpose of this section is to establish minimum standards that ensure that public facilities and services needed to support development are available concurrently with the impacts of such development.
- (b) General Standards. The applicant shall demonstrate that the following adequate public facilities are or will be available to serve the proposed development at the time of occupancy, including but not limited to:
 - (1) Water/Wastewater:
 - (A) Development shall be served by and utilize public water and public sewer systems.
 - (B) Any individual lot existing prior to January 2000 that has not been improved with a residential structure may be serviced by a water well and/or septic-type system where approved by the Summit County Health Department, and the lot shall meet all of the following criteria:
 - (i) The lot is located more than four hundred (400) feet from existing public water and/or sewer lines; and
 - (ii) The lot contains soils suitable for on-site septic systems, and the proposed septic system complies with all applicable health and water quality requirements and regulations.
 - (C) Lots that are exempted from connection to public utilities by this section, shall be required to utilize and tap into public utilities at such future time when they are extended to, or otherwise are available and abut the subject property.
 - (2) Open Space/Parks: For final subdivision plats or plans, dedication of usable public open space including parks and multi-purpose trails roughly proportional to the need or demand generated by the proposed development. See Section 1207.05, Open Space, for applicable standards and criteria.
 - (3) Transportation:
 - (A) All developments that are required to prepare a traffic impact study shall demonstrate compliance with the following transportation level of service standards. (See also Section 1207.13, Traffic Impact Studies)
 - (i) Existing levels of service at peak hour are maintained on all arterial and collector roads and at all intersections within one-fourth ($\frac{1}{4}$) mile of the site or that such level service shall not fall below Level of Service (LOS) C as outlined in the Transportation Network Traffic Model Analysis dated November 4, 1996, or otherwise recommended pursuant to a traffic corridor study adopted by the City of Hudson.
 - (ii) However, if the LOS on streets adjacent to the site or within one-fourth ($\frac{1}{4}$) mile thereof is currently below LOS C, then the applicant shall demonstrate that the LOS will not fall below the current level.
 - (B) All developments required to prepare a traffic impact study shall also provide an overall access management plan that demonstrates free-flowing access to the site and avoids unsafe congestion conditions on adjacent public roads and streets.
 - (C) The Planning Commission may waive these requirements upon a showing by the applicant that the impact of the proposed development on roads and intersections will be de minimis.

1207.12. - Off-street parking and loading requirements.

- (a) Purpose. The purpose of this section is to prevent or alleviate the congestion of public streets, to minimize any detrimental effects of vehicular use areas on adjacent properties, to enhance vehicular use areas with landscape elements, and to promote the safety and welfare of the public.
- (b) Applicability. Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking and loading spaces for vehicles in accordance with the following provisions except as set forth in (D) below:
 - (1) A parking and loading plan shall be required for all uses except single family detached dwellings and two-family dwellings. The parking and loading plan shall be submitted to the City as part of the application for site plan review.
 - (2) Whenever a building or use constructed or established after the effective date of this Code is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise such as to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
 - (3) Whenever a building or use existing prior to the effective date of this Code is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, then the vehicular use area shall comply with the off-street parking requirements as set forth in this section.
 - (4) Until an overall parking plan is completed for the Downtown Development District (as defined by the boundaries of Owen Brown Street, Main Street and Morse Streets), parking needs for all development in the Downtown Development District will be reviewed on a case-by-case basis.
- (c) Plan Elements. The parking and loading plan shall show the following:
 - (1) Boundaries of the property;
 - (2) Number of parking spaces;
 - (3) The arrangement of parking aisles;
 - (4) The location of driveway entrances;
 - (5) Provisions for vehicular and pedestrian circulation;
 - (6) The location of sidewalks, wheel stops, lighting and curbs on or adjacent to the property;
 - (7) The location of utilities, barriers, shelters, signs, boundary walls, and fences;
 - (8) The location of landscaping in parking area and the types and location of vegetation to be planted;
 - (9) Typical cross sections of pavement, and stormwater drainage facilities; and
 - (10) Other information as set forth in Appendix A or as requested by the Community Development Department.

See Section 1207.04(m), "Landscaping/Bufferyards" for parking area landscaping requirements.

- (d) General Design Standards. All parking and loading plans shall meet the following standards:
 - (1) Parking lots shall be developed in accordance with all District regulations established for the Zoning District in which the parking is located.
 - (2) Parking areas shall be treated to minimize the visual impact of parked cars as viewed from the public right-of-way and adjacent properties through the use of plantings and earth berms.
 - (3) Buildings shall be set back from the edge of parking areas to provide for a sidewalk and landscape treatment in front of the building.

- (4) Where a sidewalk exists in a public right-of-way adjacent to a site, or is required to be constructed as part of development approval, a pedestrian connection shall be constructed from the building to the sidewalk in compliance with standards set forth in the Americans With Disabilities Act.
 - (5) Driveways shall not be used as points of ingress and egress for individual parking spaces. Driveways shall be placed such that loading and unloading activities will not hinder vehicular ingress or egress. To the maximum extent feasible, provisions for circulation between adjacent parcels shall be provided through coordinated or joint parking systems to minimize curb cuts along the street. (See Subsection (h) below.)
 - (6) Curb definitions shall be maintained, prohibiting continuous access along the frontage of the site.
- (e) Computation of Required Parking Spaces. In computing the number of parking spaces required by this section, the following shall apply:
- (1) Where building floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross leasable horizontal area of all floors of a non-residential building.
 - (2) Fractional numbers shall be increased to the next highest whole number.
 - (3) Parking space requirements for a use not specifically mentioned in this Code shall be determined by using the most similar and restrictive parking space requirements as approved by the City Manager.
 - (4) When building floor area is designated as the standard for determining parking space requirements and the resulting number of parking spaces is less than the minimum standard, at least one (1) off-street parking space shall be provided on the premises.
 - (5) Landbanking of parking area for potential future use is encouraged.
- (f) Parking Space Requirements.
- (1) Minimum Parking Space Requirements. For the purpose of this Code, in establishing minimum off-street parking requirements, the Planning Commission may utilize the requirements set forth below or the requirements set forth in the Parking Generation Manual (Institute of Transportation Engineers, 2nd Edition). The method of calculating off-street parking requirements shall be established by the City Manager during initial review of a development application.

Automotive Repair Services	Two spaces for each service bay, plus one space per employee.
Automotive Service Stations	One space per fuel pump, plus one space for each 1.5 employees.
Automotive Dealers	One space for each 400 square feet of floor area plus one (1) for each employee.
Banks and other Financial	One space for each 400 square feet of floor Institution area plus sufficient stacking space at drive-up facilities to accommodate the number of automobiles equal to five times the number of teller windows.
Bars/Taverns	One space for each 100 square feet of floor area.

Bed and Breakfast Inn	One space for each guest room plus two spaces for the permanent residence.
Car Wash Facilities	Automobile car washes shall provide sufficient stacking spaces for four vehicles per bay, and one space per employee.
Commercial Nursery or Greenhouse	One space per 1,000 square feet of floor area plus one space per 2,000 square feet of land area.
Commercial School/Artist Studio	One space per 300 square feet of floor area.
Contractor Yard	One space for each 1,000 square feet of floor area plus one space for each facility vehicle.
Convalescent Care Facility/Assisted Living	One space for every six (6) beds plus one space for every two (2) employees.
Convenience Store	One space for each 200 square feet of floor area.
Convention or Conference Center	One space for each 3 (three) seats.
Day Care Center	One space for each 500 square feet of floor area plus one space for each employee.
Elementary and Middle Schools	Two spaces per classroom, plus one space for every 3 (three) seats in the largest assembly hall.
Entertainment and amusement facilities, indoors	One space for each three seats or one space for each 200 feet of floor area, whichever is greater.
Funeral Home	Four spaces per 300 square feet of floor area.
Golf Course	One space per two employees, plus three per golf hole.
Group Home	One space for each four beds.
High Schools	One space per 2 (two) teachers, employees, and administrators, plus one space per 10 (ten) students.

Hospitals	One space for each two beds.
Industrial/Manufacturing	One space for each employee on the shift with the highest number of employees.
Lodging	One space for each sleeping room plus one space for each 400 square feet of public meeting area and/or restaurant space.
Medical Clinics	One space for each 100 square feet of floor area.
Office	One space for each 400 square feet of floor area as the minimum parking space requirement and one space for each 250 square feet of floor area as the maximum permitted parking.
Personal and Business Services	One space for each 200 square feet of floor area.
Printing and Related Trades	One space for each 500 square feet of floor area.
Private Member Recreation Facility or Club	One space per 200 square feet of floor area or one space for each four seats, whichever is greater.
Public Buildings	One space for each 200 square feet of floor area.
Recording, Radio, or TV Studios	One space per 400 square feet of floor area.
Recreational, Non-Commercial	One space for each 2 participants at maximum utilization.
Recreational, Commercial	One space for each 3 persons at capacity.
Religious Places of Worship	One space for each four seats in the place of assembly.
Residential, Multi-Family	Two spaces for each dwelling unit.
Residential, Single Family	Two spaces for each dwelling unit.
Residential, Two Family	Two spaces for each dwelling unit.
Research and Development Laboratories	One space for each 500 square feet of floor area.

Restaurants	One space for each two seats of seating capacity.
Retail Business	One space for each 250 square feet of floor area.
Shopping Center	One space for each 250 square feet of floor area.
Skating Rink	One space per each 200 square feet of floor area.
Swimming Club	One space for each 300 square feet of pool and promenade area.
Theaters	One space for each three (3) seats plus one for each two employees.
Veterinarian Facility	Four spaces for each examination room.
Warehousing	One space for each 1,000 square feet

(2) These minimum requirements are also the maximum requirements, unless the applicant shows extraordinary circumstances that necessitate additional parking beyond these maximums or as permitted above.

(g) Location of Required Parking Spaces.

(1) Off-Street Parking. Required off-street parking spaces for any use shall be located on the same parcel as the use they are intended to serve, except where these regulations allow shared parking between uses on different lots pursuant to subsection (h) below.

(2) Residential Parking. No residential parking area shall be utilized for commercial vehicle parking.

(3) Parking of Inoperable or Abandoned Vehicles. The parking or storage of inoperable, abandoned, or unlicensed vehicles is prohibited outdoors in all zone districts.

(h) Joint or Collective Parking Facilities. Shared parking facilities are strongly encouraged (see Figure 21) and are permitted if multiple uses cooperatively establish and operate the facilities and if these uses generate parking demands primarily during hours when the remaining uses are not in operation. (For example, if one (1) use operates during evenings or week days only.) The applicant shall have the burden of proof for a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating their reasons for the requested parking reduction. Shared parking may be approved if:

(1) A sufficient number of spaces are provided to meet the highest demand of the participating uses;

(2) Evidence to the satisfaction of the Planning Commission, has been submitted by the parties operating the shared parking facility, describing the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them; and

(3) Additional documents, covenants, deed restrictions, or other agreements as may be deemed necessary by the Planning Commission are executed to assure that the required parking

spaces provided are maintained and uses with similar hours and parking requirements as those uses sharing the parking facilities remain for the life of the development.

- (4) Shared parking spaces shall be located no more than three hundred (300) feet from the uses they are intended to serve.

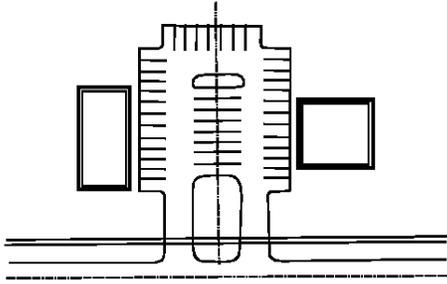


Figure 21: Shared Parking Facilities Encouraged

- (5) In Zone District 5, Village Core, any on-street parking located within three hundred (300) feet of the subject site that can be accessed by sidewalks and cross walks within that distance shall be counted toward the off-street parking requirement of the subject use, except for residential and commercial lodging uses.
- (i) Lot Size/Scale. Large surface parking lots shall be visually and functionally segmented into several smaller lots according to the standards found in Section 1207.04, Landscaping/Bufferyards, subsection (m)—Landscaping for Parking Lots.
- (j) Handicapped Parking Requirements.
 - (1) Parking facilities serving buildings and facilities required to be accessible to the physically disabled shall have conveniently located designated handicapped parking spaces to be provided as follows:

Total Parking Spaces in Lot	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20, plus 1 for each 100 over 1,000

(2) The dimension of parking spaces serving handicapped persons shall be at least fourteen (14) feet wide by nineteen (19) feet long, and ADA van accessible spaces as required.

(k) Design of Parking Spaces and Aisles. Each required parking space shall meet the minimum dimensional requirements set out in the following table and illustrated in Figure 22 below.

Parking Stall and Aisle Dimensions							
A	B	C	D		E	F	
Parking Angle	Stall Width	Length of Stall	Aisle Width		Width of Access Drive	Bay Width (Center to Center Width of Two Row Bay with Aisle Between)	
			One Way	Two Way		One Way	Two Way
0°	9 ft.	23 ft.	12 ft.	18 ft.	20 ft.	36 ft.	36 ft.
30°—53°	9 ft.	18 ft.	13 ft.	20 ft.	20 ft.	47—53 ft.	54—60 ft.
54°—75°	9 ft.	19 ft.	18 ft.	22 ft.	20 ft.	60 ft.	64 ft.
76°—90°	9 ft.	19 ft.	22 ft.	24 ft.	20 ft.	60 ft.	62 ft.

(l) Aisles. Each required parking space shall have direct and unrestricted access to an aisle of the minimum width set out in Subsection (k) and illustrated in Figure 22.

(m) Access. All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives or aisles to the maximum extent feasible. Parking spaces shall not be located along entry drives within thirty (30) feet of the right-of-way or easement line (and at greater distances as may be required by the Planning Commission depending on traffic generation and parking lot size). (See Figure 22.)

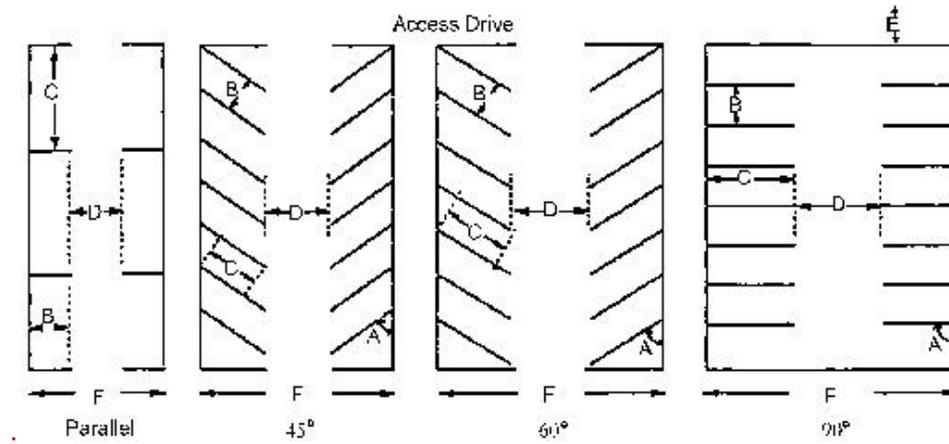


Figure 22: Parking Stall and Aisle Layout

(letters reference headings in the above table)

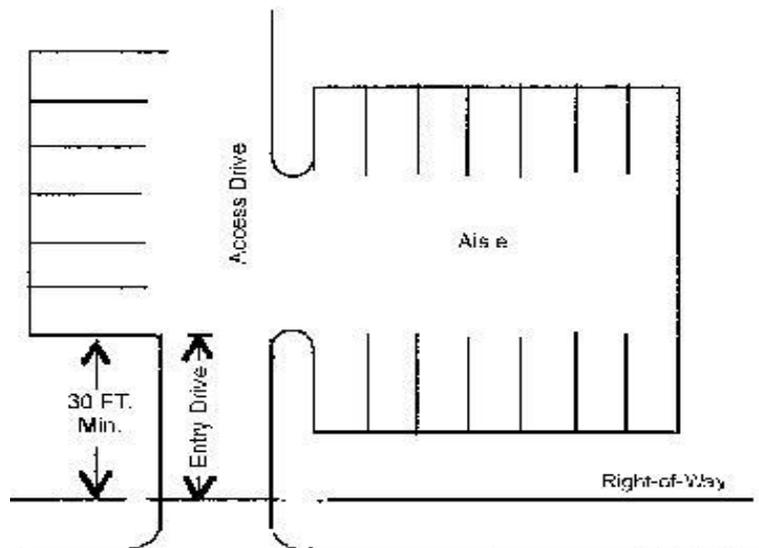


Figure 23: Parking Along Entry Drives

- (n) Maneuverability Areas. In order to promote adequate maneuverability, the following provisions shall be followed:
 - (1) Turn-Around Area. Where more than three (3) parking spaces are served by a single driveway, a turn-around area shall be provided, or other provision shall be made, to permit cars to exit the parking lot or garage without backing onto any street or sidewalk.
 - (2) Back-Up Area. Each parking space shall be provided with a sufficient back-up area to permit egress in one (1) maneuver, consisting of one (1) backward and one (1) forward movement.
- (o) Paving. Any off-street parking or loading area shall be surfaced with a pavement having an asphalt or concrete binder of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface.

- (p) Drainage. Drainage shall comply with the provisions contained in Section 1207.02, "Stormwater Management." All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate stormwater drainage system, and these plans shall be reviewed by the City Engineer.
- (q) Lighting. Fixed lighting shall comply with the provisions contained in Section 1207.14, Exterior Lighting, and be arranged to prevent direct glare of beams onto any public or private property or street.
- (r) Wheel Stops and Continuous Curbs. Wheel stops or continuous curbs shall be provided, located, and designed to protect required screening devices and landscaping and pedestrian ways from damage or encroachment of vehicles and to provide necessary traffic control in the parking area.
 - (1) Wheel Stops. Each wheel stop shall be a singular block of reinforced concrete, stone, or other durable material six (6) inches in height, six (6) inches in width, and eight (8) feet in length. Wheel stops shall be placed as shown in Figure 25 and securely attached to the ground and may be used only at the end of parking stalls.
 - (2) Continuous Curbs. Continuous curbs shall be made of asphalt, concrete, or stone, and shall be a minimum of six (6) inches in height and six (6) inches in width. They shall form a non-interrupted edge around all landscaped areas adjacent to parking and turn-around areas which are not protected by wheel stops.
 - (3) Placement. The wheel stop or continuous curb shall be located a minimum of four (4) feet from any structures, buildings, walls, or plant material, excluding groundcover, to prevent a vehicle from driving onto the landscape area or hitting any structure or plant material at the edge of the parking area. The mature size of the plant material shall be specified to determine if the landscaped area meets the setback requirements. See Figure 23.
 - (4) Stall Dimensions. Where continuous curbs are used, the paved area of the parking stall length required in Subsection (k) and illustrated in Figure 22 (Dimension "C") may be reduced by two and one-half (2½) feet as shown in Figure 24, provided that the vehicle overhang will not encroach on pedestrian circulation or the required setback for desirable plant growth. Where wheel stops are used, the paved area of the parking stall length required in subsection (k) and illustrated in Figure 22 (Dimension "C") shall not be reduced.

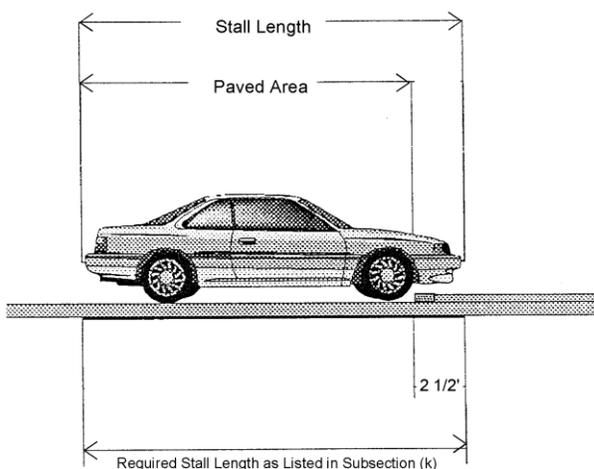


Figure 24: Stall Dimensions with Continuous Curbs

- (s) Off-Street Loading Requirements.

- (1) On the same lot with every building to be used for commercial/retail and industrial purposes, adequate space for standing, loading, and unloading of motor vehicles shall be provided to avoid interference with the public use of streets. Loading spaces shall not conflict with or overlap with the area used for off-street parking.
- (2) Plans and Design Standards.
 - (A) One (1) loading space shall be provided for all buildings having a gross floor area between ten thousand (10,000) square feet to twenty thousand (20,000) square feet.
 - (B) One (1) additional loading space shall be provided for every additional twenty thousand (20,000) square feet of gross floor area, provided that no such loading space occupies any part of a public street, alley, driveway or sidewalk.
- (3) General Standards for Off-Street Loading. Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth: on the following page:
 - (A) Location of Required Loading Spaces. Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot line of a more restrictive district while being loaded or unloaded.
 - (B) Dimensions. No required loading space shall be less than twelve (12) feet in width or thirty-five (35) feet in length or have a vertical clearance of less than fourteen (14) feet.
 - (C) Access. Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation.
 - (D) Surface and Drainage. Every loading space shall meet the surface and drainage requirements of subsections (o) - Paving and (p) - Drainage.
 - (E) Screening. All operations, material, and vehicles within any loading space that are visible from public streets or from residential uses shall be screened. The screening material shall be year round opaque and may be comprised of landscaping, fences, walls, architectural elements, or a combination of such techniques.

1207.13. - Transportation/circulation/pedestrian linkage.

- (a) Purpose. The purpose of this section is to establish the street design and circulation criteria for development in Hudson, protect the integrity of the existing transportation network, support area design compatibility as established in the Hudson Comprehensive Plan, and provide for safe and efficient roadway and pedestrian systems.
- (b) General Criteria.
 - (1) Transportation Plan and Functional Classification System.
 - (A) Establishment of Transportation Plan and Functional Classification System. The location and functional classifications of necessary freeway, arterial and collector roads have been established by Ordinance. All zoning district regulations referencing arterial roads shall be guided by the definition of arterial street found in Section 1213.02, Definitions, Street, arterial.
 - (B) South 91 Corridor Studies. All development adjacent to SR-91 from Stoney Hill Drive to Barlow Road necessitating road improvements must be in compliance with the South 91 Corridor Access Management Plan adopted in July, 1997, as amended. All development adjacent to SR-91 from Terex Road to Norton Road must be in compliance with the SR-91 Traffic Corridor Study adopted in February 2003, as amended.
 - (C) Standard Roadway Cross Section Design and Pavement Specifications. All roadways shall be designed in compliance with the City of Hudson Engineering Standards.

(D) State Access Management Standards. In reviewing development projects adjacent to collector and arterial roads, the Planning Commission shall require adherence to the latest edition or revision of the State of Ohio Department of Transportation's State Highway Access Management Manual.

(2) Road Widening and Capacity. Any increases in road capacity or proposed widenings shall be in compliance with the Transportation Policy Statements of the current City of Hudson Comprehensive Plan.

Traffic Impact Studies. All proposed new residential subdivisions, commercial and industrial development and changes in usage in non-residential structures shall refer to the City of Hudson Engineering Standards regarding the requirement to prepare and submit a traffic impact study in accordance with the provisions there in.

(3) Level of Service Requirements.

(A) All developments and subdivisions required to prepare a traffic impact study shall demonstrate compliance with level of service requirements set forth in Section 1207.11, Adequate Public Facilities, subsection (b)(3), Transportation.

(B) An applicant or developer shall provide roadway improvements as required by the City to maintain or improve the level of service of an arterial or collector street shown by the traffic impact study to be adversely affected by the proposed development or subdivision.

(C) If a proposed development or subdivision does not adversely change the level of service, the developer shall pay a proportionate share necessitated by the development of traffic mitigation measures for any proposed roadway segment or intersection improvement within a one-fourth-mile radius of a proposed development or subdivision, as outlined in the Transportation Network Traffic Model Analysis dated November 4, 1997, and whose designated level of service is at or below a LOS C as found in the November 4, 1996 Analysis.

(c) Streets and Easements and Alleyways.

(1) Streets:

(A) Streets depicted on a subdivision plat shall conform to the Transportation Plan map and Cross Section Design.

(B) All streets shall be aligned to join with planned or existing streets.

(C) All streets shall be designed to bear a logical relationship to the topography of the land.

(D) Streets shall be laid out so as to intersect as nearly as possible at right angles.

(E) A proposed intersection of two (2) streets, either one (1) new street to an existing street or two (2) new streets, shall not have an angle less than eighty (80) degrees.

(F) An oblique street should be curved approaching an intersection and shall be approximately at right angles for at least one hundred fifty (150) feet therefrom.

(G) No more than two (2) streets shall intersect at any one (1) point.

(2) Culs-de-sac:

(A) Culs-de-sac should be avoided to the maximum extent feasible.

(B) Culs-de-sac shall be permitted only if they do not exceed a maximum length of nine hundred (900) feet. The measurement shall be from the mid-point of the intersection with another street to the center point of the cul-de-sac turnaround. Temporary culs-de-sac may be longer than the nine-hundred-foot maximum only when classified as a stub street.

(C) Culs-de-sac shall have pavement with a turnaround radius of forty (40) feet.

(D) Cul-de-sac rights-of-way shall have minimum radius of sixty (60) feet.

- (E) No center islands shall be allowed in culs-de-sac with a diameter of sixty (60) feet or less.
 - (F) Exceptions: Cul-de-sac in Districts 6 and 8 have no maximum length provision provided adequate emergency access is provided as approved by the Fire Department. However, proposed developments must tie into other existing developments where practicable and as required through the site plan review process.
- (3) **Stub Streets.** Stub Streets are required to provide continued access to future development. Provisions shall be made to establish stub streets to provide for the continuation of a development between adjacent properties if the adjacent property is undeveloped and not subject to a permanent conservation easement. A temporary cul-de-sac shall be provided until such time as it will be extended. The permanent right-of-way line shall extend to the end of the property with a five-foot reservation strip along the width of the right-of-way. The party responsible for the extension of the stub street shall be responsible for the restoration, grading, and the securing of all necessary temporary agreements to complete the work for each property abutting the temporary property line/right-of-way line as approved by the City Engineer. On streets serving less than twelve (12) residences, hammerhead turnarounds and culs-de-sac may be used instead of stub streets.
- (4) **Controlled Access Median Strips.** Controlled Access Median Strips are permissible for residential streets only along entrance roads to subdivisions. The maximum length of the median strip shall be three hundred fifty (350) feet.
- (5) **Curb Cuts and Intersections:**
- (A) Curb cuts on corner lots must be set back the maximum distance feasible from the adjacent intersections.
 - (B) Residential lots in a subdivision adjacent to an arterial street are not permitted curb cut access to arterial streets.
 - (C) Residential development is permitted a maximum of two (2) curb cuts per lot with a maximum width at the right-of-way of twenty (20) feet per curb cut and a combined maximum of thirty (30) feet per lot.
 - (D) Curb cuts for commercial or industrial development shall be limited to one (1) access point on arterial and collector streets. All development adjacent to SR-91 between Stoney Hill Drive and Barlow Roads shall be subject to the provisions of the South 91 Corridor Access Management Plan.
 - (E) Intersections for new streets along arterial and collector streets should be a minimum of four hundred (400) lineal feet from any intersection.
- (6) **Signalized Intersections along Arterials.** A Traffic Signal Warrant Analysis shall be performed according to the State of Ohio Department of Transportation Manual of Uniform Traffic Control Devices, for all residential, commercial and industrial developments creating an intersection with any street designated as an arterial or collector street in the City of Hudson Comprehensive Plan.
- (7) **Alleys.** Alleys shall not be allowed except as part of a design element for proposed residential development in Zone Districts 1, 3, and 4, or as warranted by unique access conditions within District 5. Where permitted, alleys must be designed to a minimum width of sixteen (16) feet with a two-foot strip for utility easements on each side of the alley. Accessory garages that access an alley shall be set back a minimum eight (8) feet from the edge of the alley.
- (8) **Utility Easements.** Utility easements of a minimum of five (5) feet shall be required on the sides and rear of all residential, commercial or industrial lots together with a ten-foot wide utility easement outside the right-of-way line on all properties that abut the right-of-way. All other public utility easements for specific locations as required to serve a residential, commercial or industrial subdivision shall be a minimum of thirty (30) feet unless otherwise specified by the city.

(9) Street Design Standards.

(A) Emergency Access.

- (i) Purpose. This section is intended to ensure that emergency vehicles can gain access to and maneuver at every facility, building, or portion of a building so that emergency personnel can provide fire protection and emergency services without delays.
- (ii) General Standard. All developments shall provide adequate access for emergency vehicles and for those persons rendering fire protection and emergency services.
- (iii) Fire Protection Requirements. All portions of the exterior wall of the first story of any building or portion of a building must be located within one hundred fifty (150) feet of a public street or a fire access road in which fire apparatus can be maneuvered, as approved by the Fire Department. Fire access roads shall comply with applicable standards of the Ohio Fire Code, current edition.

Fire access roads may be public streets (except limited access streets) and alleys, parking lots, private streets, or similar vehicular access roads.

- (iv) Fire Access Road Width. The minimum Fire Access Road width shall be reviewed and approved by the Fire Department.
- (v) Turnarounds. Any fire access road shall have a turnaround with a proper turning radius, as approved by the Fire Department.
- (vi) Reserved.
- (vii) Parking Control. Approved "No parking - Fire Lane" signs shall be provided where parking would obstruct the minimum width and turning radius. Curbs in these areas shall be painted red.
- (viii) Road Surface. The surface of all fire access roads shall be of an approved hard surface or compacted road base capable of supporting fully loaded fire apparatus engineered to provide a bearing weight of sixty thousand (60,000) pounds. All surfaces shall be maintainable in all weather conditions including snow removal.
- (ix) Reserved
- (x) Reserved.
- (xi) Easements. Any private fire access road that serves multiple properties or crosses properly lines shall have proper emergency access easements.
- (xii) Reserved.
- (xiii) Reserved.
- (xiv) Access. Temporary fire access roads, turnarounds, and second points of access may be used as part of an approved phased project as confirmed by listing in a subdivision plan. Any temporary access shall meet all other fire access road criteria.

All required fire access roads, including public streets, shall be installed and serviceable before commencement of aboveground construction.
- (xv) Signs. A reflective distance marker shall be required for fire access roads greater than nine hundred (900) feet in length. A marker supplied and installed by the Hudson Fire Department shall be located every nine hundred (900) feet of length from the main entrance of the structure to the street.

(d) Pedestrian and Bicycle Paths.

- (1) To the maximum extent feasible, all residential, commercial, and industrial subdivisions shall provide pedestrian linkages, including bikeways, to existing trail system, parks, schools, adjacent developments, and to the Village Core where applicable. (See City of Hudson

Engineering Standards. Furthermore, all residential, commercial, and industrial subdivisions shall conform to the City of Hudson Connectivity Plan pedestrian and cycling plan of current adoption, if applicable.

- (e) Payment of Funds-In-Lieu of Providing Public Sidewalks and Other Pedestrian and Non-Vehicular Circulation Systems.
 - (1) When adjacent or abutting properties do not have public sidewalks and other pedestrian non-vehicular circulation systems with which to directly connect or link, the owner or developer may, with the approval of the Planning Commission, at the owner's or developer's option, in Districts, 1, 2, 3, 7, 9 and 10, provide monetary funds in-lieu of providing public sidewalks and other pedestrian or non-vehicular circulation systems.
 - (2) For purposes of determining the value of public sidewalks and other pedestrian and non-vehicular circulation systems for funds paid in-lieu of providing the same, the Planning Commission shall establish the payment to be seventy percent (70%) of the cost the City would pay to install the system as approved by the City Engineer utilizing State of Ohio prevailing wages.
- (f) Fund. All amounts paid by the owner or developer in-lieu of providing the improvements as set forth in subsection (e) shall be made payable to the City of Hudson and upon receipt shall be deposited in a separate fund kept specifically for funding the construction of public sidewalks and other pedestrian and non-vehicular circulation system linkages in the City.

(g) Additional Regulations. See Chapter 1419, "Engineering Standards for Infrastructure Construction" for additional regulations relative to transportation, circulation, and pedestrian linkage.

([Ord. No. 16-114](#), § 1(Exh. A), 9-6-2016)

1207.14. - Exterior lighting.

- (a) Purpose. The intent of this section is to focus on the actual physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood. Exterior lighting shall be evaluated in the development review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which exterior night lighting affects a property owner or neighborhood will be examined considering the light source, level of illumination, hours of illumination, and need for illumination in relation to the effects of the lighting on adjacent property owners and the neighborhood.
- (b) Applicability.
 - (1) All residential development consisting of five (5) or more lots or units and all nonresidential development shall submit for approval a proposed exterior lighting plan that meets the functional security needs of the proposed land use without adversely affecting adjacent properties or the community.
 - (2) All residential development consisting of less than five (5) lots or units shall comply with the standards set forth in this section, but shall not be required to submit a proposed exterior lighting plan for approval.
 - (3) Non-residential development of less than five thousand (5,000) square feet of gross floor area and parking lots or parking lot expansions of less than twenty-five percent (25%) or twenty (20) parking spaces whichever is less, is exempt from the lighting levels of Table 1207.14(c) provided each light fixture has a maximum one hundred (100) watts for pole heights of sixteen (16) feet or less and a maximum two hundred fifty (250) watts for pole heights of sixteen (16) to twenty-five (25) feet.

- (4) Unless otherwise expressly exempted, public street lighting installed by the City of Hudson shall comply with the standards set forth in this section. However, proposals to install public street lighting shall not be required to submit a proposed exterior lighting plan for approval.
- (5) Exemption for Outdoor Recreational Uses:
 - (A) Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, tennis courts, and other similar outdoor public and commercial recreational uses are exempt from the exterior lighting standards set forth in this section and shall only be required to meet the following standards set forth in this subsection (b).
 - (B) Limits on cutoff angle: Lighting fixtures shall be mounted and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed offsite. The aiming angle of the light source that illuminates an outdoor recreational use is not to exceed sixty-two (62) degrees from vertical. Luminaries shall use internal louvers and/or exterior shields as necessary to help minimize glare.
 - (C) Maximum permitted illumination at the property line: 0.1 footcandles.
 - (D) Limits on Hours of Illumination: Exterior lighting for an outdoor recreational use shall be extinguished no later than 11:00 p.m.

(c) Lighting Levels.

- (1) With the exception of lighting for public streets, all other lighting used to illuminate buildings, parking lots, walkways, or the landscape, shall be evaluated during the site plan review process. The following "Area/Activity Lighting Criteria" chart gives the lighting criteria to be met for outdoor facilities used at night.

Outdoor Location and Tasks	Horizontal Illumination	Vertical Illumination	Measurement	IESNA Lighting Handbook Ref.
Building Exteriors		(footcandles)		
Entrances:				
Active (pedestrian/conveyance)	5.0	3.0	Average fc	Lighting Design Guide
Inactive (normally locked, infrequent use)	3.0	3.0	Average fc	Lighting Design Guide
Floodlighting		3.5	Average fc	Figure 21-12
Loading Platforms	10.0	3.0	Average fc	Lighting Design Guide
Outdoor Recreational Areas	See IESNA Lighting Handbook, Chapter 20 - Sports and Recreational Area Lighting			

Outdoor Location and Tasks	Horizontal Illumination	Vertical Illumination	Measurement	IESNA Lighting Handbook Ref.
Parks, Plazas, and Pedestrian Malls	5.0	3.0	Average fc	Lighting Design Guide
Parking Areas			Uniformity ratio	
Parking Lots (open)	5.0 max./ 0.2 min.	2.0 max./0.1 min.	30:1 max./min.	Figure 22-21
Pool Areas and Terraces	5.0	3.0	Average fc	Lighting Design Guide
Retail Spaces				
Car dealerships - front row	5.0	3.0	Average fc	Figure 17-18
Restaurants and dining areas	5.0	3.0	Average fc	Lighting Design Guide
Service stations:				
Approach	1.5	0.5	Average fc	Chapter 17
Driveway	2.0 average with	0.5	Average fc and	Chapter 17
	20:1 max./min. uniformity ratio		uniformity ratio	
Pump island area under canopy	15.0	10.0	Average fc	Chapter 17
Building faces (exclusive of glass)	NA	3.0	Average fc	Chapter 17
Service areas	3.0	3.0	Average fc	Chapter 17
Security Lighting	See IESNA Lighting Handbook, Chapter 29 - Security Lighting			Figure 29-17
Signs	3.0	10.0	Average fc	Lighting Design Guide

Outdoor Location and Tasks	Horizontal Illumination	Vertical Illumination	Measurement	IESNA Lighting Handbook Ref.
Walkways and Stairways	0.5	0.1	minimum average fc	Figure 22-10

Source: Illuminating Engineering Society (IES), Lighting Handbook (2000, as revised)

- (2) All other illuminance shall not exceed the Lighting Handbook (Illumination Engineering Society (IES) 1987, as amended) recommendations; and
 - (3) The amount of nuisance glare (light trespass) projected onto a residential use from another property shall not exceed 0.1 vertical footcandles at the property line.
- (d) Design Standards. All exterior lighting, including public street lighting as applicable, shall meet the following design standards:
- (1) No flickering or flashing lights shall be permitted, except for temporary holiday decorations.
 - (2) Background spaces like parking lots shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare. All lighting installations must comply with the Area/Activity Lighting Criteria published in Subsection (c) of the Exterior Lighting Code unless specifically approved by the Planning Commission.
 - (3) Glare shall be controlled at all times through proper equipment selection, careful aiming, and limits on brightness as per IESNA recommendations:
 - (A) Full cutoff, cutoff, or semi-cutoff light fixtures shall direct light toward the ground as per IESNA classifications. The light source shall not be visible from the property line.
 - (B) Noncutoff light fixtures shall limit the maximum initial lumens generated by each fixture not to exceed two thousand (2,000) lumens.
 - (C) Building facade lighting shall be located, aimed and shielded to direct light only onto the building facade.
 - (4) The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.
 - (5) All outdoor light not necessary for security purposes shall be reduced, activated by motion sensors devices, or turned off during non-operating hours.
 - (6) Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam or light that will not extend beyond the illuminated object.
 - (7) For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building line roof.
 - (8) All light sources must have a minimum color rendering index (CRI) of twenty-two (22).
- (e) Height Standards for Lighting.
- (1) In Zone Districts 1, 2, 3, 4, and 10, light fixtures shall be mounted on concrete or painted metal poles no higher than sixteen (16) feet.

- (2) In Zone Districts 5, 6, 7, 8 and 9, light fixtures shall be mounted on concrete or painted metal poles no higher than twenty-five (25) feet.

1207.15. - Telecommunication facilities.

- (a) Purpose. These regulations governing wireless telecommunication facilities are established to provide for the construction, erection, maintenance, extension and removal of such facilities in certain zoning districts in the City and are related to certain applications of technology and engineering in the field of wireless telecommunication. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996 (Public Law 104-104) and the interests of the City in regulating wireless telecommunication towers and related facilities for the following reasons:
- (1) To provide for orderly development within the City;
 - (2) To protect property values;
 - (3) To maintain the aesthetic appearance of the City, including, but not limited to, its unique residential character, unobstructed open spaces, and attractive commercial and office/industrial areas;
 - (4) To protect residential properties, parks, open spaces and the nonintensive commercial zoning districts which are characteristic of the City from the adverse effects of towers and related facilities;
 - (5) To promote collocation of wireless telecommunications facilities in order to decrease the total number of towers in the City;
 - (6) To provide for and protect the health, safety and general welfare of the residents and visitors of the City.
- (b) Applicability. No person shall construct, erect, maintain, extend, or remove a wireless telecommunication facility in the City without compliance with the provisions of this section.

(c) Processing Applications.

(1) Unless the timeframe is tolled pursuant to subsection (c)(2), the City shall review applications for wireless telecommunication facilities within the following timeframes:

(A) Eligible Facilities Requests. The City shall review an application for an Eligible Facilities Request within sixty (60) days of the date a complete application is filed with the City. For purposes of this section, an "Eligible Facilities Request" is a request for modification of an existing tower that does not substantially change the physical dimensions of such tower and involves collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment. A substantial change occurs in the following circumstances:

(i) The height of the tower increases by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;

(ii) An appurtenance is added to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater;

(iii) More than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets, is installed;

(iv) Any excavation or deployment occurs outside the existing site;

(v) Concealment elements of the eligible support structure are defeated; or

(vi) The proposed change does not comply with conditions of this section.

(B) Co-location. The City shall review an application for Collocation that does not constitute an Eligible Facilities Request within ninety (90) days of the date a complete application is filed with the City.

(C) All Other Applications. The City shall review an application that does not constitute a collocation or an eligible facilities request within one hundred fifty (150) days of the date a complete application is filed with the City.

(2) The timeframe may be tolled by mutual agreement between the applicant and the City or if the application is incomplete.

(3) To toll an application for incompleteness, the City must provide written notice to the applicant within thirty (30) days of receipt of the application, specifying all missing documents or information required in the application. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness. Following a supplemental submission, the City shall notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information and the time for review shall toll until a complete document is provided. Second or subsequent notices of incompleteness shall not specify missing documents or information that were not delineated in the original notice of incompleteness.

(c) Minimum Standards for Construction, Erection, Maintenance, Extension and Removal. All wireless telecommunication facilities shall comply with the following minimum standards:

(1) Use Regulations:

- (A) A wireless telecommunication tower may only be permitted as a conditional use in District 8: Industrial/Office Park Development Areas. A wireless telecommunication tower is not permitted in any other zoning district in the City.
- (B) The installation of a wireless telecommunication antenna(s), and the expansion of an existing equipment shelter to serve such antenna(s), may be permitted as a conditional use on an existing wireless telecommunication tower in a residential zoning district.
- (C) The installation of a wireless telecommunication antenna(s) where the construction or erection of a tower is not proposed by the applicant, shall be permitted as an accessory use on existing towers, buildings or structures. To the extent the remaining standards of this section are applicable to the situation involving the installation of a wireless telecommunication antenna(s) on an existing tower, building or structure, such standards shall govern the installation.

(2) Co-Location:

- (A) All applicants for construction or erection of wireless telecommunication towers shall be required to construct on a base tower structure and structure foundation that is designed to be buildable up to, but not including, two hundred (200) feet above grade. Such structure shall be designed to have sufficient structural loading capacity to accommodate at least four (4) antenna platforms or antenna arrays of equal loading capacity for four (4) separate providers of service to be located on the structure when constructed to the maximum allowable height. The wireless telecommunication facility shall also be designed to show that the applicant has enough space on its site plan for an equipment shelter large enough to accommodate at least four (4) separate users of the facility. If an equipment shelter is initially constructed to accommodate only one (1) user, space shall be reserved on site for equipment shelter expansions to accommodate up to at least four (4) separate users. Agreement to the provisions of this subsection must be included in the applicant's lease with the landowner, if different from the owner/user of the tower. Written documentation must be presented to the City Manager evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a conditional use permit, the owner/user shall respond in

writing to any inquiries regarding collocation of another user of the facility within thirty (30) days after receipt of a written inquiry. Copies of all written requests to co-locate and all written responses shall be sent to the City Manager.

- (B) The applicant requesting permission to install a new tower shall provide evidence there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on an existing tower, building or structure within the geographic area to be served. With its application, the applicant shall identify the location of every tower, building or structure that could support the proposed antenna(s) or area where it would be technically suitable to locate so as to allow it to serve its intended function. As part of its application, the applicant shall provide a scaled map of all of its existing, proposed or planned antenna locations within a five-mile radius of the site which is the subject of the application.
 - (C) The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building or structure. If an existing tower, building or structure is technically suitable, the applicant must demonstrate that it has made written request to collocate on the existing tower, building or structure and the request was rejected by the owner of the tower, building or structure. In all circumstances, owners of existing towers shall promptly respond in writing to requests for co-location, but in no event shall they respond more than thirty (30) days from the date of receipt of a written request for co-location. If another telecommunication tower is technically suitable, the applicant must further show that it has offered to allow the owner of that other tower to co-locate an antenna(s) on another tower within the City which is owned or controlled by the applicant, if available, on commercially reasonable terms and the offer was not accepted.
- (3) Spacing. There shall be a separation of a minimum of one-half ($\frac{1}{2}$) mile between wireless telecommunication towers.
 - (4) Height. Notwithstanding the height requirements of the underlying zoning district, the maximum height of a free-standing wireless telecommunication tower, including its antenna and all appurtenances, shall be less than two hundred (200) feet above grade. The maximum height of any wireless telecommunication antenna, installed pursuant to subsection (a)(2) hereof, shall be no greater than the height of the existing tower, building or structure to which it is attached. The height of any equipment shelter shall not exceed fifteen (15) feet from grade.
 - (5) Setbacks. All wireless telecommunication towers shall be set back from property lines of residentially-zoned or used properties a distance of at least five hundred (500) feet. Otherwise, the tower and related facilities shall comply with the required setbacks in the zoning district in which they are located. In no event shall a wireless telecommunication tower or facility be located in front of the principal building on the lot, if any.
 - (6) Design:
 - (A) All wireless telecommunication towers should be monopole design, and shall be painted light gray in color unless otherwise required by state or federal law.
 - (B) All wireless telecommunication facilities shall be subject to review by the Architectural and Historic Board of Review (AHBR) for the purpose of enhancing the compatibility of the facilities with their surroundings. The color of a wireless telecommunication tower and/or antennas shall be as determined by the AHBR for the purpose of minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
 - (C) The wireless telecommunication antennas shall be of a panel design and mounted flush to the tower, building or structure which elevates the antennas, unless the applicant can demonstrate that it is not feasible from an engineering standpoint to use such antennas or to mount them in such a fashion.
 - (7) Landscaping. A landscaped buffer area of not less than fifteen (15) feet in depth shall be placed between the wireless communication facilities and the public rights-of-way and any

adjacent properties from which a direct view can be had of the facilities, other than the tower itself. The fifteen-foot landscaped buffer shall have a tight screen fence of hardy evergreen shrubbery not less than six (6) feet in height. The landscaping shall be continuously maintained and promptly restored, if necessary.

- (8) Engineering Report. A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable federal, state, county, and City regulations. The report shall include a detailed description of the telecommunication tower, antenna(s), equipment shelter, and appurtenances, and shall certify that radio frequency (electromagnetic) emissions are in compliance with the regulations of the Federal Communications Commission (FCC).
- (9) Maintenance:
 - (A) The applicant shall submit a plan documenting how the wireless telecommunication facility will be maintained on the site in an ongoing manner that meets industry standards.
 - (B) On each biennial anniversary of the issuance of the zoning certificate for a wireless telecommunication facility, or not more than ninety (90) days prior thereto, the owner/user shall submit to the City a report prepared by a licensed professional engineer(s) which shall verify continued compliance of the facility with all governmental requirements including, but not limited to, the structural integrity and stability of any towers or antennas, electrical safety standards, and auxiliary power source safety standards.
- (10) Lighting. Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by Federal Aviation Administration (FAA) regulations, the most visually unobtrusive "state-of-the-art" lighting available shall be used, unless otherwise required by the FAA.
- (11) Security:
 - (A) A security fence not less than eight (8) feet in height shall fully enclose those portions of the wireless telecommunication facility which come in contact with the ground. Gates shall be locked at all times.
 - (B) A permanent warning sign with a minimum size of two (2) square feet and a maximum size of six (6) square feet shall be posted on the site. In addition the sign shall specify an emergency telephone number of the owner/user of each set of antennas on the site. The owner/user shall also provide the City Manager, the City Fire Department, the City Police Department, and the City Emergency Medical Service with information on whom to contact, an address, and a telephone number in the event of an emergency.
- (12) Advertising Prohibited. No advertising sign(s) or devices shall be permitted anywhere on a wireless telecommunication facility site.
- (13) Outdoor Storage. There shall be no outdoor storage of equipment or other items on the wireless telecommunication facility site except during the facility construction period and to supply emergency power to the facility only during a power outage.
- (14) Access to Facility. The access driveway to the wireless telecommunication facility shall, whenever feasible, use circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the facility shall be a minimum of eighteen (18) feet in width with a minimum overhead clearance of eleven (11) feet and shall be setback a minimum of twenty (20) feet from the nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment. If the access road to the facility is more than one thousand five hundred (1,500) feet from the public right-of-way, a turnaround shall be provided for emergency vehicles at the site and a by-pass, adequate for emergency vehicles, with an approachable access shall be provided for each additional one thousand five hundred (1,500) feet of the driveway. There shall be a maximum of one (1) off-street parking space on the facility site.
- (15) Accessory Equipment Shelter. The maximum cumulative total size of all equipment shelters accessory to a telecommunication tower or antenna on a lot shall be one thousand (1,000)

square feet and their maximum height shall not exceed fifteen (15) feet from grade. Only one (1) equipment shelter, or the configuration of more than one (1) shelter appearing as one (1) shelter, shall be permitted on a lot. Where it is technically feasible and reasonably practical, an existing building or structure on a lot shall be used to shelter the equipment associated with a wireless telecommunication facility.

- (16) Undergrounding of Utilities. All utility lines from the utility source to the wireless telecommunication facility shall be underground.
- (17) Time Limit for Commencement and Completion. After issuance of a zoning certificate to construct a wireless telecommunication facility, the applicant shall commence construction within six (6) months and shall complete construction within one (1) year or the zoning certificate shall expire.
- (18) Abandonment and Removal of Facilities.
 - (A) If at any time the use of the wireless telecommunication facility is discontinued for one hundred eighty (180) consecutive days, said facility shall be deemed abandoned. The City Manager shall notify the owner/user in writing and advise that the facility must be reactivated within ninety (90) days or it must be dismantled and removed from the site within that same ninety-day period at the cost of the owner/user. The owner/user of the wireless telecommunication facility shall, on no less than an annual basis from the date of issuance of the zoning certificate, file a declaration with the City Manager as to the continuing operation of each of its facilities within the City.
 - (B) The applicant for the wireless telecommunication facility shall be required as a condition of issuance of a zoning certificate to post a cash or surety bond acceptable to the City Solicitor of not less than one hundred dollars (\$100.00) per vertical foot from grade of the wireless telecommunication facility, which bond shall insure that an abandoned, obsolete or destroyed wireless telecommunication antenna or tower shall be removed within ninety (90) days of cessation of use or abandonment. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond, as principal, to insure that the bond will be in place during the period of time that the successor-in-interest or assignee occupies the facility.
- (d) Exemption of Certain City Property. Regardless of the provisions of this section, a wireless telecommunication facility may be permitted on any property owned or controlled by the City and used for public services and shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as required by the City Council.

1207.16. - Dish-type satellite antennas.

- (a) Purpose. Council hereby finds and determines that the guidelines and restrictions contained in this section are necessary to ensure the following health, safety and aesthetic objectives:
 - (1) Safety Objectives:
 - (A) To minimize obstructions to visibility around streets, sidewalks and driveways;
 - (B) To reduce potential attractive nuisance to children, animals, etc.;
 - (C) To reduce the exposure of the antenna to high wind forces, particularly from tornadoes, and reduce hazards from falling and wind-propelled objects;
 - (D) To reduce impediments to moving people and equipment near buildings and to avoid interference with firefighting and emergency ingress and egress, both at and above grade level; and
 - (E) To reduce potential contact and conflicts between antennas and utility lines, both above and below grade level.

- (2) Health Objective: To limit interference with natural sunlight and the circulation of air and to preserve space for trees and other plants.
 - (3) Aesthetic Objective: To reduce the visual impact of antennas in a municipality containing both old and new homes, many with historic and architecturally significant features, and to preserve property values.
- (b) Permits.
- (1) Permit Not Required. Except as provided under subsection (b) below, a permit is not required for the following types of antennas:
 - (A) A Small Antenna; or
 - (B) A Conforming Commercial Earth Station.
 - (2) Permit Required. A permit prior to installation is required for the following types of antennas:
 - (A) A Small Antenna installed, maintained and used in a manner requiring a permit under the OBBC Antenna Regulations;
 - (B) An antenna in an Historic District or upon a Historic Landmark (see Section 1207.18); or
 - (C) A Satellite Earth Station.
- (c) Restrictions.
- (1) Compliance required. All antennas must comply with the applicable regulations in this section, regardless of whether a permit is required. The regulations stated in the Table in subsection (e), below, apply to the indicated types of antennas. Exception: The regulations do not apply to an antenna located within a building.
 - (2) Designated Small Antenna Regulations. The City Manager shall designate all other regulations from codes other than this section that apply to Small Antennas, by listing them on a document to be made readily available to antenna users. The City Manager shall only include those regulations which are: (i) necessary to accomplish a clearly defined safety objective, and (ii) no more burdensome to affected antenna users than is necessary to achieve the stated objective. The City Manager shall state each such safety objective in the document. A copy of this section shall also be made readily available to antenna users. The regulations stated in the document, plus any others made applicable by this section, are the only City regulations applicable to Small Antennas.
 - (3) Notification. The City must be notified within thirty (30) days of the installation of any antenna not otherwise requiring a permit prior to installation on a form provided by the Department of Community Development.
 - (4) Conforming Commercial Earth Stations. Conforming Commercial Earth Stations must comply with Chapter 1444 of the City of Hudson Codified Ordinances.
 - (5) OBBC Antenna Regulations and Ohio Fire Code. Small Antennas and Satellite Earth Stations must comply, where applicable, with Section 3109.0 of the OBBC and Section 1301:7 of the Ohio Fire Code, which are specifically incorporated into the Codified Ordinances of Hudson pursuant to Sections 1414.01 and 1610.01, respectively.
 - (6) Regulations Specific to Satellite Earth Stations:
 - (A) A freestanding antenna shall not be constructed in any front or side yard, but shall be constructed to the rear of the primary structure. Roof-mounted antennas are prohibited unless construction of a free-standing antenna in the rear yard materially limits transmission or reception. If roof-mounted, antennas shall be mounted only upon the portion of the roof of a primary structure that faces the rear yard or on an accessory structure in the rear yard, as defined in this Zoning Code.

- (B) No antenna, including its concrete base slab or other substructure, shall be constructed less than fifteen (15) feet from any property line or easement.
 - (C) An antenna shall be placed to reasonably conceal the antenna from views from neighboring properties and public rights-of-way.
 - (D) An antenna, if ground-mounted, shall not exceed a grade height of fifteen (15) feet. If roof-mounted, its height shall not exceed sixteen (16) feet above the roof upon which it is mounted in a nonresidentially-zoned district. In residentially-zoned districts, the height of a roof-mounted antenna shall not exceed the maximum height of the roof upon which it is mounted. In any event, a roof-mounted antenna shall not exceed a height equal to the maximum permissible height of a building in the zoning district in which it is located.
 - (E) An antenna shall not exceed three (3) meters in diameter.
 - (F) The connection between a ground-mounted antenna and its receiving and/or transmitting equipment shall be placed at least four (4) inches beneath the surface of the ground.
 - (G) Any driving motor shall be limited to one hundred twenty (120) volts maximum power design and shall be encased in protective guards.
 - (H) An antenna must be grounded.
 - (I) No sign or advertising shall be displayed on the antenna.
- (d) Variances. In addition to its other powers, the BZBA may grant a variance for an antenna, if: (1) the BZBA finds that the intended function of the antenna would be adversely affected, in some significant way, if the antenna had to be constructed in accordance with the provisions of this section, or (2) the variance is necessary to harmonize the City's ordinances and federal laws, rules or regulations. A variance under this section does not require a showing of unnecessary hardship.
- (e) Table. In the following table, "X" means that the regulation applies to the indicated type of antenna, and "N/A" means that it does not apply. The numbered notes are integral parts of this table and the regulation.

Regulations	Small Antennas	Conforming Commercial Earth Stations	Other Satellite Earth Stations
<p>Street Visibility. Antenna must be placed in a location that is not visible from a street area or that is least conspicuous from a street area, in order of preference listed below, if this placement will not impair reception of an acceptable signal, or result in an unreasonable delay in, or cost of, installation.</p> <p>(1) rear yard or rear roof (2) side roof (3) side yard (4) front roof (5) front yard 1, 2, 3, 5, 7</p>	X	X	N/A. See 1207.16(c)(6)

Regulations	Small Antennas	Conforming Commercial Earth Stations	Other Satellite Earth Stations
<p>Screening. Antenna installed in a location visible from a street area must be screened so as not to be visible from the street area, if screening will not impair reception of an acceptable signal or result in an unreasonable cost of installation. Screening may be installed within thirty (30) days of the antenna's installation, or if vegetation will be used to screen an antenna that is not installed during a planting season, screening may be installed within thirty (30) days of the beginning of the next planting season.</p> <p>3, 7</p>	X	X	N/A. See 1207.16(c)(6)
<p>Height. Antenna must be no greater in height, to the extent feasible, than: (i) for Small Antenna, four (4) feet above the maximum height of the roof of the primary structure on the lot on which the antenna is located and (ii) for Conforming Commercial Earth Stations, eight (8) feet above the maximum height of the roof of the primary structure on the lot on which the antenna is located.</p> <p>4, 6</p>	X	X	N/A. See 1207.16(c)(6)
<p>Color. Antenna must be colored to blend into the background against which it will be mounted. This may require painting, if paint will not interfere with reception or result in an unreasonable cost of installation. Antenna may be painted within thirty (30) days of the antenna's installation or as soon thereafter as weather permits.</p> <p>3, 7</p>	X	N/A	X
<p>Signage. No sign or advertising shall be displayed on the antenna.</p> <p>3, 7</p>	X	X	X
<p>OBBC. Antenna must comply with the OBBC Antenna Regulations.</p> <p>1, 2, 4, 5, 6</p>	X	N/A	X
<p>Small Antenna. Must comply with Designated Small Antenna Regulations.</p> <p>1, 2, 3, 4, 5, 6, 7</p>	X	N/A	N/A
<p>Conforming Commercial Earth Station. Must comply with Codified Ordinance Chapter 1444.</p> <p>4, 5, 6</p>	N/A	X	N/A
<p>Satellite Earth Station. Must comply with Satellite Earth Station Regulations in Section 1207.16(c)(6).</p> <p>1, 2, 3, 4, 5, 6, 7</p>	N/A	N/A	X

1. Health objectives: to limit interference with natural sunlight and the circulation of air and preserve space for trees and other plants.
2. Safety objective: to minimize obstructions to visibility around streets, sidewalks and driveways.
3. Safety objective: to reduce potential attractive nuisance to children, animals, etc.
4. Safety objectives: to reduce the exposure of the antenna to high wind forces, particularly from tornadoes, and reduce hazards from falling and wind-propelled objects.
5. Safety objectives: to reduce impediments to moving people and equipment near buildings and to avoid interference with firefighting and emergency ingress and egress, both at and above grade level.
6. Safety objectives: to reduce potential contact and conflicts between antennas and utility lines, both above and below grade level.
7. Aesthetic objective: to reduce the visual impact of antennas in a municipality containing both old and new homes, many with historic and architecturally significant features.

1207.17. - Signs.

- (a) Purpose. The purpose of this section is to promote the public health, safety and welfare through the provision of standards for existing and proposed signs of all types. More specifically, this section is intended to:
 - (1) Enhance and protect the physical appearance of the community.
 - (2) Promote and maintain visually attractive, residential, retail, commercial and industrial districts.
 - (3) Ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
 - (4) Provide review procedures that enable the City to comprehensively evaluate the appropriateness of a sign to the site, building and surroundings.
 - (5) Prohibit all signs not expressly permitted by this section.
- (b) Application of Sign Regulations.
 - (1) The regulations contained in this section shall apply to signs outside of the public right-of-way, except when specifically stated otherwise.
 - (2) A sign may only be erected, established, painted, created or maintained in Hudson in conformance with the standards, procedures, exemptions and other requirements of this section.
 - (3) In addition to the regulations contained in this section, all permanent signs shall comply with the sign design guidelines set forth in the Architectural and Design Standards.
 - (4) Architectural Features. Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations. Architectural features include:
 - (A) Any construction attending to, but not an integral part of the sign, and which may consist of landscape or building or structural forms that enhance the site in general.
 - (B) Graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose or to a building when the stripes or other painting technique do not include lettering, logos or pictures.
- (c) Computations and Rules of Measurement. The following regulations shall control the computation and measurement of sign area, sign height, window area and building frontage:
 - (1) Determining Sign Area or Dimension.
 - (A) Sign area shall include the face of all the display area of the sign. Sign area shall not include the frame and structural support unless such structural support is determined to constitute an integral part of the sign design.

- (B) For a sign that is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area of the sign shall be the area of one (1) rectangular shape that encompasses the entire background or frame.
- (C) For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, or an irregular shaped ground sign, the area of the sign shall be the area of one (1) rectangular shape that encompasses the perimeter of all the elements in the display.
 1. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be the area of one (1) rectangular shape that comprises all the display areas, including the space between the elements.
 2. One (1) minor protrusion may be permitted to extend above or below the sign area when the area of the protrusion is less than twenty-five percent (25%) of the open space included in the sign area. For the purposes of this section, only the open space within the sign area that is located above and below the majority of the letters shall be included in the calculation. See Figure 1.

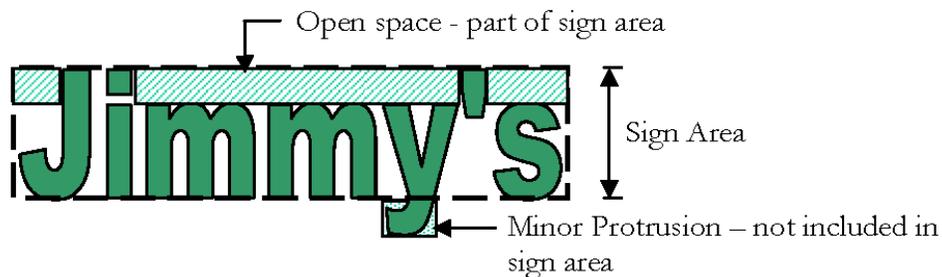


Figure 1. Calculation of open space area and area of minor protrusion

- (D) For ground signs and projecting signs:
 1. The sign area shall be computed by the measurement of one (1) of the faces when two (2) identical display faces are joined, are parallel or within thirty (30) degrees of being parallel to each other and are at no point separated by a distance that exceeds two (2) feet apart.
 2. No more than two (2) display faces shall be permitted.
 3. The portion of a solid sign base that is mostly screened by landscaping, up to a maximum height of two (2) feet, shall not be calculated as sign area.
- (E) Air under a ground sign between supporting posts, air between a projecting sign and the wall to which it is attached, and lighting fixtures and associated brackets shall not be included in the calculation of sign area. See Figure 2.

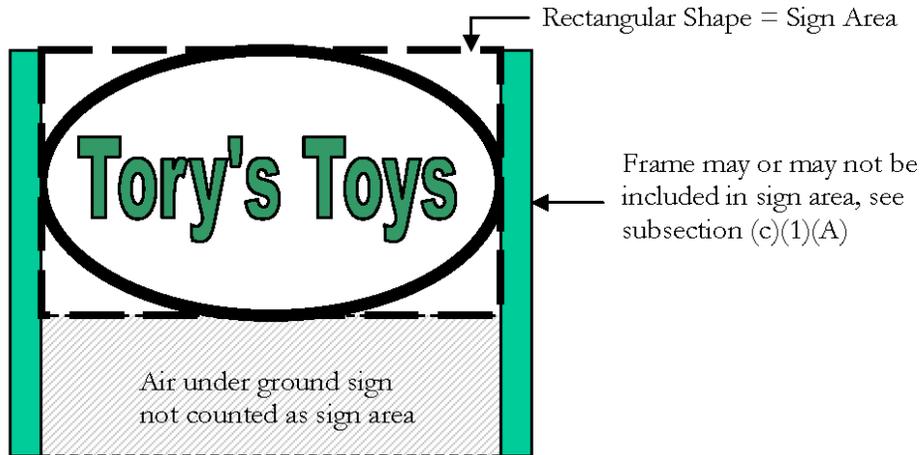


Figure 2. Calculation of sign area

- (2) Determining Sign Height. The height of a sign shall be measured from the average natural grade at the base of the sign or support structure to the tallest element of the calculated sign area. A ground sign on a man-made base, including a graded earth mound, shall be measured from the average site grade prior to the addition of the sign.
- (3) Determining Building Frontage and Building Unit. For the purposes of these sign regulations, the length of the building wall that faces a public street or that contains a public entrance to the uses therein shall be considered the building frontage.
 - (A) The building frontage shall be measured along such building wall between the exterior faces of the exterior side walls.
 - (B) In the case of an irregular wall surface, a single straight line extended along such wall surface shall be used to measure the length.
 - (C) A building shall have only one (1) building frontage except as otherwise set forth below.
 - (D) A building shall have two (2) frontages whenever the lot fronts on two (2) or more streets, or the building has a public entrance on a wall other than the wall that faces the street. The property owner shall determine which wall shall be the primary building frontage and which wall shall be the secondary building frontage. Only one (1) outside wall of any business shall be considered its primary frontage and only one (1) additional wall considered its secondary frontage.
 - (E) For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
- (4) Determining Window Area. The window area of a building shall be the total glass area of windows on the building frontage. For the purposes of determining window area for ground floor occupants, the ground floor shall be considered to be no more than fifteen (15) feet in height above grade.
- (d) Signs in Nonresidential Districts. Signs in nonresidential districts (Districts 5, 6, 7, 8, 9, and 10) shall conform to the standards set forth in this subsection, except for residential uses which shall comply with the standards set forth in subsection (e).
 - (1) Maximum Number and Area of Permanent Signs Attached to Buildings. Permanent signs attached to buildings shall conform to the maximum number and area limitations set forth in Table 1207.17(d)(1). In addition to the sign area permitted in Table 1207.17(d)(1), each building

shall be permitted to display numerals indicating the building's street address, provided the numerals and letters do not exceed four (4) inches in height.

Table 1207.17(d)(1)		
Permanent Signs Attached to Buildings		
Type	Maximum Number Permitted	Maximum Area
(A) Signplate	2/address and 1/entry	2 sq. ft.
(B) Building Sign	1/ground floor occupant frontage	1.5 square ft. per linear ft. of building frontage, not to exceed 100 sq. ft. ^(a)
(C) Projecting Sign	1/ground floor occupant frontage ^(b)	6 sq. ft.
(D) Instructional Sign	Shall be exempt from regulations when in compliance with See subsection (d)(5)	
(a) See Section 1207.17(d)(2).		
(b) See subsection (d)(3)		

(2) Building Signs. The building sign permitted in Table 1207.17(d)(1) shall be either a wall sign, awning sign or window signs erected in compliance with the following additional regulations.

(A) Window Sign.

1. Ground Floor Occupants. Notwithstanding the permitted number and area set forth in Table 1207.17(d)(1), window signs shall not exceed twenty-five percent (25%) of the total glass area of the ground floor windows and shall comply with the design standards for signs set forth in Part V of the Architectural and Design Standards. An identical sign may be approved and displayed in more than one (1) ground floor window at the same position of height and placement.
2. Upper Story Occupants. For a multi-story building, each occupant above the ground floor shall be permitted one (1) permanent sign to be placed in a window of the occupant's space, not to exceed six (6) square feet or twenty-five percent (25%) of the area of the window in which the sign is placed, whichever is smaller. These signs shall be in addition to the maximum allowable area for building signs pursuant to Table 1207.17(d)(1).

(B) Awning Signs. Awning signs may be permitted to extend over a public right-of-way provided such awning signs comply with the regulations of this section.

- (C) Corner Lots and Public Entrances Not Fronting a Street. The maximum allowable area for building signs set forth in Table 1207.17(d)(1) shall be the area allowed for the occupant's primary frontage. In the event an occupant has a secondary frontage as defined in subsection (c)(3) additional sign area shall be permitted in compliance with the following:
1. The sign area for the secondary building frontage shall be sixty percent (60%) of the sign area permitted for the primary frontage.
 2. The property owner may choose to locate the permitted building sign area on any exterior building wall provided the sign area on any one (1) wall does not exceed the formula set forth in Table 1207.17(d)(1) and signs are attached to no more than two (2) exterior walls.
- (D) Large Building Setbacks. The maximum allowable area for a building sign may be increased by twenty-five percent (25%) for each one hundred (100) feet or fraction thereof of building setback when the principal building is located more than one hundred (100) feet from the principal street on which the building is located and the building is visible from the street, not to exceed two hundred percent (200%) of the maximum allowable area.
- (E) Illumination. Building signs shall be illuminated only in compliance with subsection (g).
- (3) Projecting Signs.
- (A) Projecting signs shall be limited to occupants that have a minimum of twelve (12) feet of occupant frontage.
 - (B) All projecting signs shall have a maximum height of fourteen (14) feet and a minimum clearance of seven (7) feet from the ground to the bottom of the sign, except when the projecting sign is located above a landscaped area or other area that does not permit pedestrian traffic beneath the sign.
 - (C) A projecting sign may be permitted to extend into the street right-of-way provided such sign extends no closer than one (1) horizontal foot to the curb.
 - (D) Illumination. Projecting signs shall be illuminated only in compliance with subsection (g).
- (4) Permanent Ground Signs. Permanent ground signs permitted in nonresidential districts shall comply with the following regulations:
- (A) Maximum Number, Area and Height, Minimum Setback of Permanent Ground Signs. Permanent ground signs shall comply with the maximum number, area and height limitations and minimum setback from the street right-of-way set forth in Table 1207.17(d)(4).

Table 1207.17(d)(4)				
Permanent Ground Signs				
	Maximum Number	Maximum Area	Maximum Height	Minimum Setback ^(b)
1. Primary Ground Sign ^(a)				
a. Building Setback \geq 30 feet ^(b)	1 per lot ^(c)	40 sq. ft.	8 ft.	15 ft.

b. Building Setback \geq 12 but < 30 feet ^(b)	1 per lot ^(c)	30 sq. ft.	6 ft.	Equal to height of sign
2. Entrance/Exit Signs	2 per driveway (1 in, 1 out)	2 sq. ft.	3 ft.	0
3. Instructional Signs	See Shall be exempt from regulations when in compliance with Section 1207.17(d)(5)			
(a) Not permitted on the site when the building is setback less than 12 feet from the street right-of-way.				
(b) From the street right-of-way.				
(c) Except as otherwise permitted in Section 1207.17(d)(4)(B) for lots that exceed 500 feet in street frontage.				

- (B) Additional Ground Signs. One (1) additional primary ground sign shall be permitted for every five hundred (500) feet of street frontage or fraction thereof per lot greater than five hundred (500) feet. For corner lots, each street frontage shall be calculated separately. Ground signs on the same lot shall be separated by a minimum of two hundred (200) feet, as measured along the street right-of-way line. For corner lots, both sides of the intersection shall be used in measuring spacing.
- (C) Minimum Sign Setback from Intersection. On corner lots, ground signs shall comply with the minimum sign setback from both streets right-of-way, as set forth in Table 1207.17(d)(4).
- (D) Minimum Sign Setback from Side Lot Lines. Ground signs shall be located a minimum of fifteen (15) feet from any side lot line, except that when a side lot line coincides with a District 1, 2, 3, or 4 boundary line or a lot used for residential purposes, the minimum setback shall be thirty (30) feet.
- (E) Support Requirements. Ground signs that exceed two (2) square feet in area shall be erected with a minimum of two (2) supporting posts or on a solid base.
- (F) Landscaping. Ground signs shall be erected in a landscaped setting and not on sidewalks, drives or in parking lots. Neither the landscaping nor the ground sign shall obstruct the view of vehicles entering or exiting the property.
- (G) Changeable Copy. Ground signs may have up to thirty percent (30%) of the sign area set forth in Table 1207.17(d)(4) devoted to changeable copy.
 1. The changeable copy shall not be changed more than once per day.
 2. Changeable copy may be either computer driven or manually changed.
 3. All changeable copy shall comply with the lettering style, lettering color, background color and all other elements approved by the AHBR. No alphabetic letter or number

shall be used as a substitute for a different alphabetic letter or number or a different color of letter.

- (H) Multi-Occupant Facilities. When a ground sign is permitted on a site that has more than one (1) occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.
- (I) Illumination. Ground signs shall be illuminated only in compliance with subsection (g).
- (5) Instructional Signs. Instructional signs that are clearly intended for instructional purposes shall be permitted as needed provided such signs comply with the following:
 - (A) The signs are not larger than necessary to serve the intended instructional purpose;
 - (B) The number of instructional signs located on the site are the minimum needed to serve the intended instructional purpose;
 - (C) Lettering on the sign does not exceed two (2) inches in height; and
 - (D) The signs are not in a location and do not possess design characteristics that constitute or serve to attract attention beyond the perimeter of the site.
- (6) Temporary Signs in Nonresidential Districts. The following regulations for temporary signs in nonresidential districts are in addition to the maximum sign area set forth in Tables 1207.17(d)(1) and 1207.17(d)(4).
 - (A) Temporary signs may be ground signs, window signs or banner signs.
 - (B) The total area of temporary window signs shall not exceed twenty-five percent (25%) of the total transparent glass area of the window in which the sign is placed.
 - (C) The total maximum number and area permitted for temporary ground signs and temporary banner signs shall be regulated based on the district in which the lot is located. Note: Pursuant to subsection (c)(1)(D)(1), only one (1) side of a two-sided temporary sign is considered in calculating the maximum area of a two-sided sign.
 - 1. In District 5 a maximum of two (2) signs per parcel shall be permitted provided the total area of all temporary ground signs and temporary banner signs shall not exceed ten (10) square feet per parcel.
 - 2. In Districts 7, 9 and 10, a maximum of two (2) signs per parcel shall be permitted provided the total area of all temporary ground signs and temporary banner signs shall not exceed twenty (20) square feet per parcel.
 - 3. In Districts 6 and 8, a maximum of four (4) signs per parcel shall be permitted provided the total area of all temporary ground signs and temporary banner signs shall not exceed thirty-two (32) square feet per parcel.
 - (D) Temporary ground signs shall have a maximum height of eight (8) feet and shall be located a minimum distance from the public right-of-way that is equal to the height of the sign.
 - (E) One (1) temporary ground sign permitted in subsection (d)(6)(C) may be erected for an unspecified time. All other temporary ground signs and temporary banner signs shall be permitted for a maximum of fifteen (15) consecutive days, and not more than a total of seventy-five (75) days per calendar year.
 - (F) Temporary signs that are erected in order to announce or advertise a specific event shall be removed within seven (7) days after the close of such event.
- (e) Signs for Residential Uses and in Residential Districts. Signs for all residential uses and for nonresidential uses in residential districts shall comply with the regulations set forth in this subsection.

- (1) Sign Standards. Signs for all residential uses and for nonresidential uses in residential districts shall be limited in number, area, height and setback based on the type of use, as set forth in Table 1207.17(e)(1).

Table 1207.17(e)(1)					
Signs in Residential Districts					
Type	Maximum Number Permitted	Maximum Total Sign Area per Type	Maximum Area Per Sign	Regulations for Ground signs	
				Maximum Height	Min. Setback from ROW
(A) Signs for Single-Family Dwellings, Duplexes and Townhomes:					
1. Permanent Signs					
a. Signplate or window sign	per DU ^(a)	2 sq. ft.	2 sq. ft.	—	—
b. Ground Sign	1/building	2 sq. ft.	2 sq. ft.	5 ft.	0 ^(b)
2. Ground Sign for Residential Subdivision	2/subdivision entrance	(c)	15 sq. ft.	8 ft.	—
3. Temporary window or ground sign ^(d)	per building ^(a)	20 sq. ft.	10 sq. ft.	5 ft.	0 ^(b)
(B) Multi-Family Buildings:					
1. Permanent Signs					
a. Signplate or window sign	per DU ^(a)	2 sq. ft.	2 sq. ft.	—	—
	1/public entrance to building	2 sq. ft.	2 sq. ft.	—	—

Table 1207.17(e)(1)

Signs in Residential Districts

b. Ground Sign	1/development entrance	15 sq. ft.	15 sq. ft.	8 ft.	equal to height of sign
2. Temporary sign (d)					
a. Window Sign	per DU (a)	2 sq. ft.	2 sq. ft.	—	—
b. Ground Sign	per building (a)	20 sq. ft.	10 sq. ft.	5 ft.	0 (b)
(C) Nonresidential Uses:					
1. Permanent Signs					
a. Signplate	1/address	2 sq. ft.	2 sq. ft.	—	—
b. Primary Wall Sign	1/building	40 sq. ft.	40 sq. ft.	—	—
c. Primary Ground Sign	1/500 feet of parcel frontage (e)	15 sq. ft. plus 5 sq. ft. for every 50 ft of frontage > 100 ft.	40 sq. ft.	8 ft.	15 ft.
2. Temporary ground sign or banner sign (d)	per parcel (a)	10 sq. ft./200 feet of parcel frontage (e)	20 sq. ft.	8 ft.	equal to height of sign
(D) Instructional Sign:	Shall be exempt from regulations when in compliance with <u>See</u> Section 1207.17(e)(5).				

(a) No limit on the number provided the total area of this type of sign does not exceed the maximum area permitted.

(b) But no closer than 10 feet from the pavement of the travel lane of the public or private street.

(c) See also subsection 1207.17(e)(2)(D).

(d) See also subsection 1207.17(e)(3).

(e) 10 square feet per side of sign pursuant to Section 1207.17(c)(1)(D)(1).

Table 1207.17(e)(1)

Signs in Residential Districts

^(f) Or fraction thereof, except as otherwise permitted in Section 1207.17(e)(2)(E) for lots that exceed 500 feet in street frontage.

DU = Dwelling Unit

- (2) Supplemental Regulations for All Ground Signs.
- (A) Ground signs that exceed two (2) square feet in area shall be erected with a minimum of two (2) supporting posts or on a solid base.
 - (B) Ground signs shall be erected in a landscaped setting and not on sidewalks, drives or in parking lots.
 - (C) No part of a ground sign, the wall or entry feature on which a sign is mounted, or the landscaping shall obstruct the view of vehicles entering or exiting the property.
 - (D) For residential subdivisions, the ground sign shall have a maximum of two (2) sign faces per entrance and be either a double-faced ground sign or two (2) single-sided sign faces attached to walls or entry features located one (1) on each side of the street entrance.
 - (E) For nonresidential uses, one (1) additional primary ground sign shall be permitted for every five hundred (500) feet of street frontage or fraction thereof per lot greater than five hundred (500) feet. For corner lots, each street frontage shall be calculated separately. Ground signs on the same lot shall be separated by a minimum of two hundred (200) feet, as measured along the street right-of-way line. For corner lots, both sides of the intersection shall be used in measuring spacing.
 - (F) For nonresidential uses, a maximum of thirty percent (30%) of the permitted ground sign area may be devoted to changeable copy.
 - 1. The changeable copy shall not be changed more than once per day.
 - 2. Changeable copy may be either computer driven or manually changed.
 - 3. All changeable copy shall comply with the lettering style, lettering color, background color and all other elements approved by the AHBR. No alphabetic letter or number shall be used as a substitute for a different alphabetic letter or number.
- (3) Supplemental Regulations for Temporary Signs:
- (A) Temporary signs for residential uses and temporary window signs for nonresidential uses permitted in Table 1207.17(e)(1) may be erected for an unspecified time.
 - (B) For nonresidential uses, one (1) temporary ground sign that does not exceed ten (10) square feet per sign side may be erected for an unspecified time. All other temporary ground signs and temporary banner signs shall be permitted for a maximum of fifteen (15) consecutive days, not more than seventy-five (75) days per calendar year.
 - (C) Notwithstanding subsections (A) and (B) above, vacant parcels in residential districts shall be permitted one (1) temporary sign that may be erected for an unspecified time. The permitted sign area shall be ten (10) square feet for every two hundred (200) feet of lot frontage or fraction thereof, provided the sign shall not exceed thirty-two (32) square feet.

- (D) Temporary signs that are erected in order to announce or advertise a specific event shall be removed within seven (7) days after the close of such event.
- (4) Illuminated Signs in Residential Districts. Permanent signs shall be permitted to be illuminated, provided such illumination complies with subsection (g).
- (5) Instructional Signs. Instructional signs that are clearly intended for instructional purposes shall be permitted as needed on a lot in a residential district when the lot is devoted to a multi-family or nonresidential use provided such signs comply with the following:
 - (A) The signs are not larger than necessary to serve the intended instructional purpose;
 - (B) The number of instructional signs located on the site are the minimum needed to serve the intended instructional purpose;
 - (C) Lettering on the sign does not exceed two (2) inches in height; and
 - (D) The signs are not in a location and do not possess design characteristics that constitute or serve to attract attention beyond the perimeter of the site.
- (f) Prohibited Signs. All signs not expressly permitted in this section shall be prohibited in the City. Such signs include but are not limited to the following:
 - (1) Roof Signs;
 - (2) Billboards;
 - (3) Flags intended for advertising or commercial purposes;
 - (4) Marquee signs;
 - (5) Electronic reader boards;
 - (6) Kiosk signs;
 - (7) No mobile signs shall be erected, constructed, displayed or maintained except those on licensed commercial delivery and service vehicles. Such vehicles shall not be parked in any district closer to the street than the front line of the principal building, unless the principal building has a rear parking area; in which case, all such vehicles shall not be parked closer to the street than the rear line of said building.
 - (8) Temporary directional signs, other than Municipal or emergency signs or those temporary signs as may be approved by City Council.
 - (9) Flashing, moving, inflatable, blinker, racer type, intermittent, rotating, moving or revolving signs, whirligig devices, tethered inflatable signs, pennants, ribbons, streamers, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices.
 - (10) The interior illumination of signs, except as expressly permitted in subsection (g)(1)(B) and signs with characters, letters, figures, designs or outlines by electric lights or luminous tubes as part of the sign.
 - (11) Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes.
 - (12) Permanent signs erected or attached to accessory structures.
- (g) Sign Illumination, Construction and Maintenance Standards. In addition to ensuring compliance with the numerical standards of these regulations, the AHBR shall consider the proposed sign according to the following standards:
 - (1) Illumination. Signs shall be permitted to be illuminated in compliance with the following:
 - (A) External Illumination: All signs that are permitted to be illuminated as enumerated in subsections (d) and (e) above shall be externally illuminated, except as otherwise

permitted in subsection (B) below and the external illumination shall comply with the following:

1. Only direct lighting from an external source shall be used to illuminate the sign.
2. The source of light shall not be visible from the street or adjacent property.
3. No variances to this subsection (g)(1)(A) shall be sought or granted.

(B) Internal Illumination:

1. Internal illumination of signs shall only be permitted for an existing ground sign used by two (2) or more occupants on a lot in Districts 7 and 8 that fronts on Darrow Road provided the lot is occupied by a legally permitted use(s) and the existing sign(s) for the use(s) is internally illuminated on the effective date of this provision, which effective date is September 4, 2002.
 - (i) All existing internally illuminated ground signs described in subsection (B)1. above shall be removed or comply with subsection (g)(1)(A) when five years have elapsed from the effective date of this provision as set forth in subsection (g)(1)(B)1.
 - (ii) Within said five-year period an occupant of the lot may be permitted by the AHBR to replace an individual sign panel in an existing internally illuminated ground sign described in subsection (B)1. above, when the individual sign panel is consistent in design with the existing type of sign(s). This subsection (ii) is, however, subject to the provisions of Subsection (h) "Regulations for Nonconforming Signs" below.
2. Internal illumination of signs shall be permitted for wall signs in Districts 6 and 8 on buildings larger than one hundred thousand (100,000) square feet of gross floor area where the sign and the building wall it is attached to are set back more distant than five hundred (500) feet from the nearest edge of the public street or highway right-of-way to which the sign is oriented. Generally, that orientation is the street or highway frontage that is parallel to the wall with the sign. Where internal illumination is permitted under this subpart 2, the illumination shall be contained within individual letters, numbers and figures and a box type of illumination is not permitted.

(C) Signs shall not include animated, flashing, moving or intermittent illumination in which any part of the message changes at a rate of more than once per day.

(D) Light shall not be from a colored light source.

(E) All illumination shall be extinguished by 10:00 p.m. or at close of business, whichever is later.

(F) No temporary sign shall be illuminated or have the potential to be illuminated.

(G) See also Section 1207.14, Exterior Lighting, for additional requirements as described in Items (c) "Lighting Levels" and (d) "Design Standards".

(2) Construction Standards.

(A) The construction, erection, safety and maintenance of signs shall comply with the Ohio Building Code.

(B) Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.

(C) Permanent signs shall be constructed and erected to withstand wind pressures of at least thirty (30) pounds per square foot of surface, and shall be fastened, suspended or supported so that they will not be a menace to persons or property.

- (D) Permanent signs shall be fabricated on and of materials that are of good quality and good durability.
 - (E) No sign shall be erected so as to project over and obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress of any building.
 - (F) No sign shall be attached to a utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support.
 - (G) Temporary signs shall be durable and weather-resistant and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.
 - (H) No sign regulated by any of the provisions of this section shall be erected in the right-of-way, in proximity to railroad crossings, or at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign signal or device as defined in the Manual of Uniform Traffic Control Devices; or which makes use of the words "STOP," "LOOK," "DANGER", or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.
 - (I) No temporary sign shall have moveable lettering or lettering capable of being moved or replaced.
- (3) Maintenance. All signs shall be maintained in accordance with the following:
- (A) The property owner, occupant, or other person responsible for the sign shall maintain the sign in a condition fit for the intended use and he or she shall have a continuing obligation to comply with all building code requirements.
 - (B) If the City Manager finds that any sign is unsafe, insecure, a menace to the public; or constructed, erected, or maintained in violation of the provisions of this Code, notice shall be given in writing by the City Manager to the owner. The owner of the business shall, within forty-eight (48) hours of such notification, correct such unsafe condition or remove the sign. If the correction has not been made within the forty-eight (48) hours, the sign may be removed or altered by the City to comply with these regulations at the expense of the owner or occupant of the property upon which the sign is located. The City Manager may cause any sign, which, in the City's opinion, creates a danger to persons or property to be removed immediately and without notice.
 - (C) Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, refurbishing, or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:
 1. There shall be no alteration or remodeling to the sign face, lettering (except as otherwise permitted for changeable copy), sign base, sign support(s) or the mounting of the sign itself.
 2. There shall be no enlargement or increase in any of the dimensions of the sign or its structure.
 3. The sign shall be accessory to a legally permitted, conditional or nonconforming use.
 - (D) The City Manager may order any sign to be painted or refurbished whenever needed to keep the sign in a neat and safe condition. All supports, guys, braces and anchors for such signs shall be maintained in a safe condition, and it shall be unlawful for the owners or person having charge of such sign not to remove the same after receiving notice from the City Manager.
 - (E) Any permanent sign which advertises a business no longer conducted on the premises or fails to serve the purposes for which it was intended, or evidences a lack of maintenance, shall be removed by the owner, agent, or person having the beneficial use of the building,

structure or land upon which such sign is located, within ten (10) days after written notice by the City Manager. Upon failure to comply with such notice within the time specified in such order, the City Manager is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which such sign is located. Any temporary sign, found in violation of any part of this Section 1207.17 shall be removed immediately by the City Manager.

(h) Regulations for Nonconforming Signs.

- (1) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 1207.17 and may continue until such sign is required to be removed as set forth in this section.
- (2) Alteration, Relocation or Replacement of Nonconforming Signs. A nonconforming sign shall not be structurally altered, relocated or replaced unless it is brought into compliance with the provisions of this section, except as otherwise permitted in this section.
- (3) Reconstruction of Damaged Sign. If a sign face and/or its support is damaged to the extent where the repair cost exceeds fifty percent (50%) of the replacement cost of the sign, the sign shall be removed or brought into compliance with this section. If the repair costs do not exceed fifty percent (50%) of the replacement cost of the sign, the sign may be repaired, subject to approval of consistency in design by the AHBR and provided all repair work is completed within sixty (60) days of the date the damage was incurred.
- (4) Termination. A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore shall be brought into conformance with this section or removed, when any of the following occur:
 - (A) The size or shape of the sign is changed; or
 - (B) The sign face (except otherwise permitted for changeable copy or the ground signs described in subsection (g)(1)(B)) or sign structure is altered; or
 - (C) In addition to (A) and (B) above, all nonconforming internally illuminated wall signs shall be removed and redesigned to comply with subsection (g)(1)(A) whenever one (1) or more of the following occur:
 1. The building is renovated or remodeled to the extent that more than fifty percent (50%) of the gross floor area is removed or replaced, or otherwise affected by renovation or remodeling; or
 2. The building is expanded and the total sign area permitted for the expanded building is more than fifty percent (50%) greater than the existing sign area; or
 3. There is a change in occupancy.
 - (D) In addition to (A) and (B) above, all internally illuminated ground signs shall be removed when five (5) years have elapsed from the effective date of this provision, which effective date is September 4, 2002.
- (5) Historic Signs. The AHBR may grant exceptions to these standards whenever a sign has been designated as a historic landmark pursuant to this Code.

(i) Administrative Provisions.

- (1) Compliance with this Section. No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all provisions of this section have been met.
- (2) —Signs Requiring a Zoning Certificate/~~Registration~~. To ensure compliance with these regulations, a zoning certificate shall be obtained for all signs, unless specifically exempted below. ~~All temporary ground signs and banner signs except ideological signs shall be registered with the Department of Community Development.~~

(3) Signs Requiring Registration but not a Zoning Certificate. All temporary ground signs, A-Frame signs, and banner signs in non-residential districts shall be registered with the Department of Community Development, but need not receive a zoning certificate.

(4) Signs That do not Require a Zoning Certificate or Registration. The erection of the following signs shall not require a zoning certificate or registration provided that all applicable regulations of Section 1207.17 are complied with:

(A) Signplates for residential uses;

(B) Temporary signs for dwelling units;

(C) Temporary window signs;

(D) Maintenance of existing signs in compliance with subsection 1207.17(g)(3)(C);

(E) Temporary ground and banner signs in residential districts;

- (3) Application Requirements. An application for a zoning certificate shall be made to the City Manager on the form provided and in the manner required.
- (4) When any person other than the owner of the property submits an application, the owner of the property or a designated agent for the owner shall also sign such application.
- (5) Sign Review.
- (A) The AHBR shall review and act on applications for permanent signs that exceed two (2) square feet, according to the standards set forth in this section and the review procedures for development plan review set forth in Chapter 1203.
- (B) The City Manager shall review all temporary signs, except as otherwise specifically exempted below in this section.
- ~~(C) The erection of the following signs shall not require a zoning certificate provided that all applicable regulations of this section are complied with:~~
- ~~1. Signplates for residential uses;~~
- ~~2. Temporary signs for dwelling units;~~
- ~~3. Temporary window signs;~~
- ~~4. Maintenance of existing signs in compliance with subsection (g).~~
- (6) Referral of Applications to the AHBR. The City Manager, upon receiving an application, shall examine such plans, specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure.
- (A) If it appears that the proposed sign is in compliance with this section and all other ordinances of the Municipality, the application shall be referred to the AHBR, when its approval must be obtained before the zoning certificate is issued.
1. The AHBR has the discretion to waive the submission of any items as deemed appropriate.
2. When approved by the AHBR, the application shall be returned to the City Manager, who shall issue the zoning certificate.
3. If the work authorized under a zoning certificate has not been completed within six (6) months after the date of issuance, the permit shall City Manager shall not issue a zoning certificate in connection with any application referred to the AHBR for review unless the Board approves the same. The Board shall conduct such review as a matter over which it has original jurisdiction.

(7) Sign Variances. In addition to the standards outlined in Section 1204.03, the following factors are applicable to sign variances and shall be weighted by the Board of Zoning and Building Appeals to determine whether a practical difficulty exists, and therefore, a sign variance should be granted:

(1) Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety;

(2) A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees, or other obstructions;

(3) Construction of a conforming sign would require removal or severe alteration to significant features on the site, such as removal of trees, alteration of the natural topography, obstruction of a natural drainage course, or alteration or demolition of significant historical features or site amenities;

(4) A sign that exceeds the allowable height or area standards of this Code would be more appropriate in scale because of the large size and/or frontage of the premises and/or building;

(5) The variance shall not adversely impact the character or appearance of the building and/or lot and/or the neighborhood;

(6) The variance sought is the minimum necessary to allow reasonable use, visibility, and/or readability of the sign; and/or

(7) The variance will be consistent with the general spirit and intent of this Code.

(8) A-Frame Sidewalk Signs. These A-Frame sign regulations are intended to provide businesses with pedestrian oriented signage, reduce visual clutter, and minimize vehicular and pedestrian disruptions. A-Frame signs are permitted in Districts 5, 6, 7, 8, and 9 in accordance with the following requirements:

(a) A-Frame signs shall have a maximum sign area of six (6) square feet and a maximum height of four (4) feet.

(b) One (1) A-Frame sign is permitted per ground floor occupant frontage.

(c) A-Frame signs may only be displayed during the hours in which the business is open to the public and must be brought in at the close of business or in the event of high wind conditions.

(d) A-Frame signs shall be located directly adjacent to the building wall of the displaying ground floor occupant. For purposes of this section (d), directly adjacent shall mean the nearest part of the sign structure shall not be separated by more than two (2) feet from the wall of the building.

(e) A minimum setback of five (5) feet from areas open to vehicular travel shall be maintained for A-Frame signs ~~on sidewalks, free from obstruction,~~ so as not to interfere with pedestrian or vehicle circulation.

(f) A-Frame signs placed on sidewalks shall be placed in conformance with the Americans with Disabilities Act (ADA) and not impede accessibility to the site for disabled persons.

(g) A-Frame signs shall be professionally fabricated of durable weather resistant materials.

(h) A-Frame signs may be permitted in the public right-of-way, provided that the property owner also secures a license agreement permitting the placement of the sign in the public right-of-way.

(i) Any person or property owner who erects an A-Frame sign within the public right-of-way shall indemnify and hold harmless the City of Hudson and its officers, agents, and employees from any claim or liability arising out of the presence of the sign on either City of Hudson property or the right-of-way.

(9) Substitution Clause. A non-commercial message may be substituted for any commercial message displayed on a sign, or the content of any non-commercial message displayed on a sign may be changed to a different non-commercial message, without the need for any approval, provided the size and location of the sign is not altered.

(10) Severability Clause. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Sign Code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Code.

1207.18. - Zoning Development Site Plan Standards for Districts 6 and 8.

(a) General Provisions.

- (1) Purpose: These standards are to foster commercial and industrial development that is consistent with community standards for natural resource protection and quality design.
- (2) Applicability: These standards shall apply to all development in Districts 6 and 8. To avoid duplication, the following sections of the Land Development Code are not rewritten into this section, but the following sections continue to apply to development in Districts 6 and 8.
 - (A) 1207.10 Performance Standards.
 - (B) 1207.15 Telecommunication Facilities.
 - (C) 1207.16 Dish-Type Satellite Antennas.
 - (D) 1207.17 Signs.
 - (E) 1207.19 Special Development Standards.
- (3) Goals and Objectives:
 - (A) Preservation. It is the goal of these standards to preserve both the existing character and the natural environment of the City of Hudson to the maximum extent feasible. These standards define basic principles that, if followed, will create high quality commercial and

industrial development while protecting fragile environmental conditions that presently exist.

- (B) Predictability. These standards also provide review criteria that are predictable for the developer, planning staff, boards and commissions. They are not meant to be exhaustive but to provide a firm foundation for an integrated design process.
 - (C) Flexibility. These standards provide the framework for all types of development. They do not discriminate against, nor do they advocate for a certain type of development. They exist to guide all types of development on all types of sites.
 - (D) Timeliness. Early plan coordination with the Community Development Department is encouraged to make the review, approval, and permitting time as short as possible.
- (b) Natural Resource Protection.
- (1) Purpose: The City encourages site design techniques that promote, preserve, and enhance the important aesthetic, biological, hydrologic, recreational, educational, and energy saving functions that its stream corridors, wetlands, and wooded areas provide.
 - (2) Maximum Impervious Surface Coverage:
 - (A) The maximum impervious surface coverage for commercial, industrial, and institutional uses shall be determined on a case-by-case basis, but in no case shall the maximum impervious surface coverage exceed seventy-five percent (75%) of the total gross area of the underlying lot or lots.
 - (B) Planned Developments. The maximum impervious surface coverage, including parking areas and accessory buildings and structures, shall be determined on a case-by-case basis based on the criteria set forth in subsection (3) below.
 - (3) Limits of Disturbance shall be established for each development to minimize site disturbance to the maximum extent feasible. The following criteria shall be considered when establishing these limits:
 - (A) Minimize visual impacts from and to the development and protect scenic views.
 - (B) Preserve significant trees or vegetation.
 - (C) Erosion prevention and control including protection of steep slopes and natural drainage channels.
 - (D) Protect aquifer recharge areas, and in particular areas lying within the one-mile and five-mile time of travel limits for the City of Hudson's designated Wellhead Protection Area.
 - (E) Stream corridor and wetland protection and buffering.
 - (F) Preserve wildlife habitat.
 - (G) Avoid areas within the two (2) highest quality ecological integrity classifications for any of the individual metrics or composite Index of Ecological Integrity.
 - (4) Limits of Disturbance—Development Standards and Guidelines:
 - (A) Construction Activity Permitted Inside the Limits of Disturbance. All construction activity shall be contained within the approved limits of disturbance. No construction activity shall be permitted prior to the approval of the required erosion and sedimentation control plan for the development.
 - (B) Construction Activity Permitted in Protected Areas Beyond the Limits of Disturbance.
 - (i) Restoration of previously disturbed or degraded areas.
 - (ii) Utility installations and emergency public safety activities when such activities and installations cannot reasonably be contained within the Limits of Disturbance or other nearby developed areas.

- (iii) Construction of a multi-purpose trail that will provide public access for recreational purposes when such trail cannot reasonably be contained within the Limits of Disturbance or other nearby developed area.
 - (iv) Enhancement of the habitat values and/or other natural resource values of an identified natural area.
 - (v) Landscaping including vegetation clearing, planting of lawns, and tree removal may occur in protected areas beyond the limits of disturbance with two (2) exceptions: 1) trees with a diameter of nine (9) inches or more at fifty-four (54) inches above the ground shall not be removed and 2) trees and vegetation may not be removed in stream corridors and wetland setbacks, unless excepted under Tree and Vegetation Protection below.
 - (vi) Installation of bufferyard areas as required along the perimeter of a lot that are outside the established limits of disturbance.
- (C) Standards for Protection during Construction. Approved Limits of Disturbance shall be shown on the final site plan or subdivision plan. Limits of Disturbance shall be designated in the field prior to commencement of excavation, grading, or construction with orange fencing or other methods approved by City staff.
- (5) Tree and Vegetation Protection.
- (A) There may be areas on a development site either inside or outside of the Limits of Disturbance where trees are to be preserved. These areas are known as Tree Preservation Areas. Trees and groups of trees to be preserved within the Limits of Disturbance or within six (6) feet of the Limits of Disturbance shall be protected during the entire construction period with orange fencing of a minimum height of four (4) feet, secured with metal T-posts, no closer than six (6) feet from the trunk of any tree or one-half (½) the drip line, whichever is greater or other methods approved by City staff. The applicant shall be responsible for maintenance of the fencing at all times.
- (B) Prohibited Activities within Tree Preservation Areas.
- (i) Disturbance of soil, clearing, grubbing, grading, and stock-piling of soil or any other materials or equipment, or disposal of any fluids or other materials that may be harmful to the tree(s) or vegetation is prohibited.
 - (ii) Change in site grade greater than six (6) inches within the drip-line of protected trees, or within three (3) feet of protected vegetation, such that drainage flows into or collects near protected tree(s) and vegetation is prohibited.
- (C) Limits on Excavation near Preserved Trees. The installation of utilities, irrigation lines, or any underground fixture requiring excavation deeper than six (6) inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of twenty-four (24) inches. The auger distance shall be as set forth in the chart below:

Tree Diameter at Breast Height	Auger Distance From Face of Tree
0—2	1
3—4	2
5—9	5
10—14	10
15—19	12
Over 19	15

- (D) Exceptions. The following trees and vegetation shall be exempt from the requirements of this Tree and Vegetation Protection section:
 - (i) Dead, dying, or naturally fallen trees or vegetation as determined by the City.
 - (ii) Trees or vegetation that are determined by the City to substantially obstruct clear visibility at driveways and intersections.
 - (iii) Tree species that constitute a nuisance to the public such as Corkscrew Willow, Flowering Pear, Weeping Willow, Colorado Blue Spruce, and Austrian Pine.
 - (iv) Trees that are removed from a large stand of trees or forests that are overly dense as part of a plan approved by a qualified forester and the City for the purpose of maintaining the health and viability of the stand of trees or forest.
- (6) Wetland and Stream Corridor Protection:
 - (A) Boundary Delineation. Stream corridor and wetland area delineation shall be performed by a qualified professional that has demonstrated experience necessary to conduct site analysis. Delineations shall be subject to the approval of the City Staff.
 - (B) Stream Corridor Boundaries. Stream corridors shall be delineated at the ordinary high-water mark as defined in Chapter 1213 of the Code. Stream corridors shall not include ditches that are commonly known to be irrigation ditches and that do not contribute to the preservation and enhancement of fisheries and wildlife.
 - (C) Prohibited Activities. No person shall engage in any activity that will disturb, remove, fill, drain, dredge, clear, destroy, or alter any area, including vegetation within stream corridors, wetlands, and their setbacks except as approved by the federal or state government, or the Planning Commission in the case of non-jurisdictional wetlands.
 - (D) Compliance with Applicable Federal or State Wetlands Laws or Regulations. The City shall not issue a zoning certificate for any development or activity, including subdivisions, in a wetland that falls within the federal or state government's jurisdiction until all necessary federal approvals and permits have been obtained.
 - (E) Setbacks.
 - (i) Stream Corridors. All buildings, accessory structures, parking lots, grading and clearing shall be set back from the ordinary high-water mark of stream corridors. The minimum setback distances on each side of all streams are:
 - a. Seventy-five (75) feet on streams draining an area greater than 0.5 square miles (320 acres) and up to twenty (20) square miles, or
 - b. Fifty (50) feet on streams draining an area greater than 0.05 square miles (32 acres) up to 0.5 square miles (320 acres), or
 - c. Thirty (30) feet on streams draining an area less than 0.05 square miles (32 acres)
 - (ii) Wetlands.
 - a. All buildings, accessory structures, parking areas or lots, and other paved areas shall be setback a minimum distance of one hundred (100) feet from the delineated edge of any Category II or III wetlands. Such one-hundred-foot setback shall remain undisturbed except that in order to accommodate exceptional site conditions, the Planning Commission may permit limited grading, on a case-by-case basis, to within a distance of fifty (50) feet from the delineated edge of any wetlands. All disturbed areas shall be restored with native plantings and landscaping. A setback is not required from a Category I wetland.

- b. The Planning Commission may modify wetland setback regulation upon finding all of the following, as applicable:
 - 1. A parcel existing at the time of the effective date of this ordinance is made unbuildable or cannot be put to reasonable use without the modification;
 - 2. The requested modification does not impair the flood control, soil erosion control, sediment control, water quality protection, or other functions of the wetland area, through the use of best management practices. This determination shall be based on technical and scientific data;
 - 3. Practical alternatives to the proposed activity are not available;
 - 4. No decrease in stormwater infiltration into the soil or wetland area will occur;
 - 5. The modification will not increase the likelihood for flood or erosion damage to either the applicant's property or to other properties; and
 - 6. Culverting of watercourses is avoided.
 - (iii) Exceptions. The following structures and necessary grading may be excepted from these setback requirements provided construction and the area disturbed minimizes impact to the maximum extent feasible: 1) bridges over streams and the setback area, 2) stormwater management wet basins within the setback area when native plants are used, and (3) utility crossings.
 - (iv) Private Open Space/Landscaping Credit. All setback areas shall be credited toward any relevant private open space set-aside requirements or landscaping requirements.
- (c) Landscaping.
- (1) Purpose: The purpose of these regulations is to provide minimum standards involving the development of land to provide attractive views from roads and adjacent properties; to screen from view visually unattractive uses; to require screening between incompatible land uses and to protect the health, safety, and welfare of the community through the reduction of noise, air, and visual pollution, and headlight glare.
 - (2) Applicability:
 - (A) New Property Development. Landscaping requirements shall apply to all new property development.
 - (B) Expansions of Existing Buildings and Parking Areas. Landscaping requirements are required only to the extent that the site improvement is visible from roads or adjacent property and will be based proportionately on the area of the footprint of the improvement, not the area of the total resulting footprint.
 - (3) Plan Review: The applicant shall submit a landscape plan to the City for approval as part of the site plan review or subdivision review process. Landscape plans shall be prepared by a landscape design professional practicing within the professional's area of competence. No site plan, subdivision plat, or other development plan shall receive final approval unless a landscaping plan meeting the requirements of this section has been approved. No zoning certificate shall be issued unless the installation pursuant to such a plan has been secured by a letter of credit, cash escrow, or other instrument acceptable to the City Solicitor, in an amount equal to one hundred ten percent (110%) of the City-approved estimated cost of such installation.
 - (4) General Landscaping: The landscape plan provides an opportunity to create and preserve an identity for the specific site and community as a whole. The plan shall show general landscaping of ground cover, shrubs, and trees to make the site attractive in addition to meeting specific enumerated standards.
 - (5) Bufferyard:

(A) A landscape buffer shall be installed along the side and rear boundaries of the development lot or parcel adjacent to residentially zoned or used property. The landscape buffer must be Bufferyard "D" as depicted in Figure 1, unless the proposed use is industrial then the landscaping must be Bufferyard "E". No structure shall be permitted within a required bufferyard other than a wall, fence, or earth berm. A driveway in the side yard that connects a paving area on the lot to the street shall not encroach into the bufferyard.

Bufferyard D - Substantial

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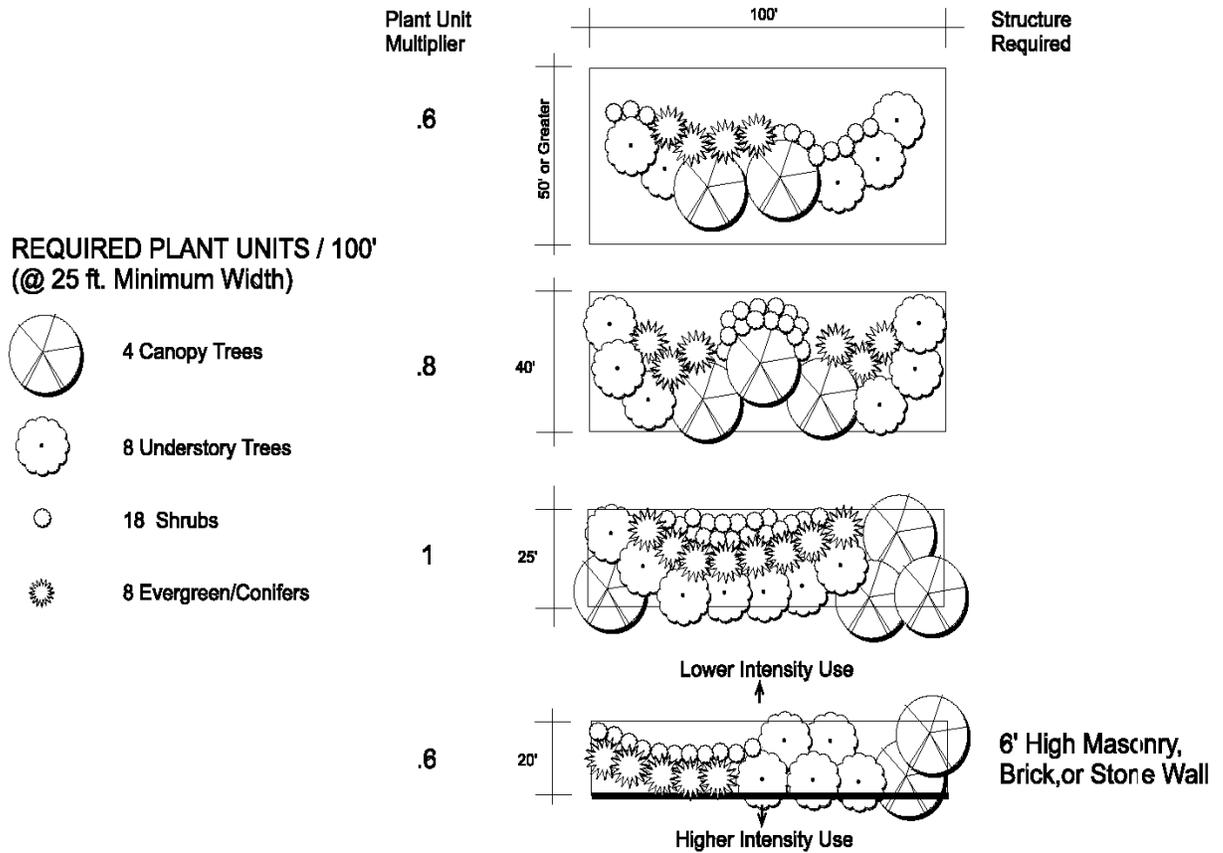


Figure 1: Bufferyard D - Substantial

Bufferyard E - Major

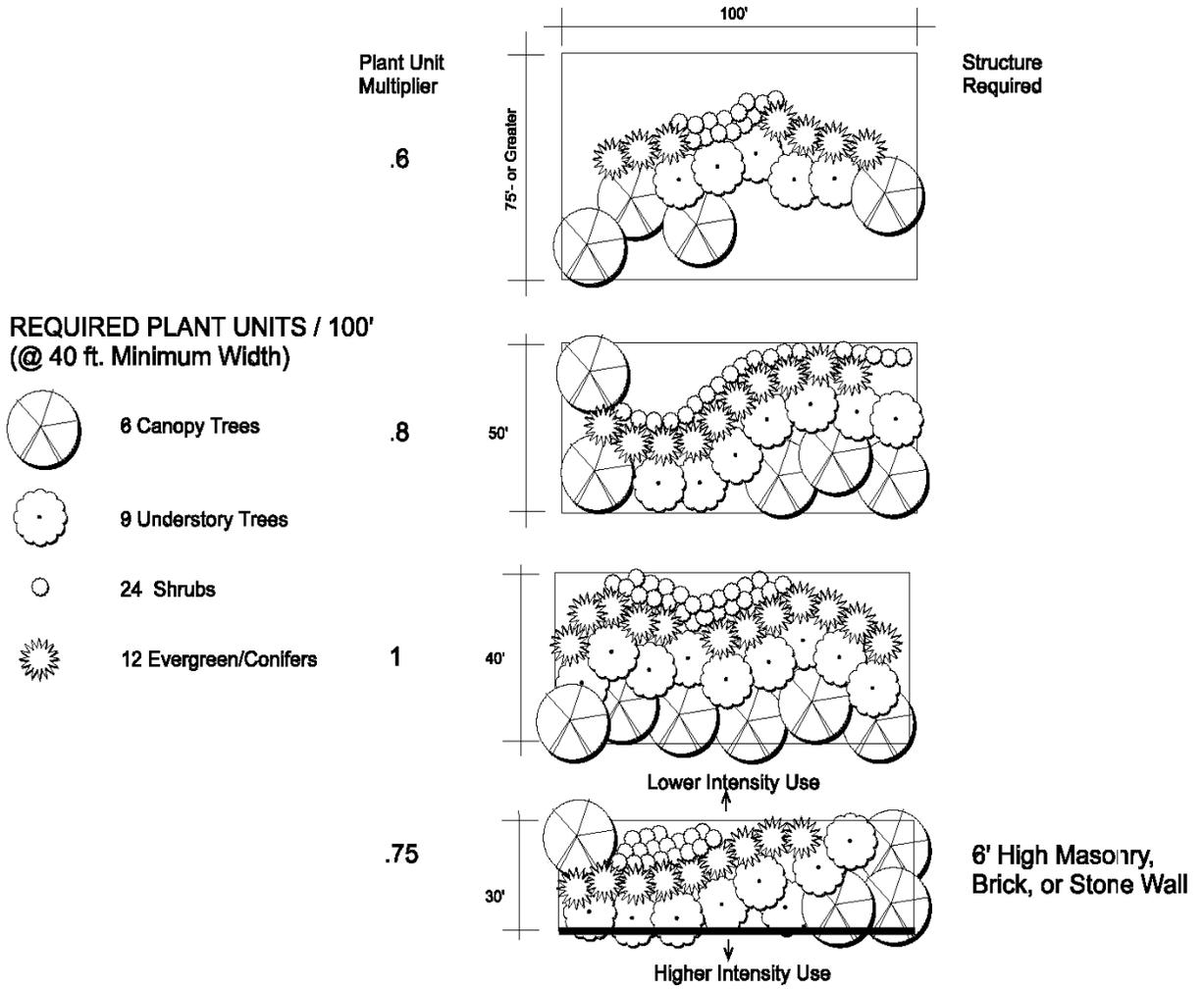


Figure 2: Bufferyard E - Major

- (B) The bufferyard may include walls, fences, or earth berms. Where the minimum bufferyard depth is met and a four- to six-foot wall, fence, or earth berm is installed as part of the bufferyard, the required plant material may be reduced by no more than fifteen percent (15%) in addition to reductions due to increasing the bufferyard depth.
- (6) Street Trees: The planting of street trees shall be required at the time landscaping is installed. The tree species, spacing and location shall be planned in consultation with the City Arborist.
 - (A) Generally tall trees, those reaching sixty (60) feet or more at maturity, will be planted fifty (50) feet apart, medium trees, those reaching between twenty (20) and sixty (60) feet at maturity, will be planted forty (40) feet apart, and small trees, those reaching twenty (20) feet or less at maturity, will be planted thirty (30) feet apart.
 - (B) The tree location shall be at least thirty (30) feet from an existing stop sign or from the standard location of a stop sign at street intersections and ten (10) feet from fire hydrants and utility poles.
 - (C) A small tree shall be used when planting under or within ten (10) lateral feet of overhead utility wires. A medium tree shall be used when planting within twenty (20) lateral feet of overhead utility wires.

- (7) Landscaping Roadway Frontages: The space between the building and adjacent public or private street must be landscaped with a mixture of trees, shrubs, planting beds and/or perennials in an area totaling at least ten percent (10%) of the minimum required front setback area.
- (8) Landscaping for Parking Lots:
 - (A) Interior Landscaping.
 - (i) For all land uses except industrial, parking lots containing more than six thousand (6,000) square feet of area or twenty (20) or more vehicular parking spaces shall provide interior landscaping.
 - (ii) For every ten (10) parking spaces, the applicant shall provide not less than one hundred sixty (160) square feet of interior landscaped parking lot areas with a minimum planting width of nine (9) feet.
 - (iii) Each landscape area shall contain at least one (1) tree and four (4) shrubs. (See Figure 3).

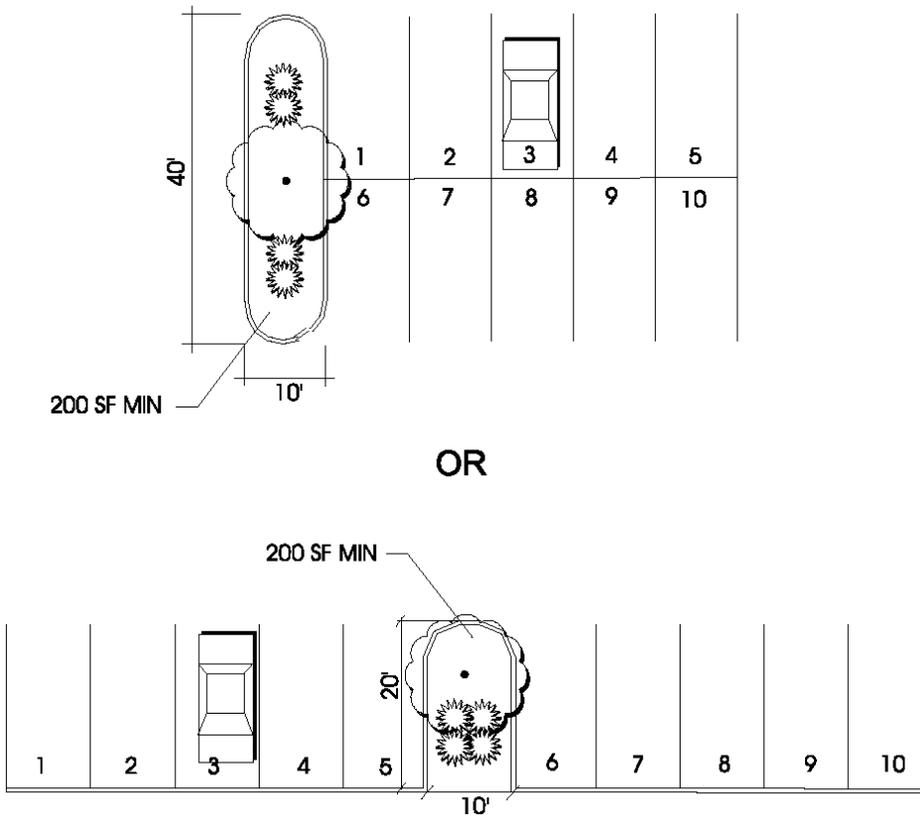


Figure 3: Interior Landscape Requirements

- (iv) No individual landscape area shall be larger than five hundred (500) square feet in size in parking areas less than thirty thousand (30,000) square feet and no individual area shall be larger than two thousand (2,000) square feet in parking areas over thirty thousand (30,000) square feet. Individual landscape areas that are larger are permitted, but the area in excess of the maximum permitted in these areas may not be included in the total area required.

- (B) Perimeter Landscaping.

- (i) Parking lots shall have perimeter landscaping in the front yards of all land uses between parking areas and adjacent streets and property lines.
- (ii) The perimeter landscaping shall be a minimum width of ten (10) feet and contain sufficient plant material that will achieve an effective, opaque screen of a height of at least three (3) feet within two (2) years of installation. The perimeter plantings shall also contain deciduous trees.
- (iii) Perimeter landscaping is not required in addition to a required bufferyard. (See Figure 4)

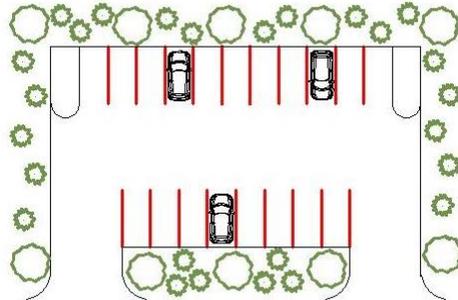


Figure 4: Landscaping for Parking Lots

- (C) Vehicle Overhang.
 - (i) Parked vehicles may hang over landscape areas no more than two and one-half (2½) feet. Concrete or other wheel stops shall be provided to ensure no greater overhang into the landscaped area. (See Figure 5).
 - (ii) Where parked vehicles will overhang, a four-foot minimum spacing shall be provided from the edge of pavement to all trees.
- (9) Screening of Service Structures and Equipment: Screening shall be provided for service areas, trash receptacles, ground or roof mounted mechanical equipment, storage areas, ancillary equipment, loading and unloading areas, and other similar accessory structures and uses. Walls, parapet walls, fencing, berms, and planting material, or a combination of these screening materials and methods can accomplish an effective all-season enclosure.
- (10) Landscape Materials and Specifications:
 - (A) Landscaping shall be installed within six (6) months of the completion of construction.
 - (B) When walls, fences, or earth berms are used to fulfill screening requirements, they shall be detailed on the landscaping plan.
 - (C) All plants are to be living and among the acceptable plants list identified in Appendix C: Recommended Planting List and Planting Specifications.
 - (D) Minimum plant sizes at the time of planting:
 - (i) Large/medium sized deciduous trees shall have a minimum DBH of at least two (2) inches when installed. Small sized deciduous trees shall have a minimum DBH of at least one and one-fourth (1¼) inches.
 - (ii) Evergreen trees shall be a minimum of six (6) feet in height.
 - (iii) Shrubs and hedges shall be at least eighteen (18) inches in height or twenty-four (24) inches in spread.

- (E) Any landscape material that fails to meet the minimum requirements of this section at the time of installation shall be removed and replaced with acceptable materials. All unhealthy or dead material shall be replaced within two (2) years.
- (11) Clear Sight Lines: To insure that landscape materials do not constitute a driving hazard, a clear sight triangle shall be observed at all street and access drive intersections. Ground cover and trees with at least eight (8) feet of limbless trunk shall be permitted within the sight distance triangle. In the case of a city street intersection, the

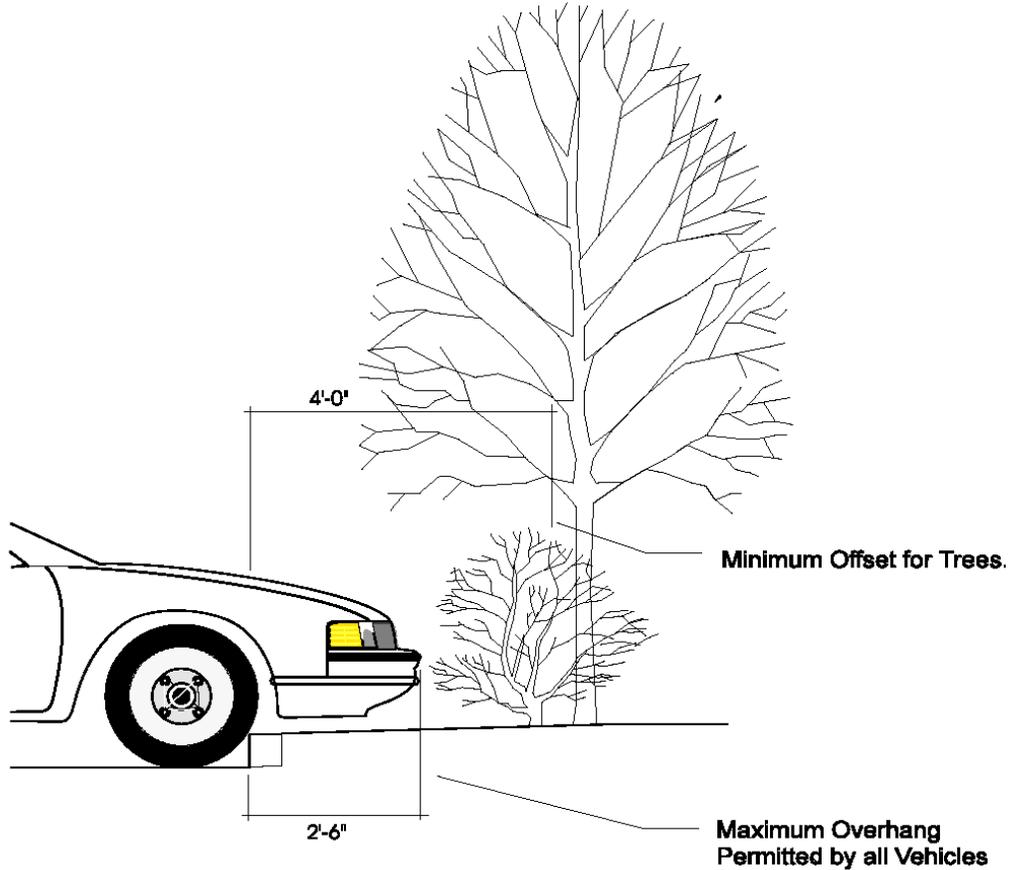


Figure 5: Vehicle Overhang

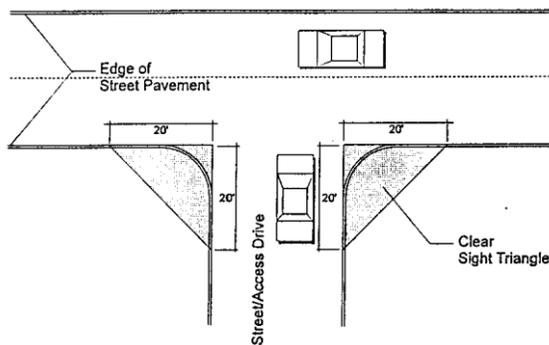


Figure 6: Clear Sight Lines

sight triangle shall consist of the area between points twenty (20) feet along both intersecting streets from their respective edge of pavements. (See Figure 6 above.)

- (d) Stormwater Management, Drainage, Stormwater Pollution Prevention, Utilities. All development in Districts 6 and 8 must conform to stormwater management, drainage, stormwater pollution prevention, and utility standards set forth at Sections 1207.07, 1207.09, and 1207.11 and in the City's Engineering Standards for Infrastructure Construction.
- (e) Off-Street Parking and Loading.
 - (1) Purpose: The purpose of this section is to prevent or alleviate the congestion of public streets, to minimize any detrimental effects of vehicular use to adjacent properties, to enhance vehicular use areas with landscape elements, and to promote the safety and welfare of the public.
 - (2) Applicability: Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking and loading spaces for vehicles in accordance with the following provisions:

A parking and loading plan shall be submitted for all uses as part of the application for site plan review.

 - (A) Whenever a building or use constructed or established is changed or enlarged such as to create a need for an increase of ten percent (10%) to fifty percent (50%) in the number of existing parking spaces, additional spaces shall be provided for the enlargement or change.
 - (B) Whenever an existing building or use is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, then the vehicular use area shall comply with the off-street parking requirements as set forth in this section for the resulting building or use size.
 - (3) General Design Standards:
 - (A) Buildings shall be set back from the edge of parking areas to provide for a sidewalk and landscape treatment in front of the building wall.
 - (B) Where a sidewalk exists in a public right-of-way adjacent to a site, or is required to be constructed as part of development approval, a pedestrian connection shall be constructed from the building to the sidewalk in compliance with standards set forth in the American with Disabilities Act.
 - (C) Driveways shall not be used as points of ingress and egress for individual parking spaces. Driveways shall be placed such that loading and unloading activities will not hinder vehicular ingress or egress. To the maximum extent feasible, provisions for circulation between adjacent parcels shall be provided through coordinated or joint parking systems to minimize curb cuts along the street.
 - (D) Curb definitions shall be maintained, prohibiting continuous access along the frontage of the site.
 - (E) Parking lots shall provide for adequate snow storage in areas that will not damage required landscaping or reduce the number of required parking spaces.
 - (F) Land-banking of parking areas for potential future use is encouraged.
 - (4) Parking Space Requirements:
 - (A) Each land use shall provide the minimum number of off-street parking spaces based on the requirements set forth below or the requirements set forth in the Parking Generation Manual (Institute of Transportation Engineers, 3rd Edition). The method of calculating off-street parking requirements shall be established by City staff during initial review of a development application.

Land Use	Parking Requirement
Automotive Repair Stations	Two spaces for each service bay, plus one space per employee
Automotive Service Stations	One space per fuel pump, plus one space for each 1.5 employee
Automotive Dealers	One space for each 400 square feet of floor area plus one (1) for each employee
Banks and Other Financial Institutions	One space for each 400 square feet of floor area plus sufficient stacking space at drive-up facilities to accommodate the number of automobiles equal to five times the number of teller windows
Commercial Nursery or Greenhouse	One space per 1,000 square feet of floor area plus one space per 2,000 square feet of land area
Convalescent Care Facility/Assisted Living	One space for every six (6) beds plus one space for every two (2) employees
Convention or Conference Center	One space for each three (3) seats
Day Care Center	One space for each 500 square feet of floor area plus one space for each employee
Hospitals	One space for each two beds
Industrial/Manufacturing	One space for each employee on the shift with the highest number of employees
Lodging	One space for each sleeping room plus one space for each 400 square feet of public meeting area and/or restaurant space
Medical Clinics	One space for each 100 square feet of floor area
Office	One space for each 400 square feet of floor area as the minimum parking space requirement and one space for each 250 square feet of floor area as the maximum permitted parking
Personal or Business Services	One space for each 200 square feet of floor area

Land Use	Parking Requirement
Religious Places of Worship	One space for each four seats in the place of assembly
Public Buildings	One space for each 200 square feet of floor area
Recording, Radio, or TV Studios	One space per 400 square feet of floor area
Recreation, Noncommercial	One space for each two (2) participants at maximum utilization
Recreation, Commercial	Once space for each three (3) persons at capacity
Research and Development Laboratories	One space for each 500 square feet of floor area
Restaurants	One space for each two seats of seating capacity
Retail Business	One space for each 250 square feet of floor area
Warehousing	One space for each 1,000 square feet

- (B) Where building floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross leasable horizontal area of all floors.
 - (C) Fractional numbers shall be increased to the next highest whole number.
 - (D) At least one (1) off-street parking space shall be provided on all premises.
- (5) Location of Required Parking Spaces:
- (A) Off-street Parking. Required off-street parking spaces for any use shall be located on the same parcel as the use they are intended to serve, except where these regulations allow shared parking between uses on different lots pursuant to subsection (6) below.
 - (B) Residential parking. No residential parking area shall be utilized for commercial vehicle parking.
 - (C) Parking of Inoperable or Abandoned Vehicles. The parking or storage of inoperable, abandoned, or unlicensed vehicles is prohibited outdoors in all zone districts.
- (6) Joint or Collective parking Facilities: Shared parking facilities are strongly encouraged to reduce the number of curb cuts and the amount of parking. The applicant shall have the burden of proof for a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating their reasons for the requested parking reduction. Shared parking may be approved if:

- (A) A sufficient number of spaces are provided to meet the highest demand of the participating uses.
 - (B) Evidence to the satisfaction of the Planning Commission, has been submitted by the parties operating the shared parking facility, describing the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them; and
 - (C) Additional documents such as an easement, lease, deed restriction, or other agreement as may be deemed necessary by the Planning Commission are executed to assure that the required parking spaces provided are maintained and uses with similar hours and parking requirements as those uses sharing the parking facility remain for the life of the development.
 - (D) Shared parking spaces shall be located no more than three hundred (300) feet from the uses they are intended to serve.
- (7) Parking Lot Design: Off-street parking must meet the handicapped, design, and paving requirements set forth at Section 1207.12(j)—(o).
- (8) Wheel Stops and Continuous Curb: Wheel stops or continuous curb shall be provided to protect required screening devices, landscaping, and pedestrian ways from damage or encroachment of vehicles and to provide necessary traffic control in the parking area.
- (A) Placement. The wheel stop or continuous curb shall be located a minimum of four (4) feet from any structures, buildings, walls, or plant material, excluding ground cover.
 - (B) Stall Dimensions. Where continuous curbs are used, the paved area of the required parking stall length may be reduced by two and one-half (2½) feet provided that the vehicle overhang will not encroach on pedestrian circulation or the required setback for desirable plant growth. Where wheel stops are used, the paved area of the required parking stall length shall not be reduce.
- (9) Off-Street Loading Requirements:
- (A) On the same lot with every building to be used for commercial/retail and industrial purposes, adequate space for standing, loading, and unloading of motor vehicles shall be provided to avoid interference with the public use of streets. Loading spaces shall not conflict with or overlap with the area used for off-street parking.
 - (B) Plans and Design Standards.
 - (i) One (1) loading space shall be provided for all buildings having a gross floor area between ten thousand (10,000) square feet to twenty thousand (20,000) square feet.
 - (ii) One (1) additional loading space shall be provided for every additional twenty thousand (20,000) square feet of gross floor area, provided that no such loading space occupies any part of a public street, alley, driveway or sidewalk.
 - (C) General Standards for Off-Street Loading. Every loading space shall be designed, constructed, and maintained in accordance with the following standards and requirements:
 - (i) Location of Required Loading Spaces. Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in or extend into any front yard.
 - (ii) Dimensions. No required loading space shall be less than twelve (12) feet in width or thirty-five (35) feet in length or have a vertical clearance of less than fourteen (14) feet.
 - (iii) Access. Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation.

- (f) Access, Circulation, and Pedestrian Linkage.
- (1) Industrial Vehicular Circulation and Access Objectives:
 - (A) Circulation. The street, access, and parking system in any development shall provide for safe and functional movement of traffic onto, off of, and within the site. In addition, the site plan should minimize the number of curb cuts, and all circulation should minimize the number of vehicular turning movements and points of vehicular conflict, particularly at points of access to and from the site.
 - (B) Access. All new commercial and industrial development and changes in usage in non-residential structures shall refer to the "Guideline Manual for the Preparation of a Traffic Impact Study" on file at the City's Department of Community Development, and if required by the Manual, prepare and submit a traffic impact study in accordance with the provisions therein. All developments required to prepare a traffic impact study shall demonstrate compliance with following level of service standards:
 - (i) Existing levels of service at peak hour are maintained on all arterial and collector roads and at all intersections within one-quarter ($\frac{1}{4}$) mile of the site or that such level of service shall not fall below Level of Service (LOS) C as outlined in the Transportation Network Traffic Model Analysis dated November 4, 1996, or otherwise recommended pursuant to a traffic corridor study adopted by the City of Hudson. However, if the LOS on streets adjacent to the site or within one-quarter ($\frac{1}{4}$) mile thereof is currently below LOS C, then the applicant shall demonstrate that the LOS will not fall below the current level.
 - (ii) All developments required to prepare a traffic impact study shall also provide an overall access management plan that demonstrates free-flowing access to the site and avoids unsafe congestion conditions on adjacent public roads and streets.
 - (iii) The Planning Commission may waive these requirements upon a showing by the applicant that the impact of the proposed development on roads and intersections will be de minimis.
 - (iv) An applicant or developer shall provide roadway improvements as required by the City to maintain or improve the level of service of an arterial or collector street shown by the traffic impact study to be adversely affected by the proposed development.
 - (2) Site Access: Site access should be located to ensure the safest and most efficient service and shall meet the following guidelines, which shall be based upon, but not limited to, the results of a traffic impact study, and recommendations of the City Engineer.
 - (A) The operator of a vehicle approaching an intersection should have an unobstructed view of both the intersection and all the intersecting roads;
 - (B) Curb cuts and new intersections for development along arterial and collectors streets should be a minimum of four hundred (400) lineal feet from any intersection.
 - (C) All intersecting roads should meet at or near ninety-degree angles.
 - (D) The number of drive openings and curb cuts should be kept to a minimum.
 - (E) Road improvements including right-in/right-out only and acceleration/deceleration lanes that could ease traffic congestion on public right-of-way may be required.
 - (3) Emergency Access: Provision for adequate emergency access must be provided as set forth at Section 1207.12(c)(9)(J).
 - (4) Pedestrian Walkways: Pedestrian walkways, including lanes that allow for safe passage through parking lots, should be provided and clearly defined. Definition may be made by landscaping or pavement changes.
- (g) Exterior Lighting.

- (1) Purpose: The intent of this section is to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood.
- (2) Applicability:
 - (A) All nonresidential development shall submit for approval an exterior lighting plan.
 - (B) Nonresidential development of less than five thousand (5,000) square feet of gross floor area and parking lots or parking lot expansions of less than twenty-five percent (25%) or twenty (20) parking spaces, whichever is less, is exempt from the lighting levels of Table 1207.14(c) provided each light fixture has a maximum one hundred (100) watts for pole heights of sixteen (16) feet or less and a maximum two hundred fifty (250) watts for pole heights of sixteen (16) to twenty-five (25) feet. The exemptions for outdoor recreational uses at Sections 1207.14(b)(5) also apply.
- (3) Lighting Levels:
 - (A) Lighting used to illuminate buildings, parking lots, walkways, or the landscape, shall be evaluated during the site plan review process.
 - (B) The amount of nuisance glare (light trespass) projected onto a residential use from another property shall not exceed 0.1 vertical foot-candles at the property line.
 - (C) The horizontal illumination as measured horizontally as average foot-candles shall not exceed the limits specified in the following table. All standards are maximums unless otherwise stated.

Location or Task	Horizontal Illumination
Active Use Areas	5.0 foot-candles
Loading Areas	10.0 foot-candles
Parking Lots	0.2 foot-candles minimum
Drive Approaches	1.5 foot-candles
Service Station Pump Areas	15 foot-candles
Inactive Use Areas	3.0 foot-candles

- (4) Design Standards:
 - (A) Glare shall be controlled at all times through proper equipment selection, careful aiming, and limits on brightness.
 - (i) Full cutoff, cutoff, or semi-cutoff light fixtures shall direct light toward the ground. The light source shall not be visible from the property line.
 - (ii) Non-cut-off light fixtures shall limit the maximum initial lumens generated by each fixture not to exceed two thousand (2,000) lumens.

- (iii) Building façade lighting shall be located, aimed and shielded to direct light only onto the building façade.
 - (B) Light fixtures shall be mounted on concrete or painted metal poles no higher than forty-five (45) feet.
- (h) Building Design.
 - (1) General: Along with the site plan, the design of the structure establishes not only the overall appearance of the development, but also the development's contribution to the character of the City. The design for the structure should have elements which are interrelated and ordered. This order relates the structure to the site, to neighboring sites, and to the City as a whole.
 - (2) Massing and Proportions:
 - (A) Efforts must be made to reduce the overall visual impact for large industrial structures. This may be accomplished by utilizing topography in the form of berming, landscaping, or architectural solutions that give the illusion of an apparently smaller mass.
 - (B) The size and proportion of window and wall openings in a structure should be related to one another and the spaces between them within the overall development of the façade.
 - (3) Viewscapes and Materials:
 - (A) Structures should be designed as single architectural entities rather than a collection of unrelated facades. Architectural character and detailing should be provided for all sides of the structure in the public view (both existing and potential).
 - (B) Additions and accessory structures should be designed to be compatible with the main structure.
 - (C) All exterior finished materials, including windows and doors, shall be of architectural grade with long term maintenance characteristics.
 - (D) Materials handling and loading/unloading areas should be located away from public view to the greatest extent practicable.
 - (E) Any structure or equipment that cannot be screened with walls, roof forms, and/or landscaping (e.g., water towers, HVAC facilities, cranes, outdoor storage, etc.) should be located and/or stored in a location on the site that minimizes the visual and noise effects to neighboring properties.

([Ord. No. 16-57](#) , § 5, 12-20-2016; [Ord. No. 16-148](#) , § 13, 2-21-2017)

1207.19. - Special development standards.

- (a) Adult Businesses.
 - (1) Subject to the regulations of Chapter 856 of the Business Regulation Code, the General Offenses Code of the Codified Ordinances, and state law or regulation, an adult business may be located only in accordance with the following restrictions:
 - (A) An adult business may only be located in Zoning District 8 (Industrial/Office Park Development Areas).
 - (B) No such business shall be located on any lot fronting on State Route 91 (Darrow Road);
 - (C) No such business shall be located on any lot within five hundred (500) feet of any residentially-zoned district or any residentially-used lot;
 - (D) No such business shall be located on any lot within one thousand (1,000) feet of any public library, private or public elementary or secondary school, public park or place of worship; and

- (E) No such business shall be located on any lot within one thousand (1,000) feet of another sexually oriented business.
 - (2) For the purposes of subdivision (1), above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business is conducted, to the nearest property line of the premises of a place of worship or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residentially-zoned district or residentially-used lot.
 - (3) For the purposes subdivision (1), above, the distance between any two (2) adult businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
 - (4) An adult business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a place of worship, public or private elementary or secondary school, public park or library within one thousand (1,000) feet, or a residentially-zoned district or residentially-used lot within five hundred (500) feet, of the adult business.
 - (5) No person shall establish, operate or cause the establishment or operation of any adult business in violation of the provisions of this section and Part Eight, Business Regulation Code, of the Codified Ordinances, and any other provisions of the Codified Ordinances and state statute or regulation.
 - (6) Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.
- (b) Outdoor Sales, Storage, and Activities.
- (1) Outdoor Storage, Loading Areas, Trash Collection Areas, and Other Services Structures.
 - (A) Any outdoor storage, loading areas, trash collection areas on a lot shall be screened from public view pursuant to the requirements set forth in Section 1207.04(m), Screenings and Landscaping for Service Structures. This provision shall not apply to residentially zoned and used parcels in the City.
 - (B) No loading areas, trash collection areas, service entrances, and similar accessory uses shall be located in a front yard.
 - (C) Outside storage must be on a dust-free surface.
 - (D) Materials stored outdoors shall be located so as to permit the free access of firefighting equipment around the periphery of all structures at all times.
 - (E) Outdoor sales or merchandise for sale, which cannot be stored indoors, is prohibited unless approved by ~~council~~the City Manager.
 - (2) Vending Machines. Vending machines shall not be permitted outdoors.
- (c) Oil/Gas Exploration and Drilling Uses.
- (1) In addition to the requirements set forth in this chapter, oil/gas exploration and drilling uses shall comply with all applicable standards set forth in the City's Business Code, Chapter 838, of the Codified Ordinances. In case of conflict between the provisions of this section and Chapter 838, the stricter provision shall apply.
 - (2) The location of the tank sites, access roads and barriers, and landscape screening shall comply with the following requirements. In addition, the location of the tank sites, access roads and barriers, and landscape screening shall comply with any other applicable requirements of this Code to the maximum extent feasible:
 - (A) Storage tanks, separators, and well installations and other permanent producing facilities shall be entirely enclosed by a six-foot chain-link fence, with a gate capable of being

locked, plus three (3) strands of barbed wire above. Fences shall be kept in good state of repair until the well is abandoned and the tanks taken out of service.

- (B) Tank batteries shall be screened by evergreens, landforms, or wooden fencing. With any use of screening, the chain link fencing shall remain enclosing the tanks or well. Any wooden fence screening around the tanks should be at least twenty-four (24) inches off the ground and set away from diking to permit air circulation inside the enclosure. Any well screening should be designed for removal and replacement when the well head is serviced.
 - (C) All storage tanks shall be diked to prevent any spillover which may damage surrounding property.
 - (D) Access roads shall be paved with suitable road materials to help prevent mud deposits on public roads and to provide emergency vehicular access during inclement weather. Access roads shall be adequately fenced and have a gate with a locking device installed at or near the public road entrance to prevent unauthorized entry from the public road.
 - (E) During the time wells are in operation, a metal sign showing the street or road numbers, as may be approved by the Community Development Director, shall be installed on the access road gate so that the Police and Fire Departments may find the area when necessary.
- (3) The names, addresses and telephone numbers of the persons responsible for the operation and maintenance of each well and tank site shall be registered with the Fire, Police, and Community Development Departments.
 - (4) All waste materials, such as sludge, salt water, or other waste effluents from the wells or tanks sites shall be hauled off the property and deposited at state-approved dump sites. No existing well within the City of Hudson shall be used as a brine injection well or for annular disposal of brine or any other process that may be developed that involves storing brine or other waste products in producing or exhausted wells.
 - (5) Where access roads connect with city roads, culvert and ditching shall be done under the supervision of the City of Hudson Engineer, who shall also be notified before operations are started. The City Engineer's final inspection shall be made after completion of all such road work.
 - (6) When drilling any well for oil/gas, the drilling rig shall have a "Blow-Out" preventer in good working order attached to the drilling equipment to prevent gas or oil from blowing out of control and causing damage to the surrounding area.
 - (7) No internal combustion engine shall be used to operate an external well pump.
 - (8) "Cuttings" or residue material, at all well drilling sites shall be treated in the same way as those which fall under regulations for Special Permit required by Ohio Department of Natural Resources, Division of Oil and Gas.
 - (9) No structure suitable for occupancy shall be erected within one hundred (100) feet of any unplugged oil and gas well head. If the well has been abandoned and plugged, no habitable structure shall be erected within twenty-five (25) feet of the plugged well head.
 - (10) Tank batteries shall not be located or relocated closer than two hundred (200) feet to a structure suitable for occupancy, nor can any such structure be erected within this distance. Tank batteries shall not be located or relocated closer than three hundred (300) feet from a property line of any parcel not in the original drilling unit(s).
 - (11) To reduce the potential of a brush fire, weeds shall be cleared periodically from inside the tank battery fencing and shall be cut outside the perimeter of the fencing to a distance of at least thirty-six (36) inches.
- (d) Special Setback Requirements Respecting Agricultural Uses.

- (1) No structure suitable for occupancy shall be located or constructed closer than one hundred (100) feet to an accessory building or fenced enclosure associated with an agricultural use except for the residence of the person engaged in the agricultural use.
- (2) No accessory building or fenced enclosure associated with an agricultural use shall be located or constructed closer than one hundred (100) feet from a structure suitable for occupancy or closer than fifty (50) feet from the property line of a residentially zoned lot, other than that of a residence of the person engaged in the agricultural use.
- (3) For purposes of this subsection, a "fenced enclosure" may include any perimeter fence associated with an agricultural use as long as such perimeter fence forms part of an enclosure that contains such agricultural use.

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 of this Code. 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," of this Code.
 - (B) Minor subdivisions, as that term is defined in Chapter 1213 of this Code, 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.

1208.02. - Conveyance of interests in land.

- (a) Dedication Upon Recording. After approval of the final subdivision plat by the Planning Commission, the recording of such plat with the County recorder shall constitute an irrevocable offer to dedicate all streets and other areas designated for public use, and any easement for public utility or other purposes, to the City, other public entities, or to a non-profit land trust or similar organization approved by the City.
- (b) Nonacceptance for Public Use and Maintenance. The approval of the final subdivision plat shall not impose any duty upon the City, other public entities, or a non-profit land trust or similar organization approved by the City concerning acceptance, maintenance, or improvement of any such dedicated areas or portions thereof until the City Council or such entity or organization actually accepts such dedications by ordinance, agreement, or by entry, use, or improvement. The City Engineer's placement of his endorsement on a plat shall not constitute an acceptance of a street or open spaces for public use by the City as provided in Ohio R.C. 711.091 until such time as the City Council enacts an ordinance accepting such street or area for use by the City.
- (c) Delineation of Land Interests Conveyed. In order to more clearly define the interest being offered for dedication, the final subdivision plat shall show by hatching, cross-hatching, or other form of line shading, the exact locations of all easements and shall have written thereon a statement that the City shall be the grantee of such easements, a description of the uses for which the easement is granted, and a statement that for the use of such easements, permits shall be issued by and regulations shall be prescribed by the City, and in the case of commons, parks, or other parcels of land offered for public use, a general warranty deed conveying to the City fee simple title to such lands shall also be provided by the subdivider.

1208.03. - Vacations.

- (a) Vacation of Plats or Parts Thereof. In the case of vacation of a plat or parts thereof, as previously recorded in the office of the Recorder of Summit County, Ohio, the same general procedure, rules, and regulations shall apply as for a new subdivision or plat. The title of the vacation shall indicate what is being vacated, and the final map shall include enough of the surrounding plat or plats to show its relation to adjoining areas.
- (b) Vacation of Streets, Alleys, or Other Areas. In the case of vacation of a street or alley or the vacation of a commons or other open spaces and areas, such vacations shall be submitted to the Planning Commission for review and recommendation thereon prior to consideration by the City Council.

1208.04. - Site design—Compliance with zoning requirements.

- (a) Compliance with Zoning Development Standards. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within all proposed subdivisions and development sites shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation, protects wetlands and critical wildlife habitat, and otherwise accomplishes the purposes and intent of this Code and of the zone district in which the subdivision is located. Applicants shall refer to the zoning development/site plan standards set forth in Chapter 1207 and shall apply them in the layout of the subdivision in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.
- (b) Establishment of Limits of Disturbance During Subdivision Process. Maximum area of impervious surface coverage and limits of disturbance shall be designated on the preliminary subdivision plan for each individual lot or building site pursuant to the standards and requirements set forth in Section 1207.01, "Maximum Impervious Surface Coverage". Any designated limit of disturbance shall be reviewed by the City Manager during his review of the preliminary subdivision plan, and the Planning Commission shall make a separate finding that such limits of disturbance are in compliance with this Code prior to its approval of both the preliminary and final plats.

1208.05. - Lots.

- (a) Size, Shape, and Orientation. The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and type of development and use contemplated.
- (b) Lot Dimensions. Lots shall conform in size to at least the minimum area and width requirements specified in Chapter 1205 for the particular zone district in which it is located.
- (c) Corner Lots. Corner lots shall be configured only as shown in Figure 30a, below. The configuration of corner lots illustrated in Figure 30b, below shall be prohibited in all districts.

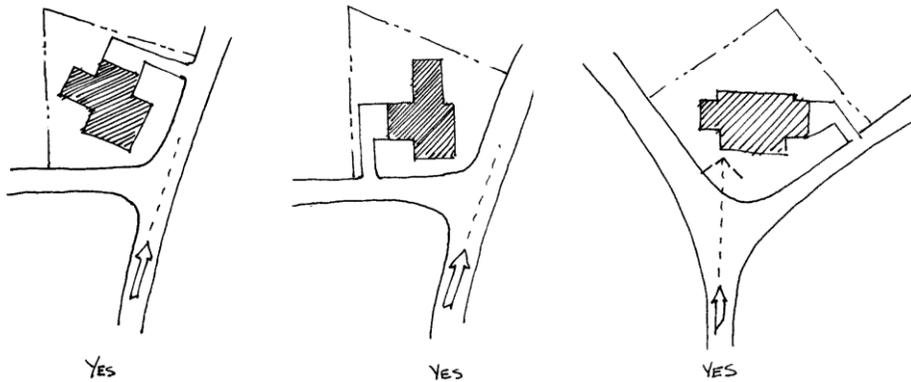


Figure 30a

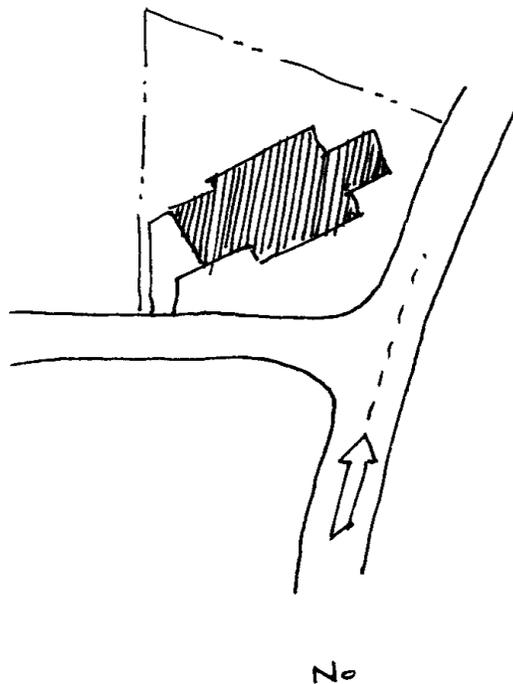


Figure 30b

- (d) Side Lot Lines. Side lot lines shall normally be at right angles to the street or radial to curved streets, except when natural or cultural features suggest other suitable and appropriate locations.
- (e) Double Frontage Lots.
 - (1) Double frontage lots shall be avoided except where essential to provide separation of residential development from major arteries or to offset specific disadvantages of topography.
 - (2) Double frontage lots shall be restricted by the applicable front building setbacks from both streets.
- (f) Building Setback Line. Building setback lines, including setbacks for accessory structures, shall conform to the requirements specified in Chapter 1205 for the zone district in which the lot is located.
- (g) Lot Frontage/Access to Street. Every lot shall have adequate access to a public street or alley. All single-family dwelling lots shall have at least sixty (60) feet frontage on a public street or roadway.
- (h) Development Along Railroads. ~~Industrial, commercial, or residential building sites along railroads should normally have extra lot depth to permit deep setbacks for such building development and uses.~~ The streets or roads serving such industrial, commercial, or residential building sites along railroads development shall be so located as not to interfere with the possible future construction of grade crossing or grade separation facilities along adjacent major traffic routes.

1208.06. - Sidewalks and pedestrian links.

For standards and specifications relating to sidewalks and pedestrian links, see Chapter 1205, Zoning Districts, and Chapter 1207, Section 1207.13, Transportation, Circulation, and Pedestrian Linkage.

1208.07. - Utilities.

For standards and specifications relating to provision of utilities, see Chapter 1207, Section 1207.09, Utilities.

1208.08. - Streets/roads.

For standards and specifications relating to streets and roads, see Chapter 1207, Section 1207.13, Transportation, Circulation, and Pedestrian Linkage.

1208.09. - Stormwater management/drainage/erosion control.

For standards and specifications relating to stormwater management, drainage, and erosion control, see Chapter 1207, Section 1207.07, Stormwater Management, Drainage, and Erosion Control.

1208.10. - Open space and Open Space Conservation Subdivisions.

For standards and specifications relating to open space and Open Space Conservation Subdivisions, see Chapter 1207, Section 1207.05, Open Space, and Section 1207.06, Open Space Conservation Subdivisions.

1208.11. - Tree/vegetation preservation.

For standards and specifications relating to tree/vegetation preservation, see Chapter 1207, Section 1207.02, Tree and Vegetation Protection.

1208.12. - Land subject to inundation.

Land subject to inundation or flood hazards by stormwater, or any swamp or marsh lands, shall not be platted for residential occupancy, or for such other uses including streets, wells or septic systems, as may increase danger to health, life, property or the environment, or as may aggravate the flood hazard. Such land within the plat should be withheld or otherwise set aside for such uses as will not be

endangered by periodic or occasional inundation, all in accordance with Chapter 1205, Section 1205.14, Floodplain/Floodway Overlay Zone District.

1208.13. - Homeowners associations.

If open space or other common areas within a subdivision are owned and maintained by a homeowners association, the developer/subdivider shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary plan approval and approved by the City Solicitor's Office prior to recording of the plat. See also Section 1207.05(k), Open Space Maintenance. The declaration provisions shall include, but not be limited to, the following:

- (a) The homeowners association shall be established before any lots are sold;
- (b) Membership shall be mandatory for each homebuyer and any successive buyer;
- (c) Any open space restrictions shall be permanent, not just for a period of years;
- (d) The association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
- (e) Homeowners shall pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners association; and
- (f) The association shall be able to adjust the assessment to meet changed needs and demands.

1208.14. - Required improvements.

- (a) Subdivider's Responsibilities. Unless otherwise expressly indicated, the subdivider, through his engineer, shall prepare and furnish all plans, specifications, cost estimates, and other essential documents necessary for the construction and installation of the required improvements, including all offsite improvements necessary for the approved connection to existing streets, utilities, walkways, and other public improvements. Further, the subdivider shall agree at his own cost and expense to do all the work, and furnish all the materials and labor necessary to construct and complete the required improvements in a good and substantial manner to the satisfaction of the City Engineer.
- (b) Specifications, Supervision, and Inspections. The specifications of the City of Hudson and any other applicable governmental agency shall in all respects govern the construction of required improvements. The work shall be done under City supervision and inspection and shall be completed within the time fixed or agreed upon by the City Engineer.
- (c) Inspection Costs. The cost of city inspections shall be paid by the subdivider. An amount of money estimated by the City Engineer for such purpose shall be deposited in advance with the City Manager City Treasurer or otherwise provided for in the improvements plan and agreement and bond requirements set forth in this chapter. ~~The required fee shall normally be not less than five percent (5%) and not more than nine percent (9%) of the total estimated cost of the required improvements.~~
- (d) Responsibility of Public Agencies to Provide Service. If the City Engineer or other city inspector, or the Summit County Building Department, finds upon inspection that any of the improvements being installed and constructed, or upon completion, are not in accordance with the plans, specifications, or plat in the form in which they were approved, the responsibility of the Municipality and/or the County to provide services and utilities shall cease.
- (e) Standard Forms For Execution. The Planning Commission-City Manager shall prepare, adopt, and distribute standard forms from time to time for the execution of subdivision improvement agreements, posting of bonds, title insurances, inspection fees, and other administrative procedures essential to the carrying out of this chapter.

- (f) Survey Monuments. See Section 1207.13(c)(9)(l) for monument requirements.
- (g) Street Signs. The subdivider shall place on deposit or arrange as part of any bond agreement, sufficient funds to cover the cost of purchase, delivery, and installation of all required street name signs. Such signs shall conform to the standards and specifications adopted by the City. All signs shall also conform to the Ohio Manual of Uniform Traffic Control Devices and be installed and located as directed by the City Engineer.

1208.15. - Improvement guarantees.

- (a) Final Plat Approval Contingent on Improvement Guarantees. At the time of final plat approval, installation of all required improvements shall either be complete or the subdivider and City shall execute a Final Subdivision Improvement agreement setting forth what improvements remain to be installed. The subdivider shall post a performance bond or other guarantee of security as set forth in this section for the purpose of assuring the installation of such improvements at or before the time the Agreement is executed. The Planning Commission shall not approve a final subdivision plat unless it finds that the subdivider has complied with this provision.
- (b) Performance Guarantees. The subdivider shall furnish a performance guarantee in a form approved by the City and in an amount sufficient to cover the following amounts:
 - (1) One hundred ten percent (110%) of the City Engineer's estimate of the costs of construction and installation of storm and sanitary sewers, water systems, streets, sidewalks, street lighting systems, and facilities and appurtenances thereto; and
 - (2) An amount, as determined by the City Engineer, to cover the engineering fee commensurate with the work performed; and
 - (3) An amount, as determined by the City Engineer, to cover the inspection fee or fees.
 - (4) One hundred ten percent (110%) of the City Community Development Staff's estimate of the costs of materials and installation of required landscaping and associated materials.
- (c) Maintenance Bond. Unless otherwise provided for in this Code (See, e.g., Section 1207.07(c)(3) regarding maintenance of stormwater detention/retention facilities.), at the time of the City's acceptance of public improvements, the City may require the subdivider to furnish a maintenance guarantee in a form approved by the City and in an amount of up to fifteen percent (15%) of the costs of construction or installation, so as to guarantee the proper functioning and structural integrity of such improvements. The duration of such guarantee shall be for the following periods of time or until the City releases the guarantee pursuant to this chapter:
 - (1) Streets, sidewalks, pavement, and facilities appurtenant thereto: Two (2) years from the date of acceptance by the City of such facilities;
 - (2) Street lighting systems and facilities appurtenant thereto: ~~One (1)~~two (2) years from the date of acceptance by the City of such facilities and appurtenances; or
 - (3) Landscaping and Bufferyards: Two (2) years from the date of planting. See also Section 1207.04(q), Maintenance of Landscaping and Bufferyards.
- (d) Indemnity Insurance. The subdivider shall furnish such insurance as is deemed necessary by the City, and approved as to form by the City Solicitor, to indemnify and save harmless the City from any and all liability arising by reason of the unimproved conditions of the streets of such subdivision which may arise or grow out of the construction or installation of such facilities. The insurance shall be of such duration as determined by the City, but shall in no case be allowed to expire earlier than the effective period of any maintenance bond. A copy of the insurance policy shall remain at all times with the Clerk of the City Council.
- (e) Release of Guarantees.
 - (1) Notice to City Engineer—Inspection and Report. Upon substantial completion of all required improvements, the subdivider or developer may notify the City Engineer in writing, by certified

mail, of the completion or substantial completion of improvements. The City Engineer shall inspect all improvements of which such notice has been given and, after consultation with other appropriate city officials, shall send a detailed report, in writing, to the subdivider or developer indicating either approval, partial approval, or rejection of such improvements with a statement of any reasons for rejection. The cost of the improvements as approved or rejected shall be set forth.

- (2) City Council Action on Approval of Improvements. If the City Engineer has approved all or some of the improvements pursuant to paragraph (1) above, he shall file a copy of his report with the City Council. The City Council shall approve all or some of the improvements on the basis of the report of the City Engineer, and shall notify the subdivider or developer in writing of its action not later than 90 days after receipt of the notice from the subdivider or developer of the completion of improvements.
- (3) Release of the Guarantees. Where City Council approval is granted on the basis of the report of the City Engineer, the subdivider or developer shall be released from all liability, except for any portions of improvements not yet approved, pursuant to any performance guarantee for such improvements.

CHAPTER 1209. - DEVELOPMENT AGREEMENTS

1209.01. - Purpose.

Development agreements are intended to accomplish two (2) primary purposes: (1) Provide more certainty to a land owner or developer through the grant of vested property rights for an agreed-upon term of years; and, in return, (2) Provide more certainty to the City of Hudson that public amenities and improvements will be provided according to an agreed-upon schedule and at a level of quality sufficient to justify the grant of vested rights. Public benefits arising from a development agreement may include, but are not limited to, provision of public facilities such as streets, sewerage, parks/open space, transportation, schools, and utility facilities. The establishment of vested rights through use of a development agreement can thereby ensure reasonable certainty, ensure stability and fairness in the land development approval process, secure the reasonable investment-backed expectations of landowners, provide for a more efficient use of resources, and foster cooperation between the public and private sectors in the area of land use planning. Accordingly, these provisions establish uniform procedures and standards for the preparation, review, and adoption of development agreements.

1209.02. - Applicability/eligible parties.

The City of Hudson may enter into a development agreement with any person having a legal or equitable interest in real property for the development of that property. The subject property shall be located within the incorporated boundaries of the City of Hudson.

1209.03. - Contents of development agreement.

(a) Mandatory Requirements. A development agreement shall include the following:

- (1) A description of the uses permitted on the property and any uses specifically prohibited;
- (2) The density or intensity of proposed uses, including the maximum size (floor area) and height of buildings;
- (3) Provisions for the reservation or dedication of land for public purposes;
- (4) The proposed timing and phasing of the construction of public improvements;
- (5) Assurances that adequate public facilities (including roads, water, sewer, schools, fire protection, and emergency medical services) will be available as they are needed to serve the development;
- (6) Provisions to protect environmentally sensitive land on the property, and other measures to mitigate anticipated impacts from the development on the general public;
- (7) Provisions for public benefits or improvements in excess of what is required by current City policy or law;
- (8) The proposed timing and phasing of the development project;
- (9) The termination date of the development agreement, which in no case shall be later than ten (10) years from the date of execution of the development agreement.

(b) Optional Requirements. A development agreement may include the following:

- (1) Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time; or
- (2) Terms, conditions, restrictions, and requirements for subsequent discretionary actions, provided such terms, conditions, restrictions, and requirements shall not prevent the development of the property for the uses and to the density and intensity of development set forth in the agreement.

1209.04. - Governing ordinances, rules, regulations, and official policies (vesting of property rights).

- (a) Prevailing at the Time of Execution. Unless otherwise provided by the development agreement, the ordinances, rules, regulations, and official policies applicable to development of the subject property and governing the following areas:
 - (1) Permitted uses of the land;
 - (2) Density; and
 - (3) Design, improvement, and construction standards and specifications, shall be those ordinances, rules, regulations, and official policies in force at the time of execution of the agreement.
- (b) Subsequently Enacted Regulations—General Rule and Exceptions.
 - (1) General Rule. Ordinances, rules, regulations, and official policies that govern permitted uses of the land, density, and design, improvement, and construction standards and specifications, and that are enacted subsequent to execution of the development agreement, shall not be enforced against the subject property.
 - (2) Exceptions. Notwithstanding paragraph (1) above, a development agreement shall not prevent the City, in subsequent actions, from applying any of the following to the subject property:
 - (A) New ordinances, rules, regulations, and policies that do not conflict with those rules, regulations, and policies applicable to the subject property as set forth in the development agreement;
 - (B) New ordinances, rules, regulations, and policies that are specifically anticipated and provided for in the development agreement;
 - (C) New ordinances, rules, regulations, and policies that are necessary to address a significant and immediate threat to the public health, safety, and welfare; or
 - (D) Reserved.
 - (E) New ordinances, rules, regulations, and policies when the City finds that the development agreement is based on substantially inaccurate information supplied by the developer.

1209.05. - Procedures for consideration of applications for development agreements.

The procedures and requirements for consideration of development agreements upon application by, or on behalf of, the property owner or other person having a legal or equitable interest in the property are set forth in Section 1203.11 of this Code. Required review standards and findings for development agreement applications are set forth in Section 1204.06 of this Code.

1209.06. - Development agreement as legislative act.

A development agreement shall be a legislative act of the City of Hudson, which shall be approved by ordinance and subject to public referendum.

1209.07. - Periodic review.

All development agreements shall be reviewed by the Planning Commission every two (2) years. At the review, the developer shall provide such information as shall be required by the PC to demonstrate good faith compliance with the terms of the development agreement. If the PC determines that the agreement should be terminated or modified, the matter shall be referred to the City Council for its determination.

1209.08. - Modification and termination.

- (a) Mutual Consent. A development agreement may be canceled or modified by the mutual consent of the developer and the City acting through the City Council.
- (b) Noncompliance by Developer. The City Council may terminate or modify a development agreement based upon evidence that the developer, or successor in interest thereto, has not complied with the terms or conditions of the agreement.
- (c) Change in Applicable State or Federal Law. In the event that state or federal laws or regulations are enacted after execution of the development agreement and prevent or preclude compliance with one (1) or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended to the extent necessary to comply with such state or federal laws or regulations.
- (d) Procedure. The City Council may modify or terminate a development agreement using the same legislative procedures for adopting the original development agreement ordinance.

1209.09. - Enforcement.

Unless amended or terminated pursuant to this chapter, a development agreement shall be enforceable by any party thereto.

CHAPTER 1210. - BENEFICIAL USE DETERMINATION

1210.01. - Purpose.

The purpose of this chapter is to establish procedures and regulations for the provision of relief from substantial economic hardship arising from the application of zoning and other land development regulations to private property located in the City of Hudson. This chapter is further intended and shall be construed to objectively and fairly review claims by private property owners that any such application of the City's zoning and land use regulations requires appropriate relief, yet preserve the ability of the City to lawfully regulate real property and fulfill its other duties and obligations to people of this City.

1210.02. - Findings.

The City Council makes the following findings:

- (a) To further the public interest in land development, the City has enacted new zoning and other land development regulations applicable to all properties in the newly merged City of Hudson;
- (b) In some very limited situations, the application of such zoning or other land development regulations may deny a property owner all reasonable use of his property and consequently effect a taking under either the Ohio or United States Constitutions; and
- (c) That to preserve and protect private property rights, an administrative process is desirable that would afford appropriate relief in those instances where zoning or other land development regulations lead to denial of a land development application and create a substantial economic hardship; and
- (d) That such an administrative economic hardship/taking relief process would provide Hudson a quick and flexible means to respond to valid economic hardship and taking claims without necessarily incurring the time-consuming and significant expense of litigating such a claim in the courts.

1210.03. - Economic hardship/taking standard.

For purposes of this chapter, a substantial economic hardship shall be defined as a denial of all reasonable economic use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable economic use of the property, Hudson may provide the petitioner with appropriate relief from the zoning or other land development regulations as set forth in this chapter.

1210.04. - Economic hardship/taking relief procedures: petition and submittal requirements.

- (a) **Hardship Relief Petition.** Any applicant for development, after a final decision on its application is rendered by the City Manager, Planning Commission, or City Council, may file a Hardship Relief Petition with City Council seeking relief from the City's zoning or other land development regulations on the basis that the denial of the application has created a substantial economic hardship, depriving the applicant of all reasonable use of its property.
- (b) **Affected Property Interest.** The Hardship Relief Petition must provide information sufficient for the City Attorney to determine that the petitioner possesses a protectable interest in property under Article 1, Sections 16 and 19 of the Constitution of Ohio and the Fifth Amendment to the United States Constitution.
- (c) **Time for Filing Notice of Petition and Petition.** No later than ten (10) calendar days from final action by the Planning Commission, BZBA, or City Council, or other city review authority on any site plan or other type of zoning application, the applicant shall file a Notice of Petition in writing with the City Council. Within thirty (30) days of the filing of a Notice of Petition, the applicant shall file a Hardship Relief Petition with the City Council.
- (d) **Information to Be Submitted with Hardship Relief Petition.**

- (1) The hardship relief petition must be submitted on a form prepared by the City Manager, and must be accompanied at a minimum by the following information:
 - (A) Name of the petitioner;
 - (B) Name and business address of current owner of the property; form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other; and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners;
 - (C) Price paid and other terms of sale for the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the petitioner and the party from whom the property was acquired;
 - (D) Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership or leasehold interest;
 - (E) Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property by the current owner, applicant, or developer prior to the date of application;
 - (F) All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of application;
 - (G) The assessed value of and ad valorem taxes on the property for the three (3) years prior to the date of application;
 - (H) All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;
 - (I) All listings of the property for sale or rent, price asked and offers received, if any, during the period of ownership or interest in the property;
 - (J) All studies commissioned by the petitioner or agents of the petitioner within the previous three (3) years concerning feasibility of development or utilization of the property;
 - (K) For income producing property, itemized income and expense statements from the property for the previous three (3) years;
 - (L) Evidence and documentation of improvements, investments, or expenditures for professional and other services related to the property made during the past three (3) years;
 - (M) Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
 - (N) Information about use(s) of the property during the three (3) years prior to the application.
 - (2) The City Manager or the appointed Hearing Officer may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a denial of all reasonable economic use constituting a substantial economic hardship.
- (e) Failure to Submit Information. In the event that any of the information required to be submitted by the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

1210.05. - Economic hardship/taking relief procedures: determination of substantial economic hardship.

- (a) Preliminary Determination of Substantial Economic Hardship.
 - (1) Prior to the appointment of a Hearing Officer, and based on a review of documents submitted by the petitioner, the City Council, upon advice of the City Manager and the City Attorney, shall

make a determination whether the petitioner has made a prima facie case that the subject property has suffered a serious diminution of value or a denial of all reasonable use that amounts to a substantial economic hardship.

- (2) Such preliminary determination shall be made within thirty (30) days of the filing of a Hardship Relief Petition and submission of all information required by the City Manager and City Attorney necessary to make such determination. Upon such showing of a prima facie case, a Hearing Officer may be appointed and a full review of the hardship petition may proceed.
 - (3) If upon the advice of the City Manager and the City Attorney, the City Council finds that the petitioner has not made a prima facie case of economic hardship as defined above, the petition for hardship relief shall be denied and no Hearing Officer shall be appointed.
- (b) Appointment of Hearing Officer. The City Manager shall, within thirty (30) days following a preliminary determination of hardship by the City Council, appoint a Hearing Officer to review information by the petitioner, to hold a public hearing to determine whether there is an affected property interest and whether a substantial economic hardship has been created as a result of the final action on the application, and to make a recommendation to the City Council concerning approval or denial of the Hardship Relief Petition.
 - (c) Qualifications of the Hearing Officer. Every appointed Hearing Officer shall have demonstrated experience in either development, real estate finance, real estate analysis, real estate consulting, real estate appraisal, planning, real estate or zoning law, or in other real estate related disciplines sufficient to allow understanding, analysis, and application of the economic hardship standard. Prior to appointment, the Hearing Officer shall submit a statement of no potential or actual conflict of interest.
 - (d) Notice of Public Hearing. Within ten (10) days following appointment of the Hearing Officer, written notice of a public hearing shall be published and posted in accordance with Section 1203.12(a) of this Code. The hearing shall be held within thirty (30) days following the final date of written notice, unless a reasonable extension of time is agreed to by both the City Manager and the petitioner.
 - (e) Rules for Conduct of the Hearing. All public hearings conducted by the Hearing Officer to consider an economic hardship petition shall be conducted in accordance with any rules and administrative procedures adopted by the City Council to govern such actions.
 - (f) Application of the Economic Hardship Taking Standard. In applying the economic hardship standard in Section 1210.03 above, the Hearing Officer shall consider among other items the following information or evidence:
 - (1) Any estimates from contractors, appraisers, architects, real estate analysts, qualified developers, or other competent and qualified real estate professionals concerning the feasibility, or lack of feasibility, of construction or development on the property as of the date of the application, and in the reasonably near future;
 - (2) Any evidence or testimony of the market value of the property both under the uses allowed by the existing regulations and any proposed use; and
 - (3) Any evidence or testimony concerning the value or benefit to the petitioner from the availability of opportunities to transfer density or cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer as in this Code.
 - (g) Burden of Proof. The petitioner shall have the burden of proving that the denial of the application created a substantial economic hardship under the standard provided in Section 1210.03 above.
 - (h) Findings of the Hearing Officer. The Hearing Officer shall, on the basis of the evidence and testimony presented, make the following specific findings as part of his report and recommendations to the City Council:
 - (1) Whether the petitioner has complied with the requirements for presenting the information to be submitted with a Hardship Relief Petition;
 - (2) Whether the petitioner has a protectable interest in the property;

- (3) The market value of the property considering the existing zoning regulations;
 - (4) The market value of the property under the proposed use;
 - (5) Whether there exists a feasible alternative use that could provide a reasonable economic use of the property;
 - (6) The market value of, or benefit accruing from opportunities to transfer density or cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer as provided for in this Code;
 - (7) Whether it was feasible to undertake construction on or development of the property as of the date of the application, or in the reasonably near future thereafter; and
 - (8) Whether, in the opinion of the Hearing Officer, the denial of the application would create a substantial economic hardship as defined in Section 1210.03.
- (i) Report and Recommendations of the Hearing Officer.
- (1) The Hearing Officer, based upon the evidence and findings, shall make a report to the City Council concerning the Hardship Relief Petition, which may include a recommendation for steps to be taken to offset any substantial economic hardship.
 - (2) If the Hearing Officer recommends that the City Council approve the Hardship Relief Petition, then the Hearing Officer's report shall discuss the type and extent of incentives necessary, in the opinion of the Hearing Officer, to provide an appropriate increase in market value or other benefit or return to the petitioner sufficient to offset the substantial economic hardship. The types of incentives that the Hearing Officer may consider include, but are not limited to, the following:
 - (A) A rezoning of the property to a more appropriate classification, issuance of a variance, approval of a development plan, or other appropriate land-use regulatory action that will enable the petitioner to realize a reasonable economic return on the property;
 - (B) An opportunity to transfer density or cluster development on other property owned by the petitioner within the same zone;
 - (C) A waiver of permit fees;
 - (D) Approval of development on some portion of the property; or
 - (E) Acquisition of all or a portion of the property at market value.
 - (3) Recommendations for transfer of density or clustering either within the boundaries of the subject property or for transfer of density from the subject property to other property owned by the petitioner shall require a written finding by the Hearing Officer that such transfer and the resulting increase in development density will be compatible with existing developments and land use patterns on properties surrounding the subject property or other property receiving the transferred density.
 - (A) For purposes of such "compatibility" finding, the Hearing Officer shall compare the petitioner's development incorporating the increased transfer density with existing development on surrounding properties, and take into consideration the following factors:
 - (i) Architectural character;
 - (ii) Building size, height, bulk, mass, and scale;
 - (iii) Building orientation;
 - (iv) Privacy considerations in terms of privacy for prospective residents within the petitioner's development and in terms of privacy protection for adjoining land uses;
 - (v) Building materials;
 - (vi) Building color; and

- (vii) When applicable, operations of the petitioner's development project, including but not limited to hours of operation; activities that may generate adverse impacts on adjacent land uses such as noise or glare; location of loading/delivery zones; and light intensity and hours of full illumination.
- (4) The report and recommendation shall be submitted to the City Council and mailed to petitioner within thirty (30) days following the conclusion of the public hearing.
- (j) City Council Review and Consideration.
 - (1) The City Council shall review the report and recommendations of the Hearing Officer and approve or disapprove the Hardship Relief Petition within sixty (60) days following receipt of the Hearing Officer's report. Provided, however, that the City Council may extend this period upon a finding that due to the size and complexity of the development or proposal and similar factors that additional review time is necessary.
 - (2) The City Council may hold a public hearing and provide notice as set forth in Section 1203.12(a) of this Code. Only new testimony and evidence shall be presented at any public hearing held by the City Council.
 - (3) The City Council may adopt any legally available incentive or measure reasonably necessary to offset any substantial economic hardship as defined in Section 1210.03 and may condition such incentives upon approval of specific development or site plans.
 - (4) The decision of the City Council shall not become final until it determines the provision of any such relief.
- (k) Time Limits/Transferral of Relief or Incentives. Any relief or incentives adopted by the City Council pursuant to this chapter may be transferred and utilized by successive owners of the property or parties in interest, but in no case shall the incentives be valid after the expiration date of a specific development approval.

CHAPTER 1211. - GROWTH MANAGEMENT RESIDENTIAL DEVELOPMENT ALLOCATION³

Footnotes:

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Editor's note— [Ord. No. 16-203](#), §§ 1, 2, adopted April 4, 2017, amended Ch. 1211 in its entirety to read as herein set out. Former Ch. 1211, §§ 1211.01—1211.11 pertained to similar subject matter.

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. No. 16-203](#), § 1, 4-4-2017)

1211.02. - Implementing the Allocation System.

- (a) The City Council may implement the Growth Management Development Allocation System as follows:
 - (1) Annual Report. The City Manager shall on an annual basis make a recommendation to Council as to whether or not to implement the Growth Management Allocation System. The annual report by the City Manager shall include, at a minimum, the number of residential dwelling units approved by type and location during the previous two (2) years and the resulting population increase based on the most recent U.S. Census Bureau data, a recommendation as to whether to implement the Growth Management Residential Allocation System and other data and information that the City Manager determines would be relevant to the City Council in determining whether or not the Growth Management Residential Allocation System should be initiated. If the report recommends that the system be implemented, the report shall also make a recommendation as to the number of allocations for the following two (2) allocation years as needed or required.
 - (2) Submission of Review Report. The City Manager shall submit the report to the City Council ~~no later than September 30 of each year~~ annually.

- (3) City Council Action. Prior to deciding whether or not to implement the Growth Management Residential Development Allotment System and adoption of an annual residential development allocation, the City Council shall hold a public hearing at which comments on the review report and recommended allocation are solicited from the City Manager and public-at-large. Council may implement the Growth Management Residential Development Allotment System if the number of dwelling units approved by the issuance of zoning certificates each of the previous two (2) years results in an annual population growth exceeding one and a half percent (1½%). ~~By October 31 of each year~~ Annually, the City Council shall, within sixty (60) days of receipt of the City Manager's recommendation, decide whether or not to implement the Growth Management Residential Allotment System and, if so, establish a residential development allocation for the next two (2) years.

([Ord. No. 16-203](#), § 1, 4-4-2017)

1211.03. - Applicability.

- (a) If Council decides not to implement the Growth Management Residential Development Allocation System, the remainder of this chapter does not apply.
- (b) If Council decides to implement the Growth Management Residential Development Allocation System, the City Manager will implement the system so that allocations will be awarded January 1 of the following year. The system will be implemented for a minimum of two (2) calendar years according to the regulations in the remainder of this chapter.
 - (1) Residential Development Allotment. No application for a zoning certificate for construction of a residential dwelling unit on a legal lot shall be granted by the City until the applicant is awarded a residential development allotment for each dwelling unit on that lot pursuant to this chapter or such development is exempted from this chapter as set forth below.
 - (2) Exempt Development. The following developments are exempted from the requirement of securing a residential development allotment as a condition precedent to the issuance of a zoning certificate.
 - a. All non-residential development, including civic, commercial, industrial, and institutional development; and
 - b. Remodeling, restoration, reconstruction, or replacement of legally established structures that does not increase the number of residential dwelling units that existed previously on the site.

([Ord. No. 16-203](#), § 1, 4-4-2017)

1211.04. - Residential development allotments.

- (a) Frequency of Allotments. There shall be one (1) allocation date each of the next two (2) 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 (30) residential development allotments in any one (1) 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 (1) allotment shall be made available to each applicant qualifying under Section 1211.05, "Development Allotment Application Procedures," of this Code.

- (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 Section 1211.04(a) to projects of extraordinary circumstances, including:
- (1) Projects in which at least twenty-five percent (25%) of the units to be built are deed restricted to housing for the elderly over sixty-two (62) years of age or disabled persons or are classified as affordable housing units as defined in this Code; or
 - (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; or
 - (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 (1) 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. No. 16-203](#), § 1, 4-4-2017)

1211.05. - Development allotment allocation procedures.

- (a) Application for Allotment. The application for an allotment shall be completed on a form provided by the City Manager. Such application shall specify:
- (1) The number of allotments requested in terms of residential units;
 - (2) A development schedule showing the elapsed times projected for each phase of the development process; and
 - (3) Other documentation and information that the City Manager may require in order to review the application and apply the standards and obtain compliance with the intent and purposes of this chapter.
- (b) An "applicant." An applicant for a residential development allotment under Chapter 1211 must be the title owner in fee simple of the property. An "applicant" may also be an individual, ownership entity or organization which has a legally valid and enforceable option contract or purchase agreement for a residential lot. The title owner in fee simple of the lot shall, however, be considered to be a co-applicant for purposes of the "Maximum Allotment" provision set forth in Section 1211.04(e) and for purposes of the minimum of one (1) automatic allotment per year per applicant set forth in Section 1211.05(c). In other words, the co-applicant owner shall have the total number of allotments to which the owner may be entitled reduced by the number of allotments awarded to co-applicant option holders or purchasers and will lose any right the co-applicant owner may have to one (1) automatic allotment per year. In the event that through this process the number of applicants is reduced below the number of available allotments, a random selection for the balance of the allotments will be conducted. The option holder or purchaser shall not be a family member, business associate, agent, and employee or related in any way to the co-applicant title owner in fee simple.

- (c) **Application Deadline.** All applications for a Residential Development Allotment shall be submitted according to the following schedule:

Application Date	Annual Allotment Award Date
December 1	January 1

- (d) **Limitation on Number of Applications.** An individual, ownership entity, or organization may submit only one (1) allotment application per lot in each allocation period, except there shall be no limitation on the number of separate lots within a contiguous development or physically separate developments under common ownership that may be included in one (1) allotment application submitted by an individual or organization except as provided in Section 1211.04.
- (e) **Completeness Determination/Additional Information.** The City Manager shall review for completeness all applications. If the application is determined to be incomplete, the City Manager shall reject it and notify the applicant in writing of such rejection and the reasons therefore, within ten (10) working days. Failure of the applicant to submit the requested information within ten (10) working days from the time the notification is mailed to the applicant shall preclude the application from being reviewed and processed during that annual allocation period.
- (f) **Changes in Allotment Request.** Once submitted, an applicant may not alter its application to request an increased number of allotments.
- (g) **Fee for Review of Application.** Each allotment application shall be accompanied by a processing fee as may be established by resolution of the City Council. Such fees shall be nonrefundable. Additional fees are not required for processing of the same allotment application, if substantially unaltered, during successive allocation periods. The allotment processing fee shall be in addition to all other City development processing and permit fees.
- (h) **Residential Development Allotment Recommendation and Award.** The City Manager shall, utilizing the allocation formula set forth in Section 1211.06, calculate allotments for the annual allotment period and award allotments up to the maximum number authorized by Council by January 1st of each year.
- (i) **Notification of Allotment.** All applicants who received an allotment shall be notified by mail or e-mail. Successful applicants may apply for issuance of a Zoning Certificate for the applicable number of residential dwelling units subject to complying with requirements of all other applicable City Chapters and regulations.
- (j) **Withdrawal of Allotment Application.** An applicant may elect to withdraw an allotment application without prejudice at any time prior to an allotment being made by the City Manager.
- (k) **Transferability of Allotments.**
- (1) All allotments granted pursuant to this chapter shall be valid only for the individual lot or lots which were the subject to the application unless they are revoked or expire in accordance with provisions herein. Allotments awarded to one (1) lot may be transferred to another legally-established lot within the same development or subdivision, provided, however, that the subject lots are under common ownership.
 - (2) An allotment which has been granted to a particular lot shall remain with that lot upon conveyance of that lot to another person, except in situations where the lot is conveyed back to the person who was the owner or applicant at the time of the award of the allotment. Additionally, allotments granted to an applicant who has an option contract or purchase

agreement on a lot may not be transferred to any other person, including the grantor of the option or the seller of the subject lot without the express written approval of the City Manager.

- (l) Expiration of Allotment. An allotment granted pursuant to this chapter shall be valid for five (5) years from the date it is awarded. An allotment for a residential unit for which construction has not begun within five (5) years of such award shall automatically expire and the owner shall be required to secure a new allotment to construct a residential unit.

([Ord. No. 16-203](#), § 1, 4-4-2017)

1211.06. - Resident development allotment calculation.

- (a) Prorata Allotment Formula. For each annual allocation period, the number of allotments to be awarded to each applicant shall be equal to the number of allotments requested by the applicant multiplied by the total number of allotments available in that allocation period divided by the total number of allotments requested in that allocation period. Prior to allocation, however, all applicants shall be granted a minimum of one (1) automatic allotment requested in that allocation period, and such proration shall be subject to all other provisions of this chapter affecting allocations and grants of allotments. Nevertheless, no more than one (1) automatic allotment shall be awarded to an applicant in any one (1) year.

Explanatory Note: The proposed allotment system is a prorata one, that is, an applicant will receive a prorata share of the allotments available based on the number of allotments it requests. To ensure equity for small applicants, every applicant receives at least one (1) allotment. For example, assume there are fifty (50) units available in the first semiannual of the year for allotment to applicants with priority status. Applicant Smith requests twenty (20) units, and the overall number of requests by ten (10) applicants is for one hundred (100) units. Applying the formula above produces an allocation of nine (9) units for Applicant Smith as follows:

Step 1: Award one (1) allotment to each applicant (10), including one (1) to Smith which leaves forty (40) allotments for award. Applicant Smith gets one (1) unit.

Step 2: Apply Formula.

Allotments Requested by Smith (20) × Total Number Available (50-10=40) / Total Units Requested (100) = 8

Step 3: Add Step 1 and Step 2 for total allotment = 9 Units

- (b) Insufficient Allotment Availability. If insufficient allotments are available to allow a minimum automatic allotment of one (1) allotment per applicant, a random selection shall be held by the City Manager to determine the order in which allotment requests are awarded.
- (c) Excess Allotments. In the event that fewer allotments are requested than are available during any allotment period, the City Manager shall grant all allotments requested within two (2) weeks of the application date without further action of the City Council.
- (d) Rounding Down of Allotments. Allotments shall be rounded downwards for fractional numbers.

([Ord. No. 16-203](#), § 1, 4-4-2017)

1211.07. - Appeals and relief.

- (a) Appeals.
 - (1) Any party-in-interest aggrieved by a final decision or order of the City Manager pursuant to this chapter may appeal to the City Council. All appeals shall be filed within ten (10) days after such

final decision or order. Upon the filing of an appeal, the City Manager, as relevant, shall forward to the City Council all relevant files and records relating to the matter.

- (2) The filing of an appeal shall not stay the action of the City Manager.
- (3) The City Council may affirm, modify, or overrule the decision of the City Manager based on the criteria provided in this chapter.
- (4) If as a result of a successful appeal, additional allotments are made, the City Council shall instruct the City Manager as to how many dwelling units shall receive allotments, when such allotments are to be made, and what effect such allotments will have on the current or subsequent annual allocation to ensure that the annual residential dwelling unit allocation established pursuant to Section 1211.04 is not exceeded.
- (5) Any party-in-interest aggrieved by a final decision or order of the City Council pursuant to this chapter may appeal as provided by law.

([Ord. No. 16-203](#), § 1, 4-4-2017)

1211.08. - Rules of procedure and administrative regulations.

The City Manager is authorized to adopt rules of procedure and administrative regulations to implement the provisions of this chapter.

([Ord. No. 16-203](#), § 1, 4-4-2017)

1211.09. - Relationship to other ordinances.

- (a) Zoning Certificates. No Zoning Certificate relating to any non-exempt residential development shall be issued until the applicant shall have been awarded a residential development allotment whenever such an allotment is required by the terms of this chapter.
- (b) Conflict. To the extent of any conflict between this chapter and any other City ordinance or regulation, the more restrictive is deemed to be controlling. Otherwise, all provisions and procedures contained in those ordinances and regulations and in this Code shall remain in full force and effect and shall regulate all changes in land use and development.
- (c) Compliance with Other Ordinances. In addition to the requirements of this chapter, the applicant shall comply with all other applicable City land development ordinances and regulations prior to the City issuing a Zoning Certificate.

([Ord. No. 16-203](#), § 1, 4-4-2017)

1211.10. - History of this chapter/effective date.

This Chapter was adopted as Growth Management Ordinance No. 96-31 by the City Council of the City of Hudson, and became effective, on May 11, 1996. Amended on April 4, 2017.

([Ord. No. 16-203](#), § 1, 4-4-2017)

CHAPTER 1212. - APPEALS AND ENFORCEMENT

1212.01. - Appeals.

- (a) Final Actions and Decisions by the City Manager. Any party-in-interest aggrieved by any final action, decision, or order by the City Manager or his designee pursuant to this Code may appeal to the Board of Zoning and Building Appeals, except that appeals from the action of the City Manager on an application for site plan approval for minor developments shall be to the Planning Commission and appeals from the final action of the City Manager on architecture/design/historic preservation compliance issues involving a minor residential improvement shall be to the AHBR.
 - (1) All appeals to the BZBA shall be governed by Section 1202.03, including the time period for filing the appeal.
 - (2) All appeals to the Planning Commission shall be filed with the secretary of the PC within ten (10) days from the date of the City Manager's action. The PC shall take final action on the appeal within forty-five (45) days from the date that the appeal was filed.
 - (3) All appeals to the Architectural and Historic Board of Review from a final action of the City Manager with respect to architecture/design/historic preservation compliance issues involving a minor residential improvement shall be filed with the secretary of the AHBR within ten (10) days from the date of the City Manager's final action. The AHBR shall take final action on the appeal within forty-five (45) days from the date that the appeal was filed.
- (b) Final Actions and Decisions by the Architectural and Historic Board of Review. Any party-in-interest aggrieved by any final action, decision, or order by the Architectural and Historic Board of Review pursuant to this Code may appeal to the Board of Zoning and Building Appeals. All appeals shall be governed by Section 1202.03, including the time period for filing the appeal.
- (c) Final Actions and Decisions by the Planning Commission. Any party-in-interest aggrieved by any final action, decision, or order by the Planning Commission may appeal to the City Council, except that appeals from PC action on an application for conditional use shall be to the Board of Zoning and Building Appeals:
 - (1) Appeals to the City Council shall be filed with the City Clerk within ten (10) days from the date of the PC's action. The City Council shall take final action on the appeal within forty-five (45) days from the date that the appeal was filed.
 - (2) All appeals to the BZBA shall be governed by Section 1202.03, including the time period for filing the appeal.

1212.02. - Violations and penalty.

- (a) General. The office of the City Manager shall be the City agency authorized and empowered to enforce the provisions of this Code as set forth in this chapter.
- (b) Violations. It shall be a violation of this Land Development Code to undertake any of the following activities:
 - (1) Subdivision without final approval of a final subdivision plat or minor subdivision (no plat required);
 - (2) Grade, cut, clear, or undertake any other land disturbance activity without a zoning certificate;
 - (3) Residential development, including new single family development on single lots, accessory structures, additions, alterations, or fences without a Zoning Certificate or a residential allotment pursuant to Chapter 1211 of this Code;
 - (4) Industrial or commercial development including accessory structures, additions, alterations, or fences without a Zoning Certificate;

- (5) Development, construction, alteration, expansion, demolition, or moving of a structure or building in a Historic District or involving a historic landmark without a Certificate of Appropriateness;
- (6) Erect, move, replace, or alter a sign without a zoning certificate;
- (7) Occupy, use, or change the use of any structure or land except in compliance with this Code;
- (8) Create, expand, replace, or change a nonconforming use except in compliance with this Code;
- (9) Failure to comply with any terms, conditions, or limitations contained on the site plan, subdivision plat, landscaping plan, building elevations, or other approved document pertaining to a development or subdivision that has received final approval from the City; ~~and~~
- (10) Failure to comply with any condition of record imposed by the appropriate decision-maker upon its review of the final site plan, planned development plan, site-specific development plan, or other plan for development under the provisions of this Code; ~~and-~~
- (11) Failure to comply with any provision of the Land Development Code not explicitly stated in the previous activities (1) through (10).

(c) Separate Offense. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

(d) Notification. The notice of any violation of this ~~Zoning~~-Land Development Code shall be as follows:

(1) Whenever the City Manager determines that there is a violation of any provision of this ~~Zoning~~ Land Development Code, a notice of such violation shall be issued. Such notice shall:

(a) Be in writing;

(b) Identify the violation;

(c) Include a statement of the reason or reasons why the notice of violation is being issued and refer to the section of the ~~Zoning~~ Land Development Code being violated; and

(d) State the time by which the violation shall be corrected.

(2) Service of the notice of violation shall be as follows:

(a) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person sixteen (16) years of age or older; or

(b) By certified mail (return receipt requested) and first class mail simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when the fact of the mailing is entered of record, provided that the first class mail envelope is not returned by postal authorities with an endorsement showing failure of delivery; or

(c) By posting a copy of the notice of violation in a conspicuous place on the premises found in violation.

(c) Penalty. Whoever violates any provision of this Code is guilty of a ~~minor~~-misdemeanor of the third degree, the penalty for which shall be a maximum fine of ~~one-five~~ hundred dollars (\$5400.00) and ~~no~~

imprisonment for a maximum period of sixty (60) days, or both. Each day of violation of a provision of this Code is a separate offense. Each subsequent violation within two (2) years of previously being convicted of or pleading guilty to the same provision of this Code shall be a misdemeanor of the fourth-first degree which shall be punishable by a maximum fine of one thousand dollars (\$1000.00) and imprisonment for a maximum of six (6) months, or both.~~have a penalty of up to a two hundred fifty dollars (\$250.00) fine and/or up to thirty (30) days imprisonment.~~

The court may require a person who is convicted of a violation of this Code to make restitution for all or part of the property damage it has caused by the offense and the court may require the person who is convicted to correct any violation of this Code.

~~1212.03. Municipal civil infractions.~~

~~(a) Purpose. The purpose this section is to establish definitions, penalties, sanctions, and other regulations related to violations of Part Twelve (this Land Development Code) and Part Fourteen (Building and Housing Code) of the Codified Ordinances, which violations shall be known as (municipal civil infractions, (in order to assist the City in the enforcement of the aforesaid codes and to serve as an alternative mechanism available to the City in lieu of criminal enforcement.~~

~~(b) Discretion to Use Civil Infractions. Unless a violation of Part Twelve (this Land Development Code) or Part Fourteen (Building and Housing Code) of the Codified Ordinances is specifically designated within the specific section of the particular code to be a misdemeanor, it is within the complete discretion of an authorized enforcement official of the City to deem the violation to be a municipal civil infraction or to deem the violation to be a criminal infraction.~~

~~(c) Penalties for Municipal Civil Infractions, Sanctions, and Remedies.~~

~~(1) Civil Fines. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a specific Code provision:~~

~~(A) The civil fine for a first offense violation shall be in an amount of seventy-five dollars (\$75.00), plus applicable costs, for each offense.~~

~~(B) The civil fine for a first offense violation of any condition of record of a final decision of a Board or Commission of the City shall be in an amount of two hundred fifty dollars (\$250.00), plus applicable costs, for each offense.~~

~~(C) The civil fine for the violation of this Land Development Code (Part Twelve), including violations of Section 1207.02, Tree and Vegetation Protection or Section 1207.03, Wetland/Stream Corridor Protection, or violations of Part Fourteen (Building and Housing Code) of the Codified Ordinances that involve irreparable damage to the environment shall be in an amount up to one thousand dollars (\$1,000.00), plus applicable costs, for each offense.~~

~~(2) Repeat Offense. The civil fine for any offense which is a repeat offense shall be doubled in amount, plus applicable costs, for each offense.~~

~~(3) Continuing Offense. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.~~

~~(4) Remedies Not Exclusive. In addition to any remedies provided for in this Code, any equitable or other remedies available may be sought.~~

~~(5) Not a Lesser Offense. A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an ordinance violation which is not a municipal civil infraction.~~

~~(6) When any work has begun prior to obtaining a Zoning Certificate, the application fees shall be doubled as a penalty.~~

~~(d) Commencement of Municipal Infraction Action.~~

- ~~(1) A municipal civil infraction action shall be commenced upon the issuance by an authorized enforcement official of a municipal civil infraction violation notice directing the person alleged to be responsible to appear at the City of Hudson Police Department of the Community Development Department office.~~
- ~~(2) The form of notices used to issue municipal civil infraction violation notices shall be in accordance with forms prescribed by the City Solicitor.~~
- ~~(3) The basis for issuance of a municipal civil infraction violation notice shall be as set forth below:
 - ~~(A) An authorized enforcement official who witnesses a person violate an ordinance, the violation of which is a municipal civil infraction, shall prepare and subscribe, as soon as possible and as completely as possible, an original and three (3) copies of a notice.~~
 - ~~(B) An authorized enforcement official may issue a notice to a person if, based upon investigation, the official has reasonable cause to believe that a person is responsible for a municipal civil infraction.~~
 - ~~(C) An authorized enforcement official may issue a notice to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the City Solicitor, Prosecutor, or other attorney for the City approves in writing the issuance of the notice on this basis.~~~~
- ~~(4) A municipal civil infraction violation notice shall be served in the following manner:
 - ~~(A) Except as otherwise provided below, the authorized enforcement official shall personally serve a copy of the notice upon the alleged violator.~~
 - ~~(B) In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the notice need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address.~~
 - ~~(C) A notice served as provided in paragraph (2), above, for a violation involving the use or occupancy of land or a building or other structure, shall be processed in the same manner as a notice served personally upon an alleged violator.~~~~
- ~~(e) Authorized Enforcement Official.
 - ~~(1) The City Manager is hereby authorized to appoint any person or persons as "authorized enforcement officials" for purposes of carrying out the enforcement duties and responsibilities specified in this chapter and Part Fourteen (Building and Housing Code) of the Codified Ordinances.~~
 - ~~(2) An authorized enforcement official is authorized to enforce all provisions of this Code and Part Fourteen (Building and Housing Code) of the Codified Ordinances, whether or not any particular provision specifies or designates a different enforcing official. Where a particular officer is designated in any Code provision, that officer's authority shall continue in full force and effect, and shall not be diminished or impaired by the terms of this chapter, and the authority of the authorized enforcement official shall be in addition and supplementary to the authority granted to such other specific officer.~~
 - ~~(3) The authorized enforcement official's duties shall include the following:
 - ~~(A) Investigation of code violations;~~
 - ~~(B) Issuance and service of municipal civil infraction violation notices;~~
 - ~~(C) Appearance in court or other judicial or quasi-judicial proceedings in the administration of this chapter.~~~~~~

~~(f) Police Department to Serve as Violations Bureau.~~

- ~~(1) The City of Hudson Police Department shall serve as the civil infraction Violations Bureau for the purpose of accepting admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices.~~
- ~~(2) Payments made to the City of Hudson Police Department shall be retained and accounted for as fines and costs, respectively, and shall be deposited in the General Fund.~~

~~(g) Authority of City of Hudson Police Department.~~

- ~~(1) The Police Department is authorized to accept payment of fines and costs in response to municipal civil infraction violation notices.~~
- ~~(2) The Police Department shall not accept payment of a fine or costs from any person who denies having committed a municipal civil infraction charged in a municipal civil infraction violation notice.~~
- ~~(3) The Police Department shall not have authority or jurisdiction to determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.~~

~~(h) Election of Person Charged with Violation.~~

- ~~(1) Any person receiving a municipal civil infraction violation notice shall be permitted to dispose of the charge alleged in the notice by making payment of the fine and/or costs to the City of Hudson Police Department or the Community Development Department office. The unwillingness of any person to dispose of a violation at the Police Department shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.~~
- ~~(2) A person electing to have the alleged violation processed at the Police Department shall appear at the Police Department and Community Development Department to pay the specified fine and/or costs within the time specified for appearance in the municipal civil infraction violation notice. Such appearance may be made by mail, in person or by representation, provided if appearance is made by mail, the person charged in the notice shall have the responsibility for timely delivery of the fine and/or costs within the time specified in the municipal civil infraction violation notice.~~

~~(i) Procedure for Persons Electing Not to Respond to Municipal Civil Infraction Violations Notice. In the event a person elects not to admit responsibility and pay the specified civil fine and/or costs prescribed for the respective violation, the City Prosecutor shall determine whether to proceed to a court of competent jurisdiction with a civil remedy for the alleged violation or to issue a criminal misdemeanor complaint.~~

CHAPTER 1213. - DEFINITIONS

1213.01. - General.

For words, terms, and phrases used in this Code that are not defined in Section 1213.02 below, or elsewhere in this Land Use Code, the City Manager shall have the authority and power to interpret or define such words, terms, and phrases. In making such interpretations or definitions, the City Manager may consult secondary sources related to the planning profession, such as A Survey of Zoning Definitions - Planning Advisory Service Report Number 421, edited by Tracy Burrows, (American Planning Association. Chicago, Ill. 1989) and The Illustrated Book of Development Definitions, by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University. N.J. 3d ed. 1987), for technical words, terms and phrases, or Webster's Third New International Dictionary (Unabridged) (Merriam - Webster, Inc., Springfield. Mass. 1986), as supplemented, for other words, terms and phrases.

1213.02. - Definitions.

- (a) The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section:
- (1) "Access drive" shall mean a way or means of approach, other than a street or road, to provide vehicular entrance to a property. See "Driveway."
 - (2) "Accessory building" ~~See "Structure, Accessory" shall mean a building detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.~~
 - (3) "Accessory structure" ~~See "Structure, Accessory" shall mean a structure detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.~~
 - (4) "Accessory use" shall mean a use of land or of a building or portion thereof customarily used with, and clearly incidental and subordinate to, the principal use of the land or building and ordinarily located on the same lot with such principal use.
 - (5) "ADT" shall mean the average daily traffic volumes on a street or road.
 - (6) "Adequate public facilities ("APF")" shall mean the public facilities and services necessary to maintain the adopted level of service standards.
 - (7) "Adult arcade" shall mean any place to which the public is permitted or invited where either or both: (i) motion picture machines, projectors, video or laser disc players, or other video image-producing devices are available, run via coin, token, or any form of consideration, to show images to five (5) or fewer persons at one (1) time; and (ii) where the images shown and/or live entertainment presented are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
 - (8) "Adult bookstore", "adult novelty store," or "adult video store" shall mean a commercial establishment which, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:
 - (A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, videodisks, CD-ROM disks, or video reproductions, slides or other visual representations that are characterized by the depiction of or description of 'Specified Sexual Activities,' or
 - (B) 'Specified Anatomical Areas'; or Instruments, devices or paraphernalia, other than prophylactics, that are designed for use in connection with 'Specified Sexual Activities'.

- (9) "Adult business" shall mean an Adult Arcade, Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Cabaret, Adult Motion Picture Theater, Adult Theater, Nude Model Studio, or Sexual Encounter Center.
- (10) "Adult cabaret" shall mean a nightclub, bar, restaurant or similar commercial establishment that regularly features:
- (A) Persons who appear in a State of Nudity or a State of Seminudity; or
 - (B) Live entertainment characterized by the depiction or description of Specified Anatomical Areas or by Specified Sexual Activities; or
 - (C) Live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment; or
 - (D) Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- (11) "Adult motion picture theater" shall mean a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, videodisks, CD-ROM disks, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- (12) "Adult theater" shall mean a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a 'State of Nudity' or 'Seminudity' or live performances which are characterized by the depiction or description of 'Specified Anatomical Areas', 'Specified Sexual Activities', or live entertainment of an erotic nature, including exotic dancers, strippers, male or female impersonators, or similar entertainment.
- (13) "Affordable housing" shall mean housing that will be affordable to those families or persons earning not more than fifty percent (50%) of the median family income of the City of Hudson as determined by the City Manager from available regional, state or federal data, assuming that such families or persons shall not be required to expend more than thirty percent (30%) of their gross income on housing costs
- (14) "Agricultural operations, general" shall mean uses of property generally accepted under Ohio law to be agricultural in nature, and may include general farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, as well as accessory uses for packing, treating, or storing produce provided that the operation of the accessory uses shall be secondary to that of the general agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals. This does not include boarding kennels for domestic pets, accessory horses, or the accessory keeping of chickens on residential property.
- (15) "Alley" shall mean a minor way used primarily for vehicular service access to the back of properties abutting on a street.
- (16) "Allocation year" shall mean the period from August 1 to July 30 of the succeeding year.
- (17) "Alteration" shall mean any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one (1) location to another.
- (18) "Amendment" shall mean any addition, deletion, or revision of the text of this Code or any addition, deletion, or revision of the Official Zoning Map adopted by the City Council after public hearings.
- (19) "Antenna" shall mean a device, designed and intended for transmitting or receiving television, radio or microwave signals. An antenna includes all mounting and stabilizing items, such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items. For

purposes of this Code, "antenna" does not include "wireless telecommunication antenna" as defined and used elsewhere in this Code and does not include amateur radio antennas. Antennas are also "structures" within the meaning of this Code.

- (20) "Annual residential development allocation" shall mean the maximum number of residential units that will be available for allotment in any allocation year as established by City Council on advice of the City Manager and Planning Commission.
- (21) "Applicant" shall mean a developer, landowner, or other person with a legal property interest, including heirs, successors, and assigns, who has filed an application for subdivision or development.
- (22) "Application for subdivision or development" shall mean the application form and all accompanying submittal documents and exhibits required of an applicant by an approving authority for review of site plans, conditional uses, subdivisions, planned developments, and other similar development or land use purposes.
- (23) "Art gallery" shall mean an institution or business devoted to the exhibition and/or sale of works of art to the public.
- (24) "Artisan studio" shall mean the workshop of an artist, sculptor, or craftsperson.
- (25) "Assembly" or "meeting halls" shall mean an establishment primarily providing space for group meetings and engaged in the preparation and serving of meals and/or beverages to either the private membership of the establishment or to groups on a prearranged and contractual basis.
- (26) "A-Scale sound level (dBA)" shall mean the measurement of sound approximating the auditory sensitivity of the human ear and used to measure the relative noisiness or annoyance of common sounds.
- (27) "Assisted living" shall mean residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.
- (28) "Automated teller machine (ATM)" shall mean a mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility.
- (29) "Automotive dealer" shall mean the use of any building, land area, or other premises for the display and sale of new or used automobiles generally, but may include light trucks or van, trailers, or recreational vehicles, and including any vehicle preparation or repair work conducted as an accessory use.
- (30) "Automobile repair and services" shall mean any building, land area, or other premises, or portion thereof, used for the servicing and minor repair of automobiles and as permitted accessory uses the sale, application, or installation of lubricants, tires, batteries, and similar vehicle accessories. Automobile repair and services shall not include premises where automobile repair activities of automobile painting and body work are conducted.
- (31) "Automobile service station" shall mean any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of vehicular fuels; servicing and minor repair of automobiles; and as a permitted accessory uses the sale, application, or installation of lubricants, tires, batteries, and similar vehicle accessories. Automobile service stations shall not include premises where automobile repair activities of automobile painting, and body work are conducted.
- (32) "Bank or financial institution" shall mean establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions.
- (33) "Bar or tavern" shall mean an establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches and light snacks is secondary.

- (34) "Barn" shall mean a farm building used to store farm products or shelter livestock as an agricultural use.
- (35) "Basement" shall mean a space having one-half (½) or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6½) feet (as distinguished from a cellar which has less than one-half (½) of its floor-to-ceiling height above the average level of the adjoining ground or has a floor-to-ceiling height of less than six and one-half (6½) feet).
- (36) "Bed and breakfast inn" shall mean an establishment operated in a dwelling unit, or portion thereof, that provides short-term lodging, with or without the service of a morning meal only, for compensation and where the operator lives on the premises, or in adjacent premises.
- (37) "Bedroom" shall mean a private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.
- (38) "Berm, in the context of landscaping or bufferyard requirements," shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible land uses.
- (39) "Bikeway" shall mean either of the following:
- (A) "Bicycle lane." A portion of the roadway designated for bicycles by striping, signage and/or pavement markings for preferential or exclusive use of bicycles. Bike lanes must be located on both sides of the road to accommodate bicyclists traveling in the same direction as the adjacent vehicular lane.
 - (B) "Bicycle path." A facility physically separated from the roadway and intended for bicycle use. A bicycle path is designed for the use of two-lane, two-way bicycle traffic. Paths may be located within open space through a development, along an abandoned rail line or adjacent to an existing road.
- (40) "Boarding Kennel" shall mean a facility for the keeping, breeding, raising, grooming or training of four (4) or more domestic animals, that are not owned by the owners or occupant of the premises, for commercial purposes. This does not include animals in pet shops or veterinary facilities.
- (41) "Building" shall mean any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:
- (A) Is permanently affixed to the land; and
 - (B) Has one (1) or more floors and a roof; and
 - (C) Is bounded by either open space or the lot lines of a lot.
- (42) "Building footprint area" shall mean the area of a lot or site included within the surrounding exterior walls and supporting columns of a building. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof. Building footprint area does not include patios and decks.
- (43) "Building, principal" shall mean the building or structure on a lot used to accommodate the primary permitted use, such use possibly occurring in more than one (1) building or structure.
- (43.1) "Building, Accessory" See "Structure, Accessory."
- (44) "Building mass" shall mean the three-dimensional bulk of a building: height, width, and depth.
- (45) "Bufferyard" shall mean open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one (1) use or property from another so as to visually shield or block noise, lights, or other nuisances.
- (46) "Bus" shall mean a rubber tire vehicle designed for roadway operation for public transportation.

- (47) "Bus shelter" shall mean a small, roofed structure, usually having three (3) walls, located near a street and designed primarily for the protection and convenience of bus passengers.
- (48) "Business park, office or industrial" shall mean a tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial or office uses, with consideration given to overall on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.
- (49) "Business services" shall mean establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; commercial printing services; and personal supply services.
- (50) "BZBA" shall mean the Board of Zoning and Building Appeals.
- (51) "Capacity" shall mean, where used in reference to any street, the maximum traffic volume for which such street can provide an adequate level of service.
- (52) "Car wash" shall mean any building, structure, or premises or portions thereof used for washing automobiles, and includes automatic car washes.
- (53) "Cartway" shall mean the portion of a street, drive, or alley that is designed and intended for vehicular traffic.
- (54) "Cellar" shall mean a space having less than one-half ($\frac{1}{2}$) of its floor-to-ceiling height above the average level of the adjoining ground or a floor-to-ceiling height of less than six and one-half ($6\frac{1}{2}$) feet. See "Basement."
- (55) "Cemetery" shall mean land used or intended to be used for the burial of the dead and dedicated for cemetery purposes.
- (56) "Certificate of Appropriateness" shall mean the official document issued by the Architectural and Historic Board of Review approving and/or concurring in the approval of construction, erection, alteration, removal, moving, or demolition of any structure or building located in the Historic District or of any historic landmark.
- (57) "Certificate of Zoning Compliance. See "Zoning Certificate."
- (58) "Character" shall mean those attributes, qualities, and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.
- (59) "Church" shall mean a building or structure, or groups of buildings or structures, and associated accessory uses that by design and construction are primarily intended for conducting organized religious services.
- (60) "Clear sight triangle." See "Sight distance" below.
- (61) "Clearing" shall mean any intentional or negligent act to cut down, remove all or a substantial part of, or damage a tree or other vegetation that will cause the tree or other vegetation to decline and/or die. Such acts include, but are not limited to, damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, by the change of natural grade due to unapproved excavation or filling, or by the unapproved alteration of natural physical conditions.
- (62) "Clinic." See "Medical clinic."
- (63) "Club" shall mean an organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests or activities, characterized by membership qualifications, dues, or regular meetings, excluding clubs operated for profit and places of worship.

- (64) "Clustering" shall mean a site design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.
- (65) "Co-location" shall mean the use of a wireless telecommunication facility by more than one (1) wireless telecommunication provider.
- (66) "Commercial development includes office, retail, service business, and other similar nonresidential development.
- (67) "Common open space" shall mean land within or related to a development, not individually owned or dedicated for public use but generally owned and maintained by a homeowners association, that is designed and intended for the common use or enjoyment of the residents of the development and their guests, and may include such complementary structures and improvements as are necessary and appropriate.
- (68) "Compatible or compatibility" shall mean the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development with respect to lot size, building setbacks, location and use of driveways, location and use of open space, preservation of historic resources, and preservation of natural resources so as to be harmonious with and not at variance to nearby existing development.
- (69) "Composting" shall mean the biological decomposition of organic material such as vegetable scraps, leaves, grass clippings, wood shavings, and non-human manures to produce material for fertilizing and conditioning soil.
- (70) "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.
- (71) "Conforming commercial earth station" shall mean a satellite earth station that is two (2) meters or less in diameter and is located in an area where commercial, office or industrial uses are permitted under this Code. Such an area would not extend to those portions of a site where most land uses are forbidden or severely restricted, such as, for example, street areas, utility easements, visibility triangles, required setback areas, and bufferyards.
- (72) "Connector road" shall mean a road designed for dedication to the City to provide local access to nonresidential development as described in the State Route 91 Traffic Corridor Study or similar document. These roads are designed to reduce traffic volume and the number of access points on nearby highways and arterial roads. Compliance with district regulations shall be based on access-road easement or right-of-way lines.
- (73) "Connecting walkway" shall mean (1) any street sidewalk, or (2) any walkway that directly connects a building entrance(s) to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places, and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings, or follow parking lot outlines that are not aligned to a logical route.
- (74) "Continuing care retirement community" shall mean a residential and institutional complex containing dwelling units of any type permitted by this Code for independent living, and assisted living or institutional residential uses or both, with each dwelling or room occupied by not more than two (2) residents at least one (1) of whom is fifty-five (55) years of age or older. Said complex shall have available on site: passive and active recreational facilities; common dining facilities; and provide primarily non-medical resident services to individuals in need of personal assistance essential for sustaining activities of daily living such as assistance or supervision in

matters such as dressing, bathing, diet, financial management, transportation, evacuation of a residence in the case of an emergency, or administered medication.

- (75) "Convenience store" shall mean a retail establishment offering for sale food products and beverages for off-site consumption, household items, newspapers and magazines, and other general merchandise. The retail dispensing or sale of vehicular fuels as an accessory use to a convenience store may be permitted.
- (76) "Convention and conference center" shall mean a facility used for business or professional conferences and seminars, and may include accommodations for sleeping, eating, and recreation.
- (77) "Corner lot" shall mean a lot that abuts two (2) or more streets that intersect at one (1) or more corners of the lot.
- (78) "Cultural facility" shall mean establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society and include museums, botanical or zoological gardens and libraries, and similar establishments that document and present natural, historic, educational, or cultural interests.
- (79) "Culvert" shall mean a drain, ditch, or conduit, not incorporated in a closed system, that carries drainage water under a driveway, roadway, railroad, pedestrian walk, or public way.
- (80) "Curb" shall mean a stone, concrete, or other improved boundary usually demarcating the edge of a roadway, parking lot, or other paved area.
- (81) "Curb cut" shall mean the opening along the curb line at which point vehicles may enter or leave the roadway.
- (82) "Cut" shall mean the excavating of earth from the ground surface during the process of land development.
- (83) "Cutoff" shall mean the point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut off) at a specific angle above the ground.
- (84) "Cutoff angle" shall mean the angle formed by a line drawn from the light source to a line perpendicular to the ground beyond which no light is emitted from the light source.
- (85) "Day care center" shall mean a building or structure where care, protection, and supervision are provided for individuals on a regular basis away from their primary residence for less than twenty-four (24) hours a day, with or without compensation and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, and centers for mentally retarded children, but specifically excludes any family day care home or group home as defined in this chapter.
- (86) "Density." See "Density, net."
- (87) "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.
- (88) "Developer" shall mean the legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable property interests in such land.
- (89) "Development" shall mean the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, but shall not include the dividing of land into two (2) or more parcels (see "Subdivision" below).
 - (A) Development shall include:

- (i) Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
 - (ii) Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
 - (iii) Any change in use of land or a structure;
 - (iv) Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland;
 - (v) The clearing of land as an adjunct of construction;
 - (vi) The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling or excavation on a parcel of land;
 - (vii) The demolition of a structure;
 - (viii) The deposit of refuse, solid or liquid waste, or fill on a parcel of land; and
 - (ix) The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property.
- (B) Development shall not include:
- (i) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
 - (ii) Work by any utility and other entity or person(s) engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing, on established rights-of-way, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like;
 - (iii) A change in the ownership or form of ownership of any parcel or structure; and
 - (iv) The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.
- (C) When appropriate in context, development shall also mean the act of developing or the result of development.
- (90) "Development, major" shall mean development that meets the requirements for a major development set forth in Section 1203.09 of this Code.
- (91) "Development, minor" shall mean development that meets the requirements for a minor development set forth in Section 1203.09 of this Code.
- (92) "Developmentally disabled" shall mean a person five (5) years of age or older with a severe, chronic disability that:
- (A) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - (B) Is manifested before the person attains age twenty-two (22);
 - (C) Results in substantial functional limitations in three (3) or more of the following areas of major life activity:
 - Self-care;
 - Receptive and expressive language;
 - Learning;
 - Mobility;

Self-direction;

Capacity for independent living; and

Economic self-sufficiency; and

- (D) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services and supports which are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children, shall mean individuals from birth to age five (5) years, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services or supports are not provided.
- (93) "Diameter at breast height (DBH)" shall mean tree trunk diameter measured in inches at a height of four and one-half (4.5) feet from the ground or, in the case of a tree that is divided into multiple trunks below four and one-half (4.5) feet, as measured at the most narrow point beneath the point of division.
- (94) "District" shall mean a zone or zoning district.
- (95) "Dormitory" shall mean a building used as group living quarters for a student body as an accessory use for a college, university, or boarding school.
- (96) "Downtown" shall mean the central business district of the City of Hudson as defined by the boundaries of Zoning District 5, "Village Core," as shown on the Official Zoning Map, on file in the office of the Clerk of Council.
- (97) "Drainage" shall mean surface water runoff or the removal of surface water or groundwater from land by drains, grading, or other means, which includes runoff controls to minimize erosion and sedimentation during and after construction or development.
- (98) "Drip line" shall mean a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.
- (99) "Drive aisles" shall mean the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term drive aisle does not include lanes used only or primarily for drive-in customer service.
- (100) "Drive-through use" shall mean an establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
- (101) "Driveway" shall mean a private roadway providing access to a street or highway from a building or structure.
- (102) "Driveway, shared" shall mean a single driveway serving two (2) or more adjoining lots or uses
- (103) "Duplex." See "Dwelling, duplex."
- (104) "Dwelling" shall mean a building used principally for residential occupancy, including single-family dwellings, duplexes, and multi-family dwellings, and that contains: (a) a minimum of eight hundred (800) square feet of floor area, or (b) in the case of a permitted accessory dwelling a minimum of five hundred (500) square feet of floor area and a maximum of eight hundred fifty (850) square feet of floor area. The term dwelling shall not include tents, cabins, trailers or trailer coaches, hotels, motels, tents, or other structures designed or used primarily for temporary or transient occupancy.
- (105) "Dwelling, accessory" shall mean a second dwelling unit either within or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the

main dwelling, for use as a complete, independent living facility with provision within the accessory dwelling for cooking, eating, sanitation, and sleeping.

- (106) "Dwelling, duplex" shall mean a dwelling designed and built to contain two (2) dwelling units, side-by-side and totally separated from each other by an unpierced wall extending from ground to roof.
- (107) "Dwelling, mixed use" shall mean a dwelling that is located on the same lot or in the same building as a non-residential use.
- (108) "Dwelling, multi-family" shall mean a building containing five (5) or more dwelling units, typically including units located one (1) over the other, but not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.
- (109) "Dwelling, single-family" shall mean a dwelling containing no more than one (1) dwelling unit.
- (110) "Dwelling, single-family attached" shall mean a single-family building of three (3) but no more than four (4) single-family dwellings by common attached walls and typically arranged in a cluster configuration. The term includes triplexes and quadruplexes but does not include multi-family dwellings, such as apartment buildings, and does not include other dwelling types more specifically defined in this section such as duplexes or townhome dwellings.
- (111) "Dwelling, single-family detached" shall mean a single-family dwelling which is not attached to any other dwelling or building by any means.
- (112) "Dwelling, townhome" shall mean a single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls.
- (113) "Dwelling unit" shall mean one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, duplex, or multi-family dwelling or mixed-use building.
- (114) "Easement" shall mean a grant of one (1) or more property rights (e.g., access) by the owner to, or for the use by, the public, a corporation, or another person or entity.
- (115) "Elderly" shall mean a person sixty-two (62) years of age or older.
- (116) "Employees" shall mean the total number of persons reasonably anticipated to be employed in a building or on land during normal periods of use.
- (117) "Entertainment facilities and amusement facilities" shall mean a building or part of a building devoted to providing entertainment for a fee, including movie theaters and theatrical space for dramatic, musical, or live performances, indoor pinball/video arcades, bowling alleys, and including such activities as billiards and pool, other table games, and similar-scale amusements.
- (118) "Entrance drive. See "Access drive" and "Driveway."
- (119) "Essential public utility and public services" shall mean the erection, construction, alteration, or maintenance by public utilities having the power of eminent domain, or by municipal departments, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, substations, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, equipment shelters, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or for the public health or general welfare, but not including buildings, outdoor storage yards, water towers, transfer stations, power transmission tower lines, coal conveyor belt lines, and other similar uses not primarily service the City.

- (120) "Excavation" shall mean the removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, whether exposed or submerged.
- (121) "Exterior architectural feature" shall mean the architectural style and general arrangement of the exterior of a structure, including the type and texture of building materials, all windows, doors, lights, and signs and other fixtures appurtenant thereto.
- (122) "Family" shall mean an individual living alone, or a group of individuals not necessarily related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single household, under a common housekeeping management plan based on an intentionally structured relationship that provides organization and stability. See "Household."
- (123) "Family day care home" shall mean a facility for child care in the permanent residence of the provider for the purpose of providing day care and training for a child under the age of sixteen (16) years who is not related to the provider and in which no more than three (3) children are under two (2) years of age, including the children of the provider. A family day care home shall provide care, protection, and supervision to no more than twelve (12) children at one (1) time, including the children of the provider.
- (124) "Farm animals" shall mean animals commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys, mules and alpacas. A limited number of hen chickens may be kept on a residential property as an accessory use.
- (125) "Fence" shall mean an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.
- (126) "Fill" shall mean sand, gravel, earth, or other materials of any composition whatsoever excavated from elsewhere and deposited to build up the ground surface in the process of grading.
- (127) "Fire lane" shall mean an unobstructed paved or improved surface area clearly defined by pavement markings and signs, and designed to provide access for fire-fighting equipment.
- (128) "Floodplain" shall mean any portion of land within the City that may be subject to flooding in the 100-year floodplain area as delineated in the U.S. Department of Housing and Urban Development Flood Hazard Boundary Map, Summit County, Ohio, dated April 7, 1978, as revised.
- (129) "Floor area, gross" shall mean the gross floor area of a building as measured along the outside walls of the building and including each floor level, but not including open balconies; garages or other enclosed automobile parking areas; basements used only for heating, mechanical, and similar equipment; and one-half (½) of all storage and display areas for hard goods.
- (130) "Floor area ratio (FAR)" shall mean the amount of gross floor area of all buildings and structures on a building lot divided by the total lot area.
- (131) "Footcandle" shall mean a unit of measurement referring to illumination incident to a single point. One (1) footcandle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.
- (132) "Frontage" shall mean the distance across the front of a lot between side lot lines, normally the width of the lot abutting the street to which the lot has access.
- (133) "Funeral home" shall mean a building used for the preparation of the deceased for burial or cremation, for the display of the deceased, and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies.
- (134) "Garage" shall mean an accessory building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building and intended for the storage

of motor vehicles and equipment with facilities for mechanical service or repair of a commercial or public nature.

- (135) "Government administrative offices" shall mean lands and buildings owned or operated by a local, state, federal, or international governmental entity to provide legislative, judicial, administrative, or regulatory services for the public, but not including essential public utility and public services.
- (136) "Government public works and service facilities" shall mean lands and buildings owned and operated by a local, county, state, federal, or international governmental entity as a repair, storage, or production facility or public works yard including but not limited to water treatment plant, sanitary sewer treatment plant, and public power and services equipment and material storage.
- (137) "Grade" shall mean the vertical alignment of a surface of land, as it exists or as rendered by cut and/or fill activities.
- (138) "Grade, finished" shall mean the final elevation of the ground level after topsoil has been applied to graded slopes, as measured six (6) feet from the exterior walls of the structure.
- (139) "Grade, natural" shall mean the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.
- (140) "Grading" shall mean rearrangement of the earth's surface by stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades when the total amount of earth or land rearranged or disturbed is more than three (3) cubic yards. "Grading" shall also mean the rearrangement of the earth's surface by stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades, regardless of the total amount of earth or land rearranged or disturbed, when the rearrangement or disturbance of earth is within five (5) feet of any property line. "Grading" shall not include the placement of mulch on the earth's surface for landscaping purposes.-
- (141) "Grocery store, specialty" shall mean a retail store selling predominately food with emphasis on prepared food, specialty foods based on season, nationality, holidays and dietary needs, and providing in-store dining and having a ground floor area of twenty thousand (20,000) square feet or less.
- (142) "Group home" shall mean a residence operated as a single dwelling, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age, or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.
- (143) "Group home, transitional" shall mean a group home serving persons who are in the process of transitioning or returning from an institutional remedial setting to independent living.
- (144) "Handicapped person" shall mean a person with (1) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.
- (145) "Hazardous waste or materials" shall mean those chemicals or substances which are physical or health hazards as defined and classified in the Fire and Building Codes. Hazardous materials categories include explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers and other health hazards. Each category is defined separately in the Fire and Building Codes in accordance with the Code of Federal Regulations Title 29 and other nationally recognized standards.

- (146) "Height" shall mean the distance above a given level. Height shall be measured according to the methods described in Section 1201.07(e).
- (147) "Heliport" shall mean an area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for landing, loading, and takeoff of helicopters, but not including auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment. Allowed only as an accessory use to a permitted hospital.
- (148) "Historic and/or architectural significance" shall mean a building or structure that has a special historic or aesthetic interest or value as part of the development, heritage, or cultural character of the city, region, state, or nation.
- (149) "Historic District" shall mean the Hudson Historic District as listed in the National Register of Historic Places in December, 1990, as amended, plus those areas containing any land or buildings having notable character or qualities of historic and/or architectural significance as recommended by the Architectural and Historic Board of Review and approved by the City Council. A Historic District may include structures or other physical improvements on, above, or below the surface of the earth.
- (150) "Historic landmark" shall mean any individual building or structure determined by the Architectural and Historic Board of Review and approved by the City Council as historically and/or architecturally significant.
- (151) "Home occupation" shall mean an activity carried out for monetary gain by a resident conducted as a customary, incidental, and accessory use in the resident's dwelling unit.
- (152) "Homeowners association" shall mean an organization formed to manage the common open space and common facilities within a development that are not to be publicly maintained; membership in, and financial support of such organization, is mandatory for all owners of property in the development.
- (153) "Hospital" shall mean an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.
- (154) "Household" shall mean a family living together in a single dwelling unit, with common access to and common use of all living and eating areas and of all areas and facilities for the preparation and serving of food within the dwelling unit. See "Family."
- (155) "Impervious coverage" shall mean that portion of a lot that is covered by principal and accessory buildings or structures, and by surfaces that prevent the passage or absorption of stormwater into the existing water table such as paving and driveways.
- (156) "Industrial use" shall mean both of the following type uses:
- (A) "Industrial use, heavy." A use engaged in the basic processing and/or manufacturing of materials or products predominately from extracted or raw materials, and which has processes that involve hazardous materials or commonly recognized offensive conditions such as those uses identified as grouped by the 2007-most recently adopted version of Ohiothe Ohio Building Code as High-Hazard Group H, as amended.
- (B) "Industrial use, light." A use engaged in the manufacture, predominantly from previously prepared materials or lightly treated raw materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories and the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal and related industries.

- (157) "Infrastructure" shall mean those manmade structures that serve the common needs of the population, such as: potable water systems; waste water disposal systems, solid waste disposal sites or retention areas; storm drainage systems; electric, gas and other utilities; bridges; roadways; multi-purpose paths and trails; pedestrian sidewalks, paths and trails; and transit stops.
- (158) "Institutional/civic/public use" shall mean an educational, religious, health, or public use, such as a church, library, museum, public or private school, hospital, institutional residences such as intermediate or long-term care facilities for the elderly or developmentally disabled, or government-owned or operated building, structure, or land used for public purpose, and in which goods, merchandise, and services are not provided for sale on the premises.
- (159) "Institutional residential uses" shall mean residences for nine (9) or more unrelated persons who are elderly or developmentally disabled and who may or may not require facilities and services including restorative care and treatment, nursing services, aid with daily living skills, meal service, regular or as-needed medical supervision, social care, or other services that are supportive, restorative, or preventive in nature. Institutional residential uses include, but are not limited to, long-term care facilities, nursing homes, group homes for nine (9) or more clients, and intermediate care facilities. Institutional residential uses do not include assisted living facilities, group homes for eight (8) or fewer clients, day care centers, or family day care homes.
- (160) "Land Development Code" shall mean Part Twelve of the Codified Ordinances of the City of Hudson.
- (161) "Land Development Ordinances" shall mean all ordinances of the City of Hudson, including Part Twelve of the Codified Ordinances (zoning and subdivision), that regulate or control the development of land within the community.
- (162) "Land use" shall mean the activity or activities for which a lot or property and the buildings or structures on it are devoted.
- (163) "Landfill" shall mean a disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.
- (164) "Landscaping" shall mean any combination of living plants such as trees, shrubs, plants, vegetative ground cover and turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains and the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation, and the preservation, protection, and replacement of existing trees.
- (165) "Lattice tower" shall mean a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.
- (166) "Level of service (LOS)" shall mean a qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. LOS is usually expressed in terms of six (6) levels, designated A through F, with A (free flow of traffic with minimum intersection delay) being the best, and F (forced flow, jammed intersections, long delays) being the worst.
- (167) "Limits of disturbance" shall mean the area(s) of a site, as established pursuant to Section 1207.01 of this Code, that may be disturbed by earth movement (grading), or cleared of vegetation, including disturbance or clearance to provide space for construction of principal and accessory uses and structures, parking areas, roads, drainage and stormwater management facilities, and/or utilities.
- (168) "Liquor store" shall mean a retail establishment licensed by the State of Ohio Department of Liquor Control to sell alcoholic beverages in containers, including wine, beer, and hard liquor, for consumption off-premises (carry-out).

- (169) "Loading area" shall mean an off-street area of a lot where goods are received and/or from which they are shipped, and where adequate space is available to permit maneuvering of vehicles entirely on the lot.
- (170) "Lodging" shall mean a facility containing five (5) or more guest rooms and offering transient overnight accommodations at a daily rate to the general public and may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.
- (171) "Lot" shall mean a piece or parcel of land established by plat, subdivision, or otherwise permitted by law to be used, occupied, or intended to be occupied by one (1) or more buildings, structures, or uses, together with such open spaces and access to or frontage on a public street, as required by this Code.
- (172) "Lot area or size" shall mean the amount of horizontal (plan view) land area within lot lines expressed in acres or square feet, based on deed description or registered surveyor's survey, excluding any street rights-of-way. One (1) acre equals forty-three thousand five hundred sixty (43,560) square feet.
- (173) "Lot depth" shall mean the horizontal distance between the mid-point of the front and of the rear lot lines.
- (174) "Lot line" shall mean any of the lines describing the perimeter of a lot.
- (175) "Lot line, front" shall mean the lot line describing the edge of the lot abutting the street to which the structure is oriented. Orientation shall be determined by factors such as the formal entrance and the placement of the main mass. For existing development on a corner lot, the front lot line shall be determined by the location of the front entrance of the structure.
- (176) "Lot line, rear" shall mean the line opposite the front lot line.
- (177) "Lot line, side" shall mean any lot lines other than front lot line or rear lot line.
- (178) "Lot width" shall mean the horizontal (plan view) distance between the side lot lines as measured along the building front setback line.
- (179) "Maximum extent feasible" shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining maximum extent feasible.
- (180) "Medical clinic" shall mean an establishment where patients are admitted for examination and treatment on an outpatient basis by more than one (1) physician, dentist, other medical personnel, psychologist, or social worker, and where patients are not usually lodged overnight.
- (181) "Mixed use" shall mean the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses including, but not limited to, residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
- (182) "Mobile home" shall mean a transportable, single-family dwelling unit built on a permanent chassis with attached undercarriage consisting of springs, axles, wheels and hubs, and which is suitable for year-round occupancy and contains the same water supply, waste disposal and electrical conveniences as immobile housing. A mobile home is designed to be transported on streets to the place where it is to be occupied as a dwelling unit and may or may not be attached to a permanent foundation.
- (183) "Mobile home park" shall mean a parcel of land which has been planned, improved, or is currently used for the placement of mobile homes and contains more than one mobile home lot.
- (184) "Model home" shall mean a dwelling representative of other dwellings offered for sale or lease or to be built in an area of residential development within the City. Model home also includes a temporary and permitted use of a residential facility as a real estate sales office.
- (185) "Monopole" shall mean a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

- ~~(186) "Municipal civil infraction" shall mean a violation of a provision of this Land Development Code (Part Twelve) or Part Fourteen (Building and Housing Code) of the City of Hudson Codified Ordinances for which the remedy and/or penalty may be a civil fine, or other sanction other than a criminal penalty pursuant to Section 1212.03(b). A municipal civil infraction is not a lesser included offense of a criminal offense or of an ordinance violation that is not a municipal civil infraction.~~
- ~~(187) "Municipal civil infraction determination" shall mean a determination that a defendant is responsible for a municipal civil infraction by one (1) of the following:~~
- ~~(A) An admission of responsibility for the municipal civil infraction; or~~
- ~~(B) An admission of responsibility for the municipal civil infraction, with explanation.~~
- ~~(188) "Municipal civil infraction violation notice" shall mean a written notice prepared by an authorized enforcement official, directing a person to appear at the City of Hudson Police Department for the purpose of paying a civil fine and/or costs for a violation which is prescribed to be a municipal civil infraction.~~
- (189) "Neighborhood park" shall mean a park that serves the recreational and open space needs of residents of surrounding neighborhoods.
- (190) "Nonconforming building" shall mean a building that was lawful under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present setback, height, or other site development requirements of this Code.
- (191) "Nonconforming lot" shall mean a lot whose area, dimensions, or location were lawful under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Code.
- (192) "Nonconforming sign" shall mean any sign lawfully existing under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Code.
- (193) "Nonconforming structure" shall mean a structure that was lawful under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present setback, height, or other site development requirements of this Code.
- (194) "Nonconforming use" shall mean a use that was lawful under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Code.
- (195) "Nonconformities" shall mean a nonconforming use, sign, structure, or building.
- (196) "Nonresidential development" shall mean any public or private development, including civic, commercial, industrial, institutional, and other projects that does not provide housing or dwelling units for occupation other than on a transient basis (such as hotels). Any residential portion of a mixed-use development shall be defined as a residential development for purposes of the Residential Allocation System.
- (197) "Nude model studio" shall mean any place where a person who appears in a 'State of Nudity' or 'Semi-nudity' or who displays 'Specified Anatomical Areas' is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.
- (198) "Nudity, State of Nudity, or Nude" shall mean the exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully

opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

- (199) "Nursery, commercial" shall mean an establishment primarily engaged in the sale and/or cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.
- (200) "OBC antenna regulations" means the antenna regulations in the Ohio Building Code as adopted and amended.
- (201) "Off-street parking area" shall mean all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display, or operation of, motor vehicles, including driveways, entrance drives, or access drives in and to such areas, but not including public streets and rights-of-way.
- (202) "Off-street parking space" shall mean a demarcated area within a parking lot abutting an access lane and of such dimensions, as specified by this ordinance, to accommodate one (1) vehicle.
- (203) "Office, business or professional" shall mean an establishment providing executive, management, administrative, or professional services, including medical or dental services, but not involving the sale of merchandise, except as incidental to a permitted use. Such uses include, but are not limited to, real estate, insurance, property management, investment, travel, advertising, law, doctor, dentist, out-patient medical laboratories, architecture, design, engineering, accounting, and similar offices.
- (204) "Open space" shall mean any parcel or area of land or an area of water designed and intended for recreation, resource protection, amenity, and/or buffers. Open space shall not include areas set aside for public facilities, driveways, parking lots, other surfaces intended or designed for vehicular travel, and any other areas as set forth in Section 1207.05 of this Code.
- (205) "Open Space Conservation Subdivision" shall mean a subdivision in which lot sizes are reduced for the purpose of preserving larger contiguous blocks of open space while maintaining the underlying base density allowed on the site.
- (206) "Ordinary high-water mark" shall mean the line on the bank to which the high water ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation, or other appropriate means taking into consideration the characteristics of the surrounding areas, as determined by the City Manager. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark shall be measured so as to include the entire stream feature.
- (207) "Orient" shall mean to bring in relation to, or adjust to, the surroundings, situation, or environment; to place with the most important parts facing in certain directions; to set or arrange in a determinate position: to orient a building.
- (208) "Outdoor activity" shall mean any enterprise, operation, or activity that occurs in an unroofed area as part of a permitted use on a lot and any outdoor display of materials, machinery, vehicles, or things that may or may not be for sale or rent.
- (209) "Outdoor storage" shall mean the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.
- (210) "Overall access management plan" shall mean a plan that depicts the post-development flow of vehicular access to a site and where such flow interfaces with existing or proposed pedestrian, bicycle, and adjacent public street traffic.
- (211) "Overlay zone" shall mean a zoning district that encompasses one (1) or more underlying zones and that imposes additional or alternative requirements to that required by the underlying zone.

- (212) "Parking access" shall mean the area of a parking lot that allows motor vehicle ingress and egress from the street or way.
- (213) "Parking aisle" shall mean the traveled way by which cars enter and depart parking stalls or spaces.
- (214) "Parking area" shall mean any public or private area, under or outside a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.
- (215) "Parking lot" shall mean an off-street, ground-level open area for the temporary storage of motor vehicles.
- (216) "Parking, shared" shall mean joint use of a parking lot or area for more than one (1) use.
- (217) "Parking stall or space" shall mean the space or area in which vehicles park in a private or public parking lot or structure.
- (218) "Parking structure" shall mean a building or structure consisting of more than one (1) level and used to temporarily park or store motor vehicles.
- (219) "Party-in-interest" shall mean a person who has standing to appeal the final action, decision or order of the City Manager (or designee), a City board or a City commission to the Board of Zoning and Building Appeals, Planning Commission or City to the extent an appeal is provided for in this Code. For purposes of this definition, a person who has standing is either:
- A. An applicant or owner of property (or properties) which is the subject of the application and for which a final action, decision, or order is rendered by the City Manager (or designee), a City board or a City commission; or
 - B. A person who meets both of the following criteria:
 - i. A person who testified in person, or was represented in person through an authorized legal representative, before the Planning Commission at a hearing on the matter sought to be appealed; and
 - ii. Who owns property, or is a resident or tenant at a property, located within three hundred (300) feet of the property (or properties) which is the subject of the final action, decision or order of the Planning Commission.
- (220) "Pedestrian path" shall mean a facility physically separated from the roadway and intended for pedestrian use. A walking path is designed for the use of two-lane, two-way pedestrian traffic. Paths may be located within open space through a development, along an abandoned rail line or adjacent to an existing road. See "Trail" below.
- (221) "Pedestrian way." See "Pedestrian path" above.
- (222) "Performance standard" shall mean a criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental to a land use.
- (223) "Personal services" shall mean establishments primarily engaged in providing services generally involving the care of the person or such person's apparel, such as laundry and dry-cleaning retail outlets, portrait/photographic studios, beauty and barber shops, mailing and quick copy shops. Personal services shall also mean establishments engaged in the provision of informational, instructional, personal improvement, and similar services, such as portrait shops, photography studios, art and music schools, licensed massage therapists, driving schools, health and fitness studios, and handicraft or hobby instruction.
- (224) "Personal wireless services" shall mean commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by Federal law at 47 U.S.C. (332)(c)(7).

- (225) "Pet, household or domestic" shall mean any variety of domesticated creature, such as birds, cats, dogs, and hamsters, normally kept within a dwelling or residential yard area, but not including farm animals, exotic or wild animals, reptiles, insects, or snakes.
- (226) "Photography shop" shall mean a retail establishment that sells photography equipment, materials, and related supplies such as photo albums and frames, and which may also provide instruction and classes in photography.
- (227) "Photography studio" shall mean the workshop of a photographer, which may include the retail sale of portraits and/or photographs produced by the photographer and a photography shop.
- (228) "Places of religious worship" shall mean a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. Places of worship shall include churches, synagogues and the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture or stage productions.
- (229) "Planned development" shall mean a development of a property as a single entity for residential, commercial, industrial, or mixed residential/commercial/retail purposes, when the zoning regulations that would normally apply are superseded by controls that allow a more sensitive and more economical arrangement of buildings and streets on the site, and when development is spaced over a period of years in a predetermined program.
- (230) "Practical difficulty" shall mean an impediment to a permitted use of property resulting from strict compliance with any of the standards of the Code that is determined by the Board of Zoning and Building Appeals by its weighing of the factors set forth in Section 1204.03(a) of this Code.
- (231) "Preliminary plan" shall mean the preliminary drawings indicating the proposed layout of a subdivision to be submitted to the Planning Commission for its approval.
- (232) "Preschool." See "Day care center."
- (233) "Principal use" shall mean the primary or predominant use of any lot or parcel.
- (234) "Public facilities" shall mean transportation systems or facilities, water systems or facilities, waste water systems or facilities, storm drainage systems or facilities, fire, police and emergency medical services or facilities, electric utilities, gas utilities, cable facilities, and other public utilities.
- (235) "Public hearing" shall mean a formal meeting held pursuant to public notice, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance.
- (236) "Public use" shall mean any use intended to be conducted in a facility or upon land which is owned by and operated for public use by school districts or by City, County, State or Federal governments.
- (237) "Public safety and emergency services" shall mean a public use that provides police or fire services or services for personal injury or life threatening events including, but not limited to, ambulance, paramedic, or fire and rescue services.
- (238) "Public utility" shall mean a common carrier supplying electricity, telephones, natural gas, water, sewage disposal, railroads or similar public services, but shall not include mass transit or railroad depots or terminals or any similar traffic generating activity, or any person or entity that provides wireless telecommunication services to the public. See "Essential public utility and public services."
- (239) "Random selection" shall mean a selection from a group of applicants based upon chance.
- (240) "Rational method" shall mean a method used for estimating runoff from small drainage areas, usually pavement. The design discharge "Q" is obtained from the equation $Q = CiA$ where:

C = Coefficient of runoff.

i = Average rainfall intensity, in inches per hour, for a given storm frequency and for a duration equal to the time of concentration.

A = Drainage area, in acres.

The time of concentration is the time required for runoff to flow from the most remote point of the drainage area to the point of concentration. The point of concentration could be a culvert inlet or the checkpoint in a roadway ditch used to determine the need for protection. Time of concentration is ordinarily designated by T and is the summation of the time of overland flow "to" and time of ditch flow "td."

- (241) "Recording, radio, or television studio" shall mean a place for radio (oral), television (visual), or musical recording production. Radio or television studio shall mean only that part of a radio or television station from which the signal originates and shall not include the transmitter or antenna parts of the station.
- (242) "Recreational facility" shall mean a place designed and equipped for the conduct of sports and passive and active recreational activities.
- (243) "Recreational facility, commercial" shall mean a privately owned, for-profit recreational facility open to the public at large for a fee.
- (244) "Recreational facility, indoor" shall mean a permanently enclosed recreational facility.
- (245) "Recreation facility, outdoor" shall mean a recreational facility devoted to active sports or recreation such as go-cart tracks, miniature golf, golf driving ranges, skating rinks, archery ranges, and the like, but shall not include concert halls, stadiums, race tracks of any kind, or other similar facilities intended to attract large crowds in excess of one thousand (1,000) persons.
- (246) "Recreational facility, private-membership" shall mean a recreational facility for the exclusive use of more than three (3) families who are residents of a development or the members of the organization owning the lot, but not open to the general public, such as a pool or community room.
- (247) "Recreational vehicle and equipment" shall mean a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and may be designed as a temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes or designed to be used for recreational transportation, including but not limited to boats, boat trailers, small jet powered boats ridden by straddling a seat, and snowmobiles and their trailers.
- (248) "Repair services" shall mean an establishment primarily engaged in the provision of repair services to individuals, households, or other businesses, but excluding automotive or other vehicle repair and farm machinery and tractor repair. Typical uses include appliance repair shops, furniture repair and reupholstery shops, watch or jewelry repair shops, and musical instrument repair shops.
- ~~(249) "Repeat offense" shall mean a determination of responsibility for a second, or any subsequent, municipal civil infraction with regard to the same Code provision, committed by the same person within any three-year period, unless some other period is specifically provided with regard to a specific Code provision.~~
- (250) "Research laboratory" shall mean an industrial establishment or other facility engaged in scientific research, investigation, product engineering development, product development and testing, market development, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

- (251) "Reservation" shall mean a commitment for a residential development allotment in a future year.
- (252) "Resource recovery operations" shall mean an industrial establishment engaged in the process of obtaining materials or energy, particularly from solid waste.
- (253) "Restaurant" shall mean an establishment where the principal business is the sale of food and beverages in a ready-to-consume state where (1) fermented malt beverages, malt, special malt and vinous and spirituous liquors may be produced on the premises as an accessory use; (2) where there is no service to a customer in an automobile, and (3) where the design or principal method of operation consists of one (1) or more of the following:
- (A) A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages by a restaurant employee at the same table or counter at which the food and beverages are consumed; or
 - (B) A cafeteria or cafeteria-type operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant;
 - (C) A carryout and/or take out where food is prepared on the premises for consumption off the premises.
- (254) "Restaurant, drive-through," shall mean an establishment in which the principal business is the sale of foods or beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.
- (255) "Required parking" shall mean the minimum number of parking spaces required to be provided in connection with the particular use of a lot as specified by this Code.
- (256) "Residential development allotment" shall mean an award of a specific number of units from the annual residential development allocation by City Council. An allotment is an approval required as a condition precedent to obtaining a Zoning Certificate or filing a preliminary subdivision plan unless otherwise provided by this chapter.
- (257) "Residential unit" shall mean for purposes of a residential development allotment, a permanent residential dwelling which shall be counted in the following manner: One-half ($\frac{1}{2}$) unit for an efficiency living unit; one-third ($\frac{1}{3}$) unit for each occupant of a group home residence; one-sixth ($\frac{1}{6}$) unit for each occupant of an assisted living facility or institutional residence; one (1) unit for any other type of permanent dwelling unit; but no unit for an accessory dwelling unit, a bed and breakfast, hotel, or motel providing transient occupancy.
- (258) "Retail" shall mean establishments that sell or rent commonly used goods and merchandise for personal or household use, but excludes those uses classified more specifically in this section (e.g., adult businesses or restaurants). Typical uses include grocery stores, department stores, furniture stores, clothing stores, and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, household appliances, wallpaper, carpeting and floor coverings, art supplies, kitchen utensils, jewelry, drugs, cosmetics, books, notions, antiques, or automotive parts and accessories.
- (259) "Revegetation" shall mean restoration and mitigation measures for disturbed areas in accordance with the requirements of Chapter 1207 of this Code.
- (260) "Right-of-way" shall mean a strip of land dedicated to and/or improved for vehicular and/or pedestrian travel by the public.
- (261) "Roadway" or "road." See "Street" below.
- (262) "Satellite earth station" shall mean an antenna, usually parabolic in shape, designed and intended for transmitting or receiving television, radio or microwave signals to or from earth

satellites. This definition does not include a Small Antenna or a Conforming Commercial Earth Station.

- (263) "Schedule of fees" shall mean the list of charges adopted by resolution of the City Council, and not a part of this Code, to cover the costs of administering the review, decision, and/or appeal processes required by a development proposal, such costs to be borne by the developer, paid in advance, and subject to periodic revision by the City Council.
- (264) "School, elementary, secondary, or post-secondary" shall mean any building or part thereof used for instructional purposes and licensed by the State to provide elementary, secondary, or post-secondary education.
- (265) "Screening," as required or recommended by this Code, shall mean the use of landscaping or berms, fences, walls, or the like to mask structures or property uses from the view of users of public streets or occupants of adjacent properties.
- (266) "Self storage facility" shall mean a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or businesses solely for self-service storage of personal property, with no outdoor sales or storage.
- (267) "Seminudity, State of Seminudity, or Seminude" shall mean exposing to view with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.
- (268) "Setback" shall mean the minimum or maximum distance a building or structure shall be required to be situated from an adjacent lot line, except as modified according to this Code. Certain building projections and uses of the lot may extend into the setback area only as expressly allowed in this Code.
- (269) "Setback line" shall mean an imaginary line within a lot describing the limits within which building construction can occur, or any part of such line, as established by the required front, side, and rear yard depths for each zone district.
- (270) "Sexual encounter center" shall mean a business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration:
- (A) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is seminude.
- (271) "Showrooms and salesrooms for wholesale distribution" shall mean an establishment whose principal business is wholesale trade or distribution of manufactured products, supplies, and equipment, and which may include accessory offices.
- (272) "Sidewalk" shall mean a paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
- (273) "Sight distance" or "clear sight triangle" shall mean the minimum distance the driver of a vehicle can see unencumbered by intervening buildings, structures, land forms, or vegetation, to safely negotiate an intersection of streets, usually measured between three and one-half (3½) feet and eight (8) feet above the road surface.
- (274) "Sign" shall mean any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, product, place, activity, person, institution, organization, or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs, colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of an announcement,

direction, or advertisement. For the purpose of this Ordinance, the word "sign" does not include flag, pennant, badge, or insignia of any government or governmental agency.

- (276) "Sign, A-Frame" shall mean a temporary, pedestrian oriented, portable sign sometimes referred to as a Sandwich Board Sign that is comprised of two separate panels or faces typically joined together at the top of the panels or faces with a hinge and widened at the bottom of the sign to form a shape similar to that of the letter "A."
- (275) "Signable Area" shall mean that portion of a building façade that can accommodate a sign within an open area framed by the architectural elements of the building.
- (276) "Sign, Animated" shall mean any sign that uses flashing lights or movement of the sign or some element thereof, to depict action or create a special affect or scene.
- (277) "Sign, Awning or Canopy" shall mean any sign that is painted on, printed on or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window.
- (278) "Sign, Banner" shall mean a sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one (1) or more edges.
- (279) "Sign, Billboard" (synonymous with Off-site Advertising) shall mean a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot.
- (280) "Sign, Building" shall mean any sign attached parallel to any part of a building and including wall signs, awning or canopy signs and window signs.
- (281) "Sign, Changeable Copy" shall mean a portion of a sign with letters, characters, or graphics that are not permanently affixed to the structure, framing, or background allowing the letters, characters or graphics to be modified manually or by electronic or mechanical devices from time to time as situations change, such as a bulletin board or announcement board.
- (282) "Sign Face" shall mean the area or display surface used for the message.
- ~~(283) "Sign, Ideological" shall mean any temporary sign announcing an idea, opinion or position on a social or political issue and containing no commercial message.~~
- (284) "Sign, Illuminated" shall mean a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- (285) "Sign, Entrance or Exit" shall mean a sign located at the driveway entrance or exit and intended to provide for safe ingress and egress.
- (286) "Sign, Flag" shall mean a piece of flexible material having a distinctive size, color, and design, used as a symbol, standard, signal, or emblem.
- (287) "Sign, Ground" shall mean a sign supported from the ground and not attached to any building.
- (288) "Sign, Instructional" shall mean a sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers, or users as to matters of public safety or necessity such as but not limited to, specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including a sign erected by a public authority, utility, public service organization, or private industry that is intended to control traffic; direct, identify or inform the public; or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy. Instructional signs may, in addition to the instructional purposes, be used to express non-commercial speech.
- (289) "Sign, Marquee" shall mean a sign attached to a structure, other than an awning or canopy sign, projecting from a wall of a building above an entrance and extending over a street, sidewalk, or part thereof.

- (290) "Sign, Mobile" shall mean a sign that is on wheels, runners, casters, or has a frame to which wheels, runners, or casters may be affixed, parked trailers, parked vehicles, or other mobile devices, including tethered and/or anchored balloons.
- (291) "Signplate" shall mean a wall sign not exceeding two (2) square feet.
- (292) "Sign, Permanent" shall mean a sign that is not temporary.
- (293) "Sign, Projecting" shall mean a sign that is attached to a building wall and extending twelve (12) inches or more beyond the face of the wall.
- (294) "Sign, Roof" shall mean a sign erected, constructed or maintained wholly upon or over the roof or parapet wall of any building with the principal support on the roof structure.
- (295) "Sign, Temporary" shall mean a sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, attached to a structure or installed in the ground, and which contains information or message other than the name of the business or occupant and of duration less than the occupancy of the use.
- (296) "Sign, Wall" shall mean a sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall and not extending more than twelve (12) inches there from and which does not project above the roofline or beyond the corner of the building.
- (297) "Sign, Window" shall mean a sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building except for signs that are not legible from a distance of more than three (3) feet beyond the building in which such sign is located.
- (298) "Site" shall mean any lot, plot, or parcel of land or combination of contiguous lots or parcels of land.
- (299) "Site development" shall mean the improvement of a site in accordance with an approved site plan and zoning certificate (where applicable), including construction of buildings and structures and the rearrangement of the land surface.
- (300) "Site plan" shall mean the proposed layout of a lot showing all elements of the site development as well as utility and drainage lines, and existing buildings, structures, trees, and vegetation to remain.
- (301) "Small antenna includes the following: (i) an antenna that is designed to receive direct satellite service, including direct-to-home satellite service, that is one (1) meter or less in diameter, (ii) an antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint services, and that is one (1) meter or less in diameter or diagonal measurement, and (iii) an antenna that is designed to receive television broadcast or radio signals and is not parabolic in shape.
- (302) "Solar Energy Systems" shall mean devices that collect energy from the sun and convert light into electricity and/or use the sun's energy to heat water or another fluid such as oil or antifreeze.
- (A) "Solar Energy Systems—Freestanding Solar Array" shall mean a solar energy system not attached to a building which stands on its own, usually mounted on a pole or support framing.
- (B) "Solar Energy Systems—Panel" shall mean solar energy systems that consist of enclosed panels, usually rectangular in shape and secured onto the roof or wall of a building.
- (303) "Specified anatomical areas" shall mean:
- (A) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

- (B) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- (304) "Specified sexual activities" shall mean any of the following:
 - (A) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - (B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy;
 - (C) Excretory functions as part of or in connection with any of the activities set forth in [subsections] (A) or (B) above.
- (305) "Stormwater management plan" shall mean a plan to govern the collection, retention, and release of stormwater in a manner to minimize damage to downstream property.
- (306) "Stormwater detention basin" shall mean a facility for the temporary storage of stormwater runoff, constructed to receive and temporarily hold stormwater for release at a controlled rate. Such devices may include graded depressions in the ground, parking lots with concave surfaces, roof tops, or buried tanks or pipes.
- (307) "Stormwater retention basin" shall mean a facility, such as a pond, pool or basin, used for the permanent storage of stormwater runoff, constructed to receive and hold stormwater for release at a controlled rate.
- (308) "Story" means that portion of a building, between the surface of a floor and the ceiling immediately above it.
- (309) "Stream" shall mean a system including permanent or seasonally flowing water, a defined channel, flood plain, and riparian ecosystem. Streams have no defined size range, but generally are considered smaller than rivers.
- (310) "Stream corridor" shall mean the corridor defined by the stream's ordinary high water mark.
- (311) "Street" shall mean an improved vehicular passage within a right-of-way that primary means of access to abutting lots. The term "street" includes avenue, drive, circle, road, roadway, parkway, boulevard, or any other similar term.
- (312) "Street, arterial" shall mean a major arterial street and consisting of one (1) of the following roadway or roadway segments:
 - Barlow Road between Terex Road and Stow Road
 - Boston Mills Road (cont'd)
 - Darrow Road (State Route 91)
 - Hines Hill Road, West of Valley View Road
 - Main Street (State Route 91)
 - Norton Road, west of Darrow Road
 - Seasons Road
 - Stow Road
 - Streetsboro Road (State Route 303)
 - Terex Road

- (313) "Street, collector " shall mean a roadway other than an arterial street or a local street, that meets one (1) or more of the following criteria: serves both land access and traffic circulation in residential and commercial/industrial areas, penetrates residential neighborhoods, distributes and channels traffic between local streets and arterial streets.
- (314) "Street, cul-de-sac" shall mean a street with a single common ingress and egress and with a turnaround at the end.
- (315) "Street line" shall mean the edge of a street right-of-way where it abuts private property.
- (316) "Street, local" shall mean a roadway that meets one (1) or more of the following criteria: provides direct access to adjacent land, provides access to collector streets, carries no through traffic movement.
- (317) "Street, public" shall mean a right-of-way intended to be used for travel by the public, improved for such purpose, and accepted by the City of Hudson for perpetual maintenance.
- (318) "Streetscape" shall mean a design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.
- (319) "Structural framework" shall mean the supporting members of the exterior walls and roof of a building such as bearing walls, columns, beams, and girders.
- (320) "Structure" shall mean any manmade construction in, on, or over the ground or water. The term structure includes buildings and, among other things, stadiums, platforms, radio towers, sheds, storage bins, fences, and display signs.
- (320.1XXX) "Structure, Accessory" shall mean shall mean a building or structure detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.
- (321) "Subdivider or developer" shall mean any person, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale and lease of a development.
- (322) "Subdivision" shall mean:
- (A) The platting of a lot or the division of a lot, tract, or parcel of land into two (2) or more lots, plots, or sites for the purpose, whether immediate or future, of transfer of ownership; or
 - (B) The improvement of one (1) or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets; the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders; or division or allocation of land as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.
- (323) "Subdivision, minor" shall mean the subdivision of a parcel of land, after the original tract has been completely subdivided, into three (3) or fewer lots and that does not involve the opening, widening, or extension of any street or road or easements for access.
- (324) "Swimming pool" shall mean a structure whether in-ground, or above ground, for the containment of water in excess of eighteen (18) inches in depth or greater than one hundred (100) square feet in surface area for private, public, semi-public, or commercial use.
- (325) "Technically suitable" shall mean the location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the FCC to operate without a significant loss of communication capability within developed areas of the City.

- (326) "Telecommunication(s)" shall mean the technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or magnetic systems and includes the term "personal wireless services."
- (327) "Temporary housing" shall mean a dwelling that may be permitted pursuant to this Code to be placed on a lot that already contains one (1) dwelling, based on a family hardship encountered by the residents of the existing dwelling that can be cured during the extent of the hardship by the presence of the second dwelling.
- (328) "Thoroughfare Plan" shall mean the official plan of highways, primary, and secondary thoroughfares and parkways, designated as such on the Comprehensive Land Use Plan adopted by the Planning Commission, and including the proposed opening, widening, or extension of any streets or roads which have been declared necessary by the City in the public interest.
- (329) "Townhome. See "Dwelling, Townhome."
- (330) "Traffic impact study" shall mean a report analyzing anticipated roadway conditions with and without an applicant's development, and may also include a parking study and overall access management plan for the development site.
- (331) "Trail" shall mean a multipurpose path designed for use by pedestrians or bicyclists.
- (332) "Trailer" shall mean any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation, or use as a selling or advertising device, or use for the storage or conveyance for tools, equipment or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.
- (332.1) Trailer, utility – a non-motorized vehicle which is generally pulled by a motorized vehicle and features an open-top or enclosed cargo area and is used for the hauling.
- (333) "Transportation facility" shall mean mass transit stations including bus or rail terminals/stations, transfer points, and depots without vehicle repair or storage.
- (334) "Tree" shall mean any self-supporting woody plant, usually having a single woody trunk, and a potential DBH of two (2) inches or more.
- (335) "Tree, significant" shall mean any tree with a DBH of nine (9) inches or more.
- (336) "Truck" shall mean a motorized vehicle with a manufacturer-defined "curb weight" (fully-fueled vehicle weight with no passengers or cargo) of three (3) tons (6,000 pounds) or more and which is licensed by the Ohio Bureau of Motor Vehicles as a truck.
- (337) "Use" shall mean the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.
- (338) "Use, principal." See "Principal use."
- (339) "Variance" shall mean a grant by the Building and Zoning Board of Appeals permitting deviation from the provisions of this Code when the property is otherwise being used for a permitted use under this Code because the Board finds that exceptional or unusual conditions exist that are not common to other areas similarly situated and practical difficulty may result from strict compliance with a particular zoning standard, provided that such relief will not have the effect of nullifying or impairing the intent and purpose of the zoning standard. In determining "practical difficulty", the Board shall be guided by the factors set forth in Section 1204.03(a) of this Code. The term "variance" does not include a grant to allow a use not specifically permitted in this Code or a use expressly or by implication prohibited under the terms of this Code for the zoned district containing the property for which the variance is sought.
- (340) "Vegetation" shall mean trees, shrubs, or vines.

- (341) "Vehicle repair/services" shall mean any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of automobile, light trucks or vans, trailers, or recreational vehicles is conducted or rendered.
- (342) "Vehicle and equipment rentals" shall mean the use of any building, land area, or other premises for the rental of cars, light trucks, and/or light equipment, and shall not include vehicle repair/services.
- (343) "Vehicle sales" shall mean the use of any building, land area, or other premises for the display and sale or lease of any new or used car or light truck, and including outside storage of inventory, any warranty repair work, and other repair service conducted as an accessory use.
- (344) "Veterinary facility/small animal clinic" shall mean any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, and prevention of animal diseases wherein the animals are limited to dogs, cats and other comparable household and domestic pets and wherein short-term, overnight, indoor boarding of said animals is allowed as an accessory use.
- (345) "Violation" shall mean any act which is prohibited or made or declared to be unlawful or an offense under the Land Development Code (Part Twelve) or Part Fourteen (Building and Housing Code) of the Codified Ordinances, including affirmative acts as well as omissions and/or failures to act where the act is required by Part Twelve or Part Fourteen (Building and Housing Code) of the Codified Ordinances.
- (346) "Walkway. See "Pedestrian path."
- (347) "Warehouse" shall mean an establishment, conducted within a completely enclosed building, that is engaged in the storage of materials, equipment, or products that will be distributed to wholesalers or retailers.
- (348) "Warehousing, distribution, and enclosed storage" shall mean a use engaged in enclosed storage, wholesale, and/or distribution of manufactured products, supplies, and equipment, including accessory offices and showrooms, and including incidental retail sales, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.
- (349) "Wellhead Protection Area" shall mean those areas in an aquifer recharge area that are located within the one-mile and five-mile time of travel limits and that are shown on a map entitled "City of Hudson, Ohio, Wellhead Protection Areas Map," the original of which may be found at the office of the Director of the Community Development Department.
- (350) "Wireless telecommunication antenna" shall mean the physical device through which electromagnetic, wireless telecommunication signals authorized by the Federal Communications Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- (351) "Wireless telecommunication equipment shelter" shall mean the structure or cabinet in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
- (352) "Wireless telecommunication facility" shall mean a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services.
- (353) "Wireless telecommunication tower" shall mean any structure which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.
- (354) "Wetlands" shall mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

- (355) "Workshop" and "custom small industry" shall mean a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstery, custom care or motorcycle restoring, and other similar uses.
- (356) "Yard" shall mean the front, side, or rear area of a lot between the lot line and the setback line, extending open and unobstructed from the ground upward except as otherwise provided in this Code, and the depth of which is specified by the regulations for the zone district in which the lot is located.
- (357) "Yard depth" shall mean the shortest distance between a lot line and the adjacent parallel setback line on a lot.
- (358) "Yard, front" shall mean the yard between the front lot line and the front building line and extending to the side lot lines, and measured perpendicular to the building at its closest point to the front lot line.
- (359) "Yard, rear" shall mean the yard extending the full width of the lot between the rear lot line and rear building line and measured perpendicular to the building at its closest point to the rear lot line.
- (360) "Yard, side" shall mean the yard between the side lot line and the building, extending from the front yard to the rear yard, and measured perpendicular from the side lot line to the closest point of the building.
- (361) "Zero lot line" shall mean the location of a building on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.
- (362) "Zoning certificate" shall mean a written statement issued by the Community Development Department authorizing buildings, structures, or other uses consistent with the terms of this Code and for the purpose of carrying out and enforcing its provisions. Also referred to in this Code as "Certificate of Zoning Compliance."
- (363) "Zone or zoning district" shall mean a contiguous area of land on all parts of which the same uniform opportunities for development apply.
- (364) "Zoning district boundary" shall mean the perimeter line completely enclosing a zone district.
- (365) "Zoning Map" shall mean the official zoning map, showing all zone district and their boundaries, adopted by the city by ordinance, and as amended.

([Ord. No. 16-44](#), § 9, 7-19-2016; [Ord. No. 16-57](#), § 7, 12-20-2016; [Ord. No. 16-148](#), § 15, 2-21-2017)

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APPENDIX A. - SUBMITTAL REQUIREMENTS

Core Submittal Requirements (as Applicable)

1. A complete application form provided by the Community Development Department, copies of the plan or plat as required, and the required fee as established by City Council.
2. Name of Development or Subdivision; names of adjacent subdivisions.
3. Name and address, including telephone number of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the current proposal, giving grantor, grantee, date, and land records reference.
4. All existing subdivision plat notes, deed restrictions and/or restrictive covenants registered on the subject parcel.
5. Name and address, including telephone number, fax number and/or e-mail address of the professional person(s) responsible for site or subdivision design, for the design of public improvements, and for surveys.
6. Name and address of adjoining property owners from the latest assessment rolls within five hundred (500) feet of any perimeter property line of the site or subdivision.
7. A vicinity map, locating the subject property and showing streets and other general development of the surrounding area.
8. A drawing of the subject property at the required scale, with north arrow and date. This will include the location of the property by municipality and parcel number according to County real estate records. All plans and plan revisions shall be dated: month, day, year.
9. The approximate location, dimensions, and areas of all proposed or existing lots. A statement of the proposed use of the building sites or lots. Include the existing land use of the site and adjacent land, and location of existing buildings within 200 feet of the property line of the site or subdivision. Where applicable, list of lots, blocks, parcels and applicable acreages.
10. The approximate location, dimensions, and area of all parcels of land proposed to be set aside for open space, park or other public use, or for the use of property owners in the proposed development.
11. Location of property lines, existing easements and other restrictions, railroad rights-of-way, watercourses, wetlands, other natural features such as steep slope, rock out croppings and existing wooded areas. Also indicate limits of 100 year flood boundaries as defined by the Flood Insurance Rate Maps (FIRM) of the U.S. Department of Housing and Urban Development. (Available for review at the Community Development Department).
12. Tree and Vegetation Plan and Landscaping/Bufferyard Plan. (see following submittal requirements list).
13. Location, width, and names of all existing streets within or immediately adjacent to the property.
14. The approximate location and widths of proposed streets, and easements.
15. Location, sizes, elevations and slopes of existing sewers, water mains, storm drains, fire hydrants, culverts, gas, electric and telephone lines and other underground structures within the tract and immediately adjacent thereto; existing utility poles on or immediately adjacent to the site and utility rights-of-way.
16. Preliminary proposals for connection with existing water supply and sanitary sewage systems, preliminary provisions for storm water management; plans shall show the relationship with existing utility capacities.

17. Location of all existing oil and gas wells, easements, tank batteries, flow and sale lines, ingress and egress roads, and other activities usually associated with such oil and gas extraction within five hundred (500) feet of the site or subdivision boundaries.
18. A map of existing topography.
19. Zoning classifications and district boundaries applicable to the site or subdivision and surrounding property.
20. Demonstration of compliance with the requirements of this Land Development Code on any plans or proposals submitted. Provide check list of all materials submitted with dates of submission.
21. Anticipated impact on traffic levels and off-site circulation system. Traffic impact study demonstrating peak hour level of service pre-development and post-development and any recommended mitigation. Traffic impact studies shall be in accordance with the Hudson Guideline Manual for the "Preparation of a Traffic Impact Study." See Section 1207.13 Transportation, Circulation and Pedestrian Linkage.
22. Anticipated phases of development and timing. A development schedule shall indicate the approximate date when construction of the project or stages of the same can be expected to be completed, including the proposed phasing of construction of public improvements and recreational and common space areas.
23. Sketch Plan or Site Specific Development Plan shall include the following information:
 - a. Uses proposed;
 - b. Intensity or density of uses proposed;
 - c. Location of public and private open space;
 - d. Location of existing and proposed buildings on the site;
 - e. Road, street, and pedestrian networks proposed.
24. Anything that is digitally produced submitted in a format acceptable to the City.
25. Storm Water Pollution Prevention Plan.
26. Current deed.
27. Written authorization of all owners on deed.
28. Any special natural area or environmental study or report as requested by the Planning Director.
29. All existing subdivision plat notes, deed restrictions and/or restrictive covenants registered on the subject parcel.
30. Subject property is staked at time of application (property boundaries, building envelope, limits of disturbance, parking areas).
31. Record and application for an approval status of all necessary permits from state and county officials.

Pre-Application Review

Submittal Requirements for Pre-Application Review. The following core requirements shall be submitted as part of the application materials:

- 1, 2, 3, 5, and 23.

Site Plan Review (Other than Minor Development)

Core requirements except for 23. In addition, the following information shall be submitted:

32. A drawing of the subject property at a scale not less than one (1) inch equals one hundred (100) feet, on sheets no larger than thirty (30) inches by forty-two (42) inches.
33. Legal description of the property.
34. Indication of building envelopes and proposed limits of clearing.
35. Approximate square footage and approximate dimensions of each lot and the total acreage of the subject property.
36. Site/building plan (s) shall include the following:
 - a. Location of every existing and proposed building with the number of floors and gross floor area.
 - b. For multi-family residential developments, a statement of the average project density as well as the maximum density per acre in the project must be provided.
 - c. All modifications, changes, or additions to existing building(s) and structure(s) including floor area, heights, and setbacks.
 - d. Location and type of all proposed uses including approximate number of acres, gross floor area, and height as well as the approximate area of any proposed open space including the location of any proposed recreational amenities.
 - e. Location of all proposed pedestrian walkways.
 - f. Location and type of buffering proposed between single family residential, multi-family residential, and non-residential uses.
 - g. A description of the location and screening of waste facilities, loading facilities and other service structures.
37. A map of existing topography plotted in at least two (2) foot intervals. 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 staff prior to submitting application, to see which IEI elements should be included in the application.
38. The location and size of existing wells, and septic tanks.
39. Sign plan.
40. Either a copy of the notice of intent (NOI) application, or a statement that a notice of intent to file for a permit demonstrating compliance with National Pollution Discharge Elimination System (NPDES) will be sought.
41. Demonstrated compliance with the U.S. Army Corps of Engineer and Ohio EPA approvals for any activities disturbing wetland areas, including copies of permits.
42. Submittal of Improvement Plan(s) (See submittal requirements above).
43. Performance bond(s) for required improvements.

In tabular form, indicate the following information concerning the site: total area of site, total impervious cover, percentage of site covered by impervious cover, total building coverage, floor area to lot area ratio, gross flow area, % total area of undisturbed land with a breakdown by use.

In tabular form indicate the following information for each building: proposed use and square footage for each use within each structure on the site, number of stories, actual height, finished floor elevation, foundation type, and total square footage for building and for each floor.

44. Distances between buildings.
45. 8½ × 11 reduction of the site plans to be submitted prior to scheduled Board or Commission Meeting.
46. Location of external transformers or other equipment and detail of proposed screening.
47. Finished floor elevation of the ground floor and entrances to all buildings.
48. Any other information deemed necessary by the City to make a fully informed and deliberate decision on the site plan.

Conceptual Site Plan Review

1. A completed application form, a fee in the amount of \$250, and plan review escrow to be determined based on the size of the project.
2. The name of the proposed development and the names of adjacent subdivisions.
3. Contact information of the owner and citation of the last instrument conveying title.
4. Contact information of the designer(s), engineer(s), and surveyor(s).
5. Twelve (12) copies of plans that include:
 - a. Site plan showing all existing and proposed buildings, parking (including number of spaces), and access drive(s).
 - b. Environmental inventory including soil conditions, tree inventory, water features, wetlands, and any other natural topographical features.
 - c. Preliminary grading plan.
 - d. Stormwater management concept plan.
 - e. Uses proposed.
 - f. Intensity or density of uses proposed.
 - g. Location of public and private open space if required.
 - h. Road, street, and pedestrian networks proposed.
6. Any other information deemed necessary to provide informed feedback on the plan.

Site Plan Review for Minor Development

Core requirements except for: 6, 14, 15, 21, 22 and 23. (Minor Development is defined in Chapter 1203.09(d))

Tree and Vegetation Plan

Tree and Vegetation Plan Submittal Requirements. The following application materials shall be submitted:

7. A general site survey of all existing vegetation and tree cover on the site, by type, general location, density of vegetation, and percentage of site covered by tree canopy, including:
 - a. Deciduous trees;
 - b. Coniferous trees;
 - c. Woody shrubs;
8. A field-based survey depicting the location and species of all individual trees measuring 6 inches DBH and larger located inside of and within 25 feet of the proposed limits of disturbance.

All trees greater than 6 inches DBH that are proposed to be removed shall be noted on the survey.

9. Cost estimate of Tree and Vegetation Planting Improvements by a Registered Landscape Architect or qualified professional. This estimate will be used to determine the amount of security required for the development. The applicant will be required to submit a Letter of Credit for 125% of the value of the landscape estimate prior to issuance of a Zoning Certificate.

Landscaping/Bufferyard Plan

Plans must be at a reasonable scale to indicate all types of proposed landscaping improvements at a minimum of 1 inch = 20 feet and shall include the following information:

1. North arrow and scale.
2. The name of applicant/owner.
3. The dates the plans are submitted or revised.
4. All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, retaining walls, screens, fences, and other permanent features to be added and/or retained on site, including materials and techniques used.
5. All existing plant material to be removed or retained.
6. All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
7. Contour lines shall be shown if the grades are in excess of six percent (6%) slope.
8. Proposed elevation at sufficient locations and existing elevations of the site to clearly show the drainage patterns.
9. All property lines and easements.
10. Proposed limits of disturbance.
11. Included on all plans shall be a table listing the existing plant material to be retained and all proposed new plant material. This shall include the common and botanical names, sizes and other remarks as appropriate to describe the material selection.
12. Details shall be shown for the planting of trees, shrubs and ground cover within the bufferyard or landscaped area. Indicate placement of vegetation to mitigate any trees removed.
13. Cost estimate of Landscaping Improvements by a Registered Landscape Architect or qualified professional. This estimate will be used to determine the amount of security required for the development. The applicant will be required to submit a Letter of Credit for 125% of the value of the landscape estimate prior to issuance of a Zoning Certificate.
14. Proposed treatment of all ground surfaces.
15. Proposed landscape areas and general treatment such as berming, planting, sodding and walkways.
16. Plant list stating common name, caliper and quantity of proposed planting.
17. Typical planting specifications.
18. Location, proposed use, height and specifications (where applicable) of buildings and other structures, such as retaining walls, fences, outdoor storage tanks, air conditioning units and waste disposal units.
19. Detail of any proposed tree protection measures (i.e. tree guards).

20. Location of proposed roof-top mechanical equipment and detail of proposed screening.
21. Location of external transformers and detail of proposed screening.

Off-Street Parking and Loading

The following shall be indicated on plan drawings submitted (done at a minimum scale of 1 inch = 20 feet).

1. Number and location of off-street parking including handicapped, bicycle and motorcycle parking including typical dimensions of each.
2. The arrangement of parking aisles
3. The location of driveway entrances and buildings with dimensions.
4. Provisions for vehicular and pedestrian circulation.
5. The location of sidewalks, wheel stops, lighting and curbs on and adjacent to the property.
6. The location of utilities, barriers, shelters and signs.
7. The location of landscaped areas and a landscaping/ buffering plan for the parking lot with interior and perimeter landscaping indicated.
8. Typical cross sections of pavement.
9. Stormwater drainage facilities.
10. Any other information deemed necessary by the City to make a fully informed and deliberate decision on the parking plan.
11. Setbacks of parking areas to property lines.
12. Location and dimensions and required screening of loading areas.
13. Widths of all unobstructed access roadways and driveways with appropriate finished grades, widths, lengths, turnarounds and turning radii.
14. All frontage roads, intersections, entrance/exit ramps and driveways abutting and adjacent to subject property within 300' of side property lines.
15. Proposed operation of driveways on site plan (i.e. one-way or two-way), identifying and labeling all physical barriers to vehicular access.
16. Physical obstructions (utility poles, trees, storm sewer inlets etc.) in ROW which could affect sidewalks/driveway locations.
17. Dimensions of vertical clearance within fire lanes.
18. All off-street parking; number of required and provided parking spaces including location, number and type (standard, compact, handicapped) of actual parking spaces, dimension parking stall depth and width, stall angle, aisle width and width on internal driveways, number each parking space, show structural supports, turning radii, circulation and ramp grades in parking garages.
19. Location of all sidewalks pedestrian ramps between the off-site parking and the public entrances of the use, if handicapped spaces are located off-site.
20. Queue spaces or queuing areas for drive-through uses.
21. Location of external refuse collection areas and detail of proposed external refuse facility and screening.
22. Location of all loading and man doors.
23. Location of outdoor storage.

Exterior Lighting Plan

The following materials shall be submitted:

1. A layout of proposed all freestanding and wall-mounted lamp locations on site plan and landscaping plan.
2. Footcandle data included on a template from the light manufacturer which shows the ISO footcandle contours for the given fixture.
3. Description of the equipment (catalogue cuts).
4. Glare control devices.
5. Lamps.
6. Mounting heights and means.
7. Data shall be provided showing the cutoff angle of proposed lamps and demonstrating that nuisance glare is being minimized.

Minor Modifications

The following core requirements shall be submitted as part of the application materials: 1, 2, 3 and 5. In addition, the following application materials shall be submitted:

1. What is proposed to be modified and an explanation of why the change is being requested.
2. If applicable, Code citations to development standards that are sought to be modified due to practical difficulties, (see Section 1204.03 (a) of this Code).
3. Statement of compliance with standards of approval for minor modifications set forth in Section 1203.08 of this Code.
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 decision on the proposed minor modification.

Minor Subdivision

Core requirements except for 6, 7, 10, 14, 15, 21, 22, and 23. In addition, the following information shall be submitted:

1. A drawing of the subject property at a scale of not more than one (1) inch equals one hundred (100) feet. Acceptable plat sizes may be 8½ x 14; 11 x 17; 12 x 18; 18 x 24; or 24 x 36.
2. Tract and plat boundary lines, with length of courses to 1/100 foot and bearings to minutes.
3. Bearings and distances to street lines, section corners or permanent monuments.
4. Section lines tied to lines of subdivision by distances and bearings.
5. Length of all arcs, chords, radii, angles, curvature and tangent bearings.
6. Precise location and description of all monuments.
7. Minimum or intended building setback lines on all sublots.

8. Certification of the plat by engineer or surveyor to the effect that the plat represents a correct survey made by him and that all the monuments shown thereon actually exist, and that their location, size and material are as shown.
9. Legal description(s) of the subject parcel and lots.
10. Lot letters and lines to identify each inlot or site and inlots, outlots, or fractional lots within such plat, with precise property dimensions in feet and hundredths and with bearings or angles to street and alley or crosswalk way lines. All inlots or sites shall be identified by letter, consecutively starting with the letter "A."
11. Protective covenants shall be shown on the plat. However, they may be recorded as a part thereof in the form of a separate instrument provided appropriate reference is plainly shown on the plat.
12. All easements for rights-of-way provided for public services or utilities and any limitations of such easements.
13. If applicable, demonstrated compliance with the U.S. Army Corps of Engineers and Ohio EPA approvals for any activities disturbing wetland areas, including copies of permits.
14. Space for stamp of approval by City of Hudson Planning Commission.
15. Space for statement of approval by City Engineer with one line for signature and date.
16. Space for statement of approval by City Manager with one line for signature and date.
17. Notarized certification by owner of adoption of plat.
18. Any other information deemed necessary by the City to make a fully informed and deliberate decision on the minor subdivision approval.
19. Approximate square footage of each lot and the total acreage of the subject property.
20. Where a lot consolidation occurs, space for the following statement, with the blanks filled in as applicable: (The above described Parcel (letter) shall be attached to the Parcel (letter) owned by (name) located immediately to the (north/south/east/west) and shall not be sold separately therefrom without prior approval of the City of Hudson Planning Commission or its successor.
21. Recording Fee: The applicant agrees to pay the costs of recording of the plat by the Summit County Auditor. The City will return said original, recorded plat.
22. Eight and one-half (8½) by eleven (11) reduction of the site plans to be submitted prior to scheduled Board or Commission Meeting.

Preliminary Subdivision Plan

Core requirements, except for 23, 25 and 26. In addition, the following information shall be submitted:

1. A drawing of the subject property at a scale of no more than one (1) inch equals one hundred (100) feet, on sheets not larger than thirty inches by forty-two inches.
2. Section lines tied to lines of subdivision by distances and bearings.
3. Boundaries of the development indicated by a heavy line.
4. Minimum or intended building setback lines on all sublots or sites.
5. Approximate square footage of each lot and the total acreage of the subject property.
6. Indication of building envelopes and proposed limits of disturbance.
7. Preliminary landscaping plan. Include which trees are to be removed and where replaced.

8. 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 on-site or within 200 feet of the project boundary. 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.
9. A map of existing topography plotted in at least two (2) foot intervals.
10. Grading Plan showing finished contours at one (1) foot intervals.
11. The location and size of existing wells, and septic tanks.
12. If applicable, demonstrated compliance with the U.S. Army Corps of Engineers and Ohio EPA approvals for any activities disturbing wetland areas, including copies of permits.
13. Any other information deemed necessary by the City to make a fully informed and deliberate decision on the Preliminary Subdivision Plan.
14. A context diagram that graphically depicts how the development plan relates to its surrounding neighborhood or community context including the pedestrian, bike and street network within a minimum of 200 feet of the proposal on all sides.
15. Eight and one-half (8½) by eleven (11) reduction of the site plans to be submitted prior to scheduled Board or Commission Meeting.

Final Subdivision Plat

Core requirements, except for 23. In addition the following information shall be submitted:

1. A drawing of the subject property at a scale of no more than one (1) inch equals one hundred (100) feet, on sheets not larger than thirty by forty-two inches in size.
2. Indication of all parcels intended to be dedicated for public use.
3. Tract and plat boundary lines, with length of courses to 1/100 foot and bearings to minutes.
4. Bearings and distances to nearest established street lines, section corners or other permanent monuments.
5. Sections lines tied to lines of subdivision by distances and bearings.
6. Length of all arcs, chords, radii, angles, curvature and tangent bearings.
7. Precise location and description of all monuments.
8. Minimum or intended building setback lines on all sublots or sites.
9. Lot numbers and lines to identify each inlot or site and inlots, outlots, or fractional lots within such plat, with precise property dimensions in feet and hundredths and with bearings or angles to street and alley or crosswalk walk lines. All inlots or site shall be numbered consecutively starting with the number one.
10. Where applicable, protective covenants and all easements shall be shown on the plat or they may be recorded as a part thereof in the form of a separate instrument provided appropriate reference is plainly shown on plat.
11. Certification by a registered, professional civil engineer or surveyor to the effect that the plat represents a correct survey made by him and that all the monuments shown thereon actually exist, and that their location, size, and material area as shown.
12. If applicable, demonstrated compliance with the U.S. Army Corps of Engineers and Ohio EPA approvals for any activities disturbing wetland areas, including copies of permits.

13. Either a copy of the notice of intent (NOI) application, or a statement that a notice of intent to file for a permit demonstrating compliance with National Pollution Discharge Elimination System (NPDES) will be sought from the Ohio EPA.
14. An approved Preliminary Subdivision Plan.
15. Approved Improvement Plan(s) (see following for submittal requirements).
16. Performance bond(s) or other satisfactory guarantee(s) for improvements.
17. Space for statement of approval by City of Hudson Planning Commission with one line for date and signature.
18. Space for statement of approval by City Engineer with one line for signature and date.
19. Space for statement of approval by City Manager with one line for signature and date.
20. Notarized certification by owner of adoption of plat, and dedication of streets and/or public spaces.
21. Any other information deemed necessary by the City to make a fully informed and deliberate decision on the Final Subdivision Plat.
22. Approximate square footage of each lot and the total acreage of the subject property.
23. The deed volume and page of adjoining properties or the name and cabinet and slide or plat book and page of any plats which adjoin the area survey or platted.
24. Where a lot consolidation occurs, space for the following statement, with the blanks filled in as applicable: "The above described Parcel (letter) shall be attached to the Parcel (letter) owned by (name) located immediately to the (north/south/east/west) and shall not be sold separately therefrom without prior approval of the City of Hudson Planning Commission or its successor."
25. Recording Fee: The applicant agrees to pay the costs of recording of the plat by the County of Summit Auditor.
26. 8½ × 11 reduction of the site plans to be submitted prior to scheduled Board or Commission Meeting. The City will retain said original, recorded plat.

Improvement Plans

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet. The following shall be shown:

1. Sidewalks and street circulation plan, which shall include the following:
 - a. The location, grade, centerline radius and arc length of curves, pavement right-of-way and name of all proposed streets. Radii of all curves, lengths of tangents, and central angles on all streets shall be shown. Typical sections of streets and sidewalks should be shown. Profiles showing existing and proposed elevations along center lines of all roads.
 - b. The location and radius of all proposed curb returns and cul-de-sacs.
 - c. Location of all curb cuts and number and location of parking spaces.
 - d. Emergency ingress and egress plan.
2. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes, and catch basins; the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.

3. Indication of building envelopes and limits of clearing, show where vegetation and trees are to be removed and where replaced.
4. Tree protection and mitigation plan. (See Tree and Vegetation Plan Submittal Requirements)
5. Landscaping/ Buffering Plan. (See Landscaping/ Bufferyard Plan Submittal Requirements)
6. Grading Plan showing finished contours at one (1) foot intervals.
7. Stormwater Pollution Prevention Plan.
8. Exterior Lighting Plan (See Exterior Lighting Plan Submittal Requirements).
9. Drainage Plan including any proposed locations and sizes of stormwater runoff retention/ detention basins, sealed by a Professional Engineer.
10. Off-street Parking and Loading Plan.
11. Estimates of construction costs for required improvements.
12. Any other information deemed necessary by the City to make a fully informed and deliberate decision on the Improvement Plans.
13. Proposed stormwater management water quality techniques, and erosion and sedimentation control measures to be used during and after construction.
14. Retaining walls (top and bottom of wall spot elevations).
15. Where applicable, localized high-point for all driveway entrances.
16. Inverts and top of grate elevations for catch basins and manholes.
17. 8½ x 11 reduction of the site plans to be submitted prior to scheduled Board or Commission Meeting.

Preliminary Planned Development (PD) Plan

Core requirements, except for 23, 25 and 26.

Also include the same additional requirements as for a Preliminary Subdivision Plan. See submittal requirements for Preliminary Subdivision Plan, above. In addition, for Preliminary Planned Development Plans in District 5, applicant must submit Architectural Elevations. 8 ½ x 11 reduction of the site plans to be submitted prior to scheduled Board or Commission Meeting.

Final Planned Development (PD) Plan

Core requirements, except for 23; plus the same additional requirements as for a Final Subdivision Plat. See submittal requirements for Final Subdivision Plat above. In addition, the following information shall be submitted:

1. An approved Preliminary Planned Development (PD) Plan.
2. Any zoning or subdivision standards which are proposed to be modified or varied.
3. 8½ x 11 reduction of the site plans to be submitted prior to scheduled Board or Commission Meeting.

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.

Zoning Code Text Amendment

Submittal Requirements for Zoning Code Text Amendment. The following core requirements shall be submitted as part of the application materials: 1, 3, 6 and 24.

In addition the following application materials shall be submitted:

1. Text amendment proposed wording, and a written explanation of why change is requested.
2. Zoning Ordinance Sections that are proposed to be amended.
3. Affidavit of applicant, which establishes ownership and that the information being provided is correct.
4. If the text amendment would add an additional use to a Zone District, then a site specific development plan according to the above requirements for a Zoning Code Map amendment should be submitted.
5. Any other information deemed necessary by the City to make a fully informed and deliberate decision on the text amendment.

Conditional Use Application

Core requirements except for 4, 10, and 15.

In addition, the following application materials shall be submitted:

6. A development plan of the entire property being considered, drawn to a scale of not more than one (1) inch equals one hundred (100) feet, and showing the proposed site/building/sign plans.
7. Statement of compliance with all required conditions as set forth in Section 1203.05 of Land Development Code.
8. Affidavit of applicant, which establishes ownership and that the information being provided is correct.
9. Any other information deemed necessary by the City to make a fully informed and deliberate decision on the conditional use application.
10. 8 ½ x 11 reduction of the site plans to be submitted prior to scheduled Board or Commission Meeting.

Variance

Submittal Requirements for Variance. The following core requirements shall be submitted as part of the application materials: 1,3, 6, 8, and 9.

In addition the following application materials shall be submitted:

11. Statement of compliance with standards of approval of variances set forth in Section 1204.03 of Land Development Code.
12. If applicable, proposed site/building/sign plans, illustrating locations of required front, side and rear yard setback lines.
13. Land Development Code Sections applicable to request for variance.
14. Affidavit of applicant, which establishes ownership and that the information being provided is correct.
15. Any other information deemed necessary by the City to make a fully informed and deliberate decision on the variance request.
16. Explanation of any variance request from including reason(s) and justification(s) for the request(s).

17. 8½ x 11 reduction of the site plans to be submitted prior to scheduled Board or Commission Meeting.

Appeals to the BZBA of Administrative Decisions

The following core requirements shall be submitted as part of the application materials: 1, 3 and 6. In addition, the following application materials shall be submitted:

18. All records of proceedings and documents pertaining to the decision being appealed.
19. Land Development Code Ordinance Sections applicable to the appeal.
20. Affidavit of applicant, which establishes ownership and that the information being provided is correct.
21. Any other information deemed necessary by the City to make a fully informed and deliberate decision on the variance request.

Enlargement, Extension, Replacement, or Substitution of a Nonconforming Use or Structure.

The following core requirements shall be submitted as part of the application materials: 1,3, 6, 8, 9, and 23. In addition, the following application materials shall be submitted:

22. Proposed site/ building/ parking plans, illustrating locations of required front, side and rear yard setback lines. Such plans shall also illustrate size and location of existing building(s), as well as proposed areas of expansion.
23. Statement of compliance with standards of approval for nonconforming use/ structure standards set forth in Section 1206.05 of this Code.
24. Affidavit of applicant, which establishes ownership and that the information being provided is correct.
25. Any other information deemed necessary by the City to make a fully informed and deliberate decision on the proposed request.

Architecture and Historic Board of Review

(SEE SEPARATE INFORMATION)

APPENDIX B. - INDEX OF ECOLOGICAL INTEGRITY (IEI) INDIVIDUAL METRIC & COMPOSITE SCORES

Introduction

The following excerpts and IEI scores are taken verbatim from the December 1996 report entitled "Land Characterization Study, Hudson Ohio," which was prepared by ACRT, Inc. The complete report is available for review at the office of the Community Development Director.

ACRT, Inc. conducted a land characterization study for the City of Hudson, Ohio during 1996. The study was performed for the entire 25-square mile area within the City of Hudson using numerical rating system to show the relative ecological values of both undeveloped and developed land. The system, called the Index of Ecological Integrity (IEI), is a relatively new concept being used by municipalities for land use planning. The IEI is similar to other more intensive ecological indices used to assess rivers and streams (Ohio Environmental Protection Agency, 1987) and wetlands (Andreas and Lichvar, 1995).

The IEI is based on several criteria, or metrics, which are combined to form a composite score indicative of the general ecological quality of an area. Undeveloped land areas are delineated based on vegetation cover types, and developed areas are delineated according to development type and/or density. IEI values are based on aerial photographs as well as extensive field verification.

Summary of IEI Metrics

Each polygon [land area] is scored for several distinct criteria called metrics. The following is a summary of each metric [for undeveloped areas within the City of Hudson].

Level of Disturbance. The range of potential scores is zero to four with zero indicating the greatest amount of human-induced disturbance and four indicating the least amount of human-induced disturbance. Level of disturbance considers the effect of human activities on the area with the polygon, and also considers human activities within adjacent polygons that impact the environment of the subject polygon. This metric is used for both developed and undeveloped areas. Examples of the range of scores include:

- 0 - Large shopping mall, industrial complex, or high-density residential.
- 1 - Low to middle density residential, cemeteries, agricultural land.
- 2 - Successional fields and other areas recovering from past disturbances.
- 3 - Immature forest or mature forest adjacent to development.
- 4 - Mature forest land or climax vegetation surrounded by other natural area.

Habitat Quality. The range of potential scores is zero to four with zero indicating little or no habitat available to wildlife and four indicating unique and valuable habitats essential for desirable wildlife. This metric is used only for undeveloped areas. Examples of the range of scores include:

- 0 - Little or no available habitat for desirable wildlife.
- 1 - Limited cover or food sources for wildlife.
- 2 - Mid-successional habitats with acceptable levels of cover.
- 3 - Climax successional habitats requiring extensive time to develop.
- 4 - Exceptional habitat; nesting or breeding ground for rare, threatened, or endangered species; wildlife corridors.

Species Diversity. The range of potential scores is zero to four with zero indicating habitats dominated by monocultures and four indicating a rich mix of flora or fauna. This metric is used only for undeveloped areas. Examples include:

- 0 - Agricultural fields.
- 1 - Old fields with few trees.
- 2 - Even aged forests dominated by pioneer species.
- 3 - Uneven aged forests with developed canopy and understory.
- 4 - Exceptionally diverse forests and wetlands.

Hydrology. The range of potential scores is zero to four. This category considers the physical attributes of an area relative to the movement of water. It does not consider the biological attributes of wetlands, such as wildlife habitat. This metric is used only for undeveloped areas. Examples include:

- 0 - Barren fields and open soil.
- 1 - Upland fields.
- 2 - Forested uplands adjacent to wetlands.
- 3 - Forested wetlands.
- 4 - Natural wetlands serving as flood control basins.

In addition to the four metrics used in scoring undeveloped areas, two classes of qualifiers are used:

Impact on Adjacent Areas. This qualifier class recognizes that land use types may impact the quality of the environment in adjacent areas. The potential scores are as follows:

- 1 - Characteristics of polygon negatively impact adjacent areas, such as agricultural lands immediately adjacent to a stream.
- 0 - Characteristics of polygon have no significant impact on adjacent areas, such as a hardwood forest adjacent to a coniferous forest.
- +1 - Characteristics of polygon positively impact adjacent areas, such as an open field providing edge habitat to a surrounding forest.

Water Quality. For wetland polygons or polygons with included streams, water quality is considered. The potential scores include:

- 1 - Water quality is poor, such as a retention pond associated with a residential subdivision or an industrial development.
- 0 - Water quality is average.
- +1 - Water quality is superior, such as a stream flowing through a natural area.

The scores of the metrics are combined to form the composite IEI value.

Individual Metric and Composite IEI Scores for Undeveloped Areas

The following attachments show the individual and composite IEI scores for undeveloped areas within the City of Hudson.

Attachment 7:

COMPOSITE IEI SCORES FOR UNDEVELOPED AREAS COLOR REPRODUCTION OF UNDEVELOPED COMPOSITE HERE

APPENDIX C. - RECOMMENDED PLANTING LIST AND PLANTING SPECIFICATIONS

- (a) *Acceptable Deciduous Shade Trees*. These trees are hardy in zones 5-6 and reach a mature height as indicated by the following: Large - sixty (60) feet, Medium - forty (40) feet, and Small - twenty (20) feet. The * indicates trees suitable for street tree use.

CN = Common Plant Name

BN = Botanical Plant Name

SC = Specie Cultivars

LARGE TREES:

* CN: Green Ash

BN: *Fraxinus pennsylvanica lanceolata*

SC: Marshall Seedless, Patmore, Urbanite, Ledlaw

* CN: Beech, European

BN: *Fagus sylvatica*

SC:

CN: Catalpa

BN: *Catalpa* Spp.

SC:

CN: Coffeetree, Kentucky

BN: *Gymnocladus dioica*

SC:

* CN: Elm, Chinese

BN: *Ulmus parvifolia*

SC: Lace Bark Elm

* CN: Elm, Hybrids

BN: *Ulmus* spp. hybrids

SC: Frontier, Homestead, Pioneer, Urban and Regal

* CN: Filbert, Turkish

BN: *Corylus colurna*

SC:

* CN: Ginkgo

BN: *Ginkgo biloba* (male only)

SC: Autumn Gold; Fastigiata; Sentry

* CN: Hackberry, Common

BN: *Celtis occidentalis*

SC:

* CN: Hardy Rubber Tree

BN: *Eucommia ulmoides*

SC:

* CN: Linden, American

BN: *Tilia americana*

SC:

* CN: Linden, Crimean

BN: *Tilia x cuchlora*

SC:

* CN: Linden, Silver

BN: *Tilia tomentosa*

SC: Sterling

* CN: London Plane Tree

BN: *Platanus x acerfolia*

SC:

* CN: Maple, Freeman hybrid

BN: *Acer x freemanii*

SC: Assorted

* CN: Maple, Norway

BN: *Acer platanoides*

SC: Columnaire; Crimson King; Summershade, Superform, Olmstead, Cleveland

* CN: Maple, Red

BN: *Acer rubrum*

SC: Autumn Flame; October Glory; Red Sunset

CN: Maple, Sugar

BN: *Acer saccharum*

SC: Flax Hill, Majesty, Green Mountain, Commemoration, Wright Brothers

* CN: Oak, Pin

BN: *Quercus palustris*

SC: Sovereign; Crown Rite

* CN: Oak, Red

BN: *Quercus rubra*

SC:

* CN: Oak, White

BN: *Quercus bicolor*

SC:

* CN: Oak, Burr

BN: *Quercus macrocarpa*

SC:

* CN: Oak, Scarlet

BN: *Quercus coccinea*

SC:

* CN: Oak, Shingle

BN: *Quercus imbricaria*

SC:

* CN: Oak, Shumardi

BN: *Quercus shumardii*

SC:

* CN: Oak, Willow

BN: *Quercus phellos*

SC:

* CN: Oak, English

BN: *Quercus robur*

SC:

* CLN: Oak, Sawtooth

BN: *Quercus acutissima*

SC:

* CN: Poplar, Tulip

BN: *Liriodendron tulipifera*

SC:

* CN: Redwood, Dawn

BN: *Metasequoia glyptostroboides*

SC:

* CN: Sweetgum

BN: *Liquidambar styraciflua*

SC:

* CN: Black Tupelo or Sourgum

BN: *Nyssa sylvatica*

SC:

* CN: Ash, American

BN: *Fraxinus americana*

SC: Autumn Purple, *chicago regni*, Autumn Applause

MEDIUM TREES:

CN: Birch, River

BN: *Betula nigra*

SC:

* CN: Cork, Amur

BN: *Phellodendron amurense*

SC:

* CN: Honey Locust, Thornless

BN: *Gleditsia triacanthos*

SC: Moraine; Shademaster; Skyline; Imperial; Halka

* CN: American Hophornbeam

BN: *Ostrya virginiana*

SC:

CN: Hornbeam, Blue Beech

BN: *Carpinus caroliniana*

SC:

CN: Hornbeam, European

BN: *Carpinus betulus*, *Fastigiata*

SC:

* CN: Horsechestnut

BN: *Aesculus hippocastanum*

SC: Carved briotti

* CN: Katsura

BN: *Cercidiphyllum japonicum*

SC:

* CN: Linden, Littleleaf

BN: *Tilia cordata*

SC: Chancellor; Greenspire; June Bride

* CN Maple, Hedge

BN: *Acer Campestre*

SC: Queen Elizabeth

* CN: Pagoda, Japanese

BN: *Sophora japonica*

SC: Regent

CN: Sassafras

BN: *Sassafras albidum*

SC:

* CN: Tamarack or Larch

BN: *Larix decidua*

SC: Assorted cultivars

* CN: Yellowwood

BN: *Cladrastis lutea*

SC:

* CN: Zelkova, Japanese

BN: *Zelkova serrata*

SC: Green Vase, Halka

SMALL TREES:

* CN: Crabapple, Flowering

BN: *Malus* spp.

SC: Many spp. and cultivar.

CN: Dogwood spp.

BN: *Cornus* spp.

SC:

CN: White Fringetree

BN: *Chionunthus virginicus*

SC:

CN: Witchhazel

BN: *Hamamelis virginiana*

SC: Assorted spp. and cultivars

CN: Goldernrain Tree

BN: *Koelreutarid paniculata*

SC:

* CN: Hawthorn spp.

BN: *Crataegus* spp.

SC: Many spp. and cultivars

* CN: Hornbeam, European

BN: *Carpinus betulus*

SC: *Pyramidalis*, *Quercifolia*, or species

* CN: Lilac spp.

BN: *Syringa* spp.

SC: Assorted spp. and cultivars

CN: *Magnolia* spp.

BN: *Magnolia* spp.

SC: Assorted species and cultivars

* CN: Maple, Amur

BN: *Acer ginnala*

SC: Flame

* CN: Maple, Paperbark

BN: *Acer griseum*

SC:

* CN: Maple, Tatarian

BN: *Acer tataricum*

SC:

CN: Redbud, Eastern

BN: *Cercis canadensis*

SC:

* CN: Serviceberry

BN: *Amelanchier* spp.

SC: Assorted species/cultivars

* CN: Sourwood

BN: *Oxydendron arboreum*

CN: Franklinia

CN Stewartia

BN: *Stewartia pseudocamelia*:

- (b) *Acceptable Coniferous Trees*. These trees are hardy in zones 5-6 and reach a mature height not less than thirty (30) feet and, if not limbed-up, they can create a screen from the ground level up.

CN: Cedar, Eastern Red

BN: *Juniperus virginiana*

SC:

CN: Fir, Douglas

BN: *Pseudotsuga menziesii*

SC:

CN: Fir, White

BN: *Abies concolor*

SC:

CN: Hemlock, Canadian

BN: *Tsuga canadensis*

SC:

CN: Holly, American

BN: *Ilex opaca*

SC: *Xanthocarpa*

CN: Pine, Austrian

BN: *Pinus nigra*

SC:

CN: Pine, Scotch

BN: *Pinus sylvestris*

SC:

CN: Pine, White

BN: *Pinus strobus*

SC:

CN: Spruce, White

BN: *Picea glauca*

SC:

CN: Spruce, Norway

BN: Picea abies

SC:

CN: Arborvitae

BN: Thuja spp.

SC: Elegantissima, Pyramidalis, Plicata, Giant Green American

CN: Spruce, Serbian

BN: Picea omorika

SC:

CN: Eastern Arborvitae

BN: Thuja occidentalis

SC:

CN: Black Hills Spruce

BN: Picea glauca Densata

SC:

- (c) *Acceptable Deciduous Hedges and Shrubs.* These perennial woody plants are tolerant in zones 5-6 and are deciduous and reach a mature height not less than three (3) feet.

CN: Abelia, Glossy

BN: Abelia grandiflora

SC:

CN: Barberry, Wintergreen

BN: Berberis julianne

SC:

CN: Burning Bush

BN: *Euonymus alatus*

SC: Compactus

CN: Cinquefoil Shrub

BN: *Potentilla fruticosa*

SC:

CN: Smokebush

BN: *Cotinus coggygria*, *obovatus*

SC:

CN: Cotoneaster, Spreading

BN: *Cotoneaster apiculata*, *dammeri*

SC:

CN: Forsythia spp.

BN:

SC:

CN: Quince

BN: *Chaenomeles speciosa*

SC:

CN: Spiraea spp

BN:

SC:

CN: Viburnum spp

BN: Extensive list

SC:

CN: Fothergilla

BN: Fothergilla gardenii

SC:

CN: Slender Deutzia

BN: Deutzia gracilis

SC:

CN: Bottle brush Buckeye

BN: Aesculus parvifolia

SC:

CN: Lilac spp

BN: Syringa x chinensis, Syringa vulgaris, Syringa meyerii, Syringa patula "Miss Kim", Syringa pekinensis, Syringa x persica

SC:

CN: Flowering Quince

BN: Chaenomeles x

SC:

CN: Cornelian Cherry Dogwood

BN: Cornus mas

SC:

CN: Bush Cinquefoil

BN: Potentilla fruticosa

SC:

CN: Hybrid Witchhazel

BN: Hamamelis x intermedia "Diane"

SC:

CN: Leatherwood

BN: Dirca palustris

SC:

CN: Hydrangea spp.

BN:

SC:

CN: Red Osier Dogwood

BN: Cornus sericea

SC:

CN: Cutleaf Stephanandra (3' height)

BN: Stephanandra incisa "Crispa"

SC:

CN: Shrub Honeysuckle

BN: Lonicera spp.

SC:

CN: Summersweet

BN: Clethra alnifolia

SC:

CN: Sweetspire

BN: Itea

SC:

CN: Rose of Sharon

BN: Hibiscus syriacus

SC:

CN: Winged Euonymus

BN: Euonymus alata

SC:

CN: Bayberry

BN: Myrica pensylvanica

SC:

CN: Weigela

BN: Weigela florida

SC:

CN: Rugosa Rose

BN: Rosa rugosa

SC:

- (d) *Acceptable Coniferous Hedges and Shrubs.* These perennial woody plants are tolerant in zones 5-6 and are evergreen, and reach a mature height not less than three (3) feet.

CN: Boxwood, Korean

BN: Buxus microphylla koreana

SC:

CN: Holly, Blue

BN: Ilex x meserveae

SC: Blue Angel; Blue Prince; Blue Princess

CN: Holly, Japanese

BN: *Ilex crenata*

SC: Microphylla; Rotundifolia

CN: Juniper, Chinese

BN: *Juniperis chinensis*

SC: Hetzii; Keteleeri; Mint Julep; Robusta Green

CN: Pine, Mugho

BN: *Pinus mugo*

SC:

CN: Viburnum, Leatherleaf

BN: *Viburnum rhytidophyllum*

SC:

CN: Yew, Anglojap

BN: *Taxus x media*

SC: Brownii; Densiformis; Hicksii; Wardii; Rapandens

CN: Yew, Japanese

BN: *Taxus cuspidata*

SC: Capitata; Intermedia; Nana

CN: Yew, Spreading

BN: *Taxus x media*

SC:

CN: Rhododendron spp.

BN: Rhododendron spp.

SC: PJM, Rose Bay

CN: Mountain Laurel

BN: Kalmia latifolia

SC:

(e) *Acceptable Ground Cover.* These types of ground cover are tolerant in zones 5-6.

CN: Woolly Yarrow

BN: Achillea tomentosa

CN: Bugleweed

BN: Ajuga reptans

CN: Five Leaf Akebia

BN: Akebia quinata

CN: Alpine Rock-cress

BN: Arabis alpina

CN: Bearberry

BN: Arctostaphylos uva-ursi

CN: Sandwort

BN: Arenaria varieties

CN: Dutchman's Pipe

BN: Aristolochia durior

CN: Thrift

BN: *Armeria maritima*

CN: Beach Wormwood

BN: *Artemisia stelleriana*

CN: Wild Ginger

BN: *Asarum canadense*

CN: European Wild Ginger

BN: *Asarum europeaeum*

CN: Sweet Woodruff

BN: *Asperula odorata*

CN: Marsh Marigold

BN: *Caltha palustris*

CN: Carpathian Bellflower

BN: *Campanula carpatica*

CN: Snow-in-summer

BN: *Cerastium tomentosium*

CN: Hardy Plumbago

BN: *Ceratostigma plumbaginoides*

CN: Golden Clematis

BN: *Clematis tangutica*

CN: Lily-of-the-Valley

BN: *Convallaria majalis*

CN: Moonbeam Coreopsis

BN: *Coreopsis verticillata* "Moonbeam"

CN: Pink Threadleaf Coreopsis

BN: *Coreopsis verticillata* "Rosea"

CN: Bunchberry or Dwarf Cornel

BN: *Cornus canadensis*

CN: Cotoneaster

BN: Cotoneaster varieties

CN: Broom

BN: *Cytisus* varieties

CN: Pinks

BN: *Dianthus* varieties

CN: Trailing Arbutus

BN: *Epigaea repens*

CN: Bishop's Hat

BN: *Epimedium* varieties

CN: Wintercreeper

BN: *Euonymus fortunei* varieties

CN: Running Strawberry Bush

BN: *Euonymus obovatus*

CN: Wintergreen

BN: *Gaultheria procumbens*

CN: Wild Geranium

BN: *Geranium maculatum*

CN: Blood-Red Geranium

BN: *Geranium sanguineum*

CN: Creeping Gypsophila

BN: *Gypsophila repens rosea*

CN: English Ivy

BN: *Hedera helix* varieties

CN: Sun Rose

BN: *Helianthemum nummularia*

CN: Day Lily

BN: *Hemerocallis* varieties

CN: Hepatica

BN: *Hepatica acutiloba*

CN: Alumroot

BN: *Heuchera americana*

CN: Coral bells

BN *Heuchera sanguinea*

CN: Plantain Lily

BN: *Hosta* varieties, *Hosta*

CN: Golden Seal

BN: *Hydrastis canadensis*

CN: St. Johnswort

BN: *Hypericum* varieties

CN: Evergreen Candytuft

BN: *Iberis sempervirens*

CN: Dwarf Crested Iris

BN: *Iris cristata*

CN: Twinleaf

BN: *Jeffersonia diphylla*

CN: Juniper

BN: *Juniperus* varieties

CN: Dead Nettle

BN: *Lamium* varieties

CN: Dog Hobble

BN: *Leucothoe fontanesiana*

CN: Lily Turf

BN: Liriope varieties

CN: Trumpet Honeysuckle

BN: Lonicera sempervirens

CN: Moneywort

BN: Lysimachia nummularia

CN: Moonseed

BN: Menispermum canadense

CN: Partridge-Berry

BN: Mitchella repens

CN: Forget-Me-Not

BN: Myosotis scorpioides

CN: Prickly Pear

BN: Opuntia humifusa

CN: Common Wood Sorrel

BN: Oxalis montana

CN: Canby's Mountain Lover

BN: Pachistima canbyi

CN: Alleghany Spurge

BN: Pachysandra procumbens

CN: Japanese Spurge

BN: *Pachysandra terminalis*

CN: Virginia Creeper

BN: *Parthenocissus quinquefolia*

CN: Boston Ivy

BN: *Parthenocissus tricuspidata*

CN: Wild Blue Phlox

BN: *Phlox divaricata*

CN: Creeping Phlox

BN: *Phlox subulata*

CN: Solomon's Seal

BN: *Polygonatum pubescens*

CN: Silverlace Vine

BN: *Polygonum aubertii*

CN: Dwarf Lace Plant

BN: *Polygonum* varieties

CN: Silverwood Cinquefoil

BN: *Potentilla anseriana*

CN: Wineleaf Cinquefoil

BN: *Potentilla tridentata*

CN: Primrose

BN: *Primula* varieties

CN: Rose

BN: *Rosa* varieties

CN: Pearlwort

BN: *Sagina subulata*

CN: Bloodroot

BN: *Sanguinaria canadensis*

CN: Wild Stonecrop

BN: *Sedum* varieties

CN: Lamb's Ears

BN: *Stachys lanata*

CN: Germander

BN: *Teucrium chamaedrys*

CN: Foamflower

BN: *Tiarella cordifolia*

CN: Starflower

BN: *Trientalis borealis*

CN: Periwinkle

BN: *Vinca minor*

CN: Violets - Pansies

BN: Viola varieties

CN: Barren Strawberry

BN: Waldsteinia fragarioides

CN: Yellowroot

BN: Xanthorhiza simplicissima

(f) *Acceptable Vines.*

CN: Trumpetvine

BN: Campsis radicans

CN: Jackman Clematis

BN: Clematic x jackmanii

CN: Sweet Autumn Clematis

BN: Clematis maximowicziana

CN: American Bittersweet

BN: Celastris scandens

CN: Climbing Hydrangea

BN: Hydrangea anomala petiolaris

CN: Silverlace Vine

BN: Polygonum

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APPENDIX D. - ARCHITECTURAL DESIGN STANDARDS⁴

Footnotes:

--- (4) ---

Editor's note— Printed herein are the City of Hudson Architectural and Design Standards as set out by Ord. No. 99-58, adopted July 7, 1999; Ord. No. 00-172, adopted May 2, 2001; Ord. No. 02-127, adopted Sept. 4, 2002; Ord. No. 03-108, adopted Sept. 17, 2003; Ord. No. 05-82, adopted Aug. 17, 2005; and Ord. No. 05-143, adopted Nov. 16, 2005.

PART I: - PREAMBLE

Section I-1. - Purpose

Without limiting the generality of the Land Development Code, the City's interest in regulating the design of individual buildings and sites is determined in part by the extent to which they affect the "public realm" and the high quality character of the City. The City has a responsibility to maintain a high quality "public realm" and character. These Architectural Design Standards ("Standards") have been adopted in pursuit of these goals.

Section I-2. - Principles

Without limiting the generality of the Planning and Zoning Code, the purpose of these Standards is to protect Hudson's character and to preserve a high-quality built environment throughout Hudson. Five principles are given below. These principles are a summary of the values that people in Hudson found to be most important in establishing the character of the city. These principles are policies that provide the foundation of both the Standards and the architectural review process. The Architectural and Historic Board of Review (AHBR) shall look upon these principles as a framework for making discretionary decisions.

a. *The creation and maintenance of the "public realm" takes precedence over individual buildings.*

The "public realm" is that space occupied both in physical and visual terms by the public. It is created by such elements as the parts of the building that are visible from the street, the front yard, the sidewalk, street trees and lighting, and the street itself.

The historic residential and institutional areas of the City strongly influence the character of Hudson. Although the architecture of this area is diverse, it is held together by a strongly defined "public realm". The Green is also part of the "public realm". In the historic village, the "public realm" is clearly delineated by the consistency of narrow streets, mature street trees, sidewalks and the setback of buildings. The rhythm of houses and side yards provides another dimension of unity. The "public realm" in all areas of Hudson needs to have similar delineation, although the particular dimensions and details are scaled to new kinds of buildings and lot patterns.

b. *Buildings shall maintain a high level of architectural quality.*

Architectural quality does not refer to specific style or details, but to the general level of composition, materials, and design integrity. These Standards are not meant to encourage or discourage any particular style of building within Hudson. Quality building design is a complicated matter which needs to balance many competing requirements.

c. *The site plan and building shall respect the land and the environment in which they are placed.*

An attractive city takes advantage of its natural setting. Buildings should be sited to minimize regrading and to take advantage of natural features, including mature trees. For the most part, environmental issues are covered by the City's Land Development Code.

d. *There shall be architectural variety within a defined framework.*

The historic village displays a high degree of variety in its buildings. The overall environment is nonetheless coherent because of the strength of the urban framework and a general uniformity of building scale. Variety within this coherent framework enriches the "public realm".

e. *New buildings and alterations shall respect the existing context and framework.*

The design of any building shall be judged in reference to its site and the character of its surroundings, not as an independent object. The site plan for all new buildings shall be prepared with a clear understanding of the framework that exists or is being created in a particular area, through development standards, zoning and other regulations.

Section I-3. - Coordination with zoning and development standards

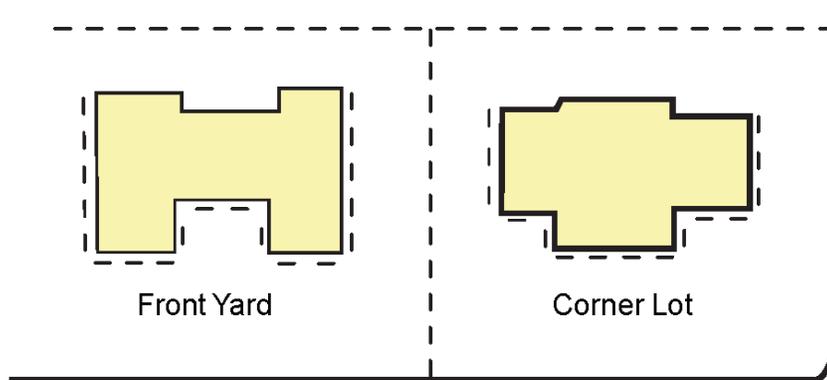
The normal process of review for new building projects will require the applicant to satisfy zoning and development standards prior to being reviewed by the AHBR. Applicants are advised to review the Land Development Code. Many issues of design, especially siting, landscaping, direction of approach and building orientation may be determined under prior review.

PART II: - PROCEDURES

Section II-1. - Approval and Discretion of the AHBR

- a. Proposals which the AHBR determines comply with the Standards shall be approved. Without limiting the discretion of the AHBR to make judgements rendered in accordance with these Standards, in no case shall an applicant be required to make changes to a proposal which are not supported by these Standards. The AHBR may offer additional advice and suggestions, at its discretion; however, such advice shall be clearly stated as such.
- b. In making architectural review decisions, the AHBR shall rely on the Standards and, where it is unclear that a project fulfills the Standards, the AHBR shall refer to the principles enumerated in Section I-2.
- c. The AHBR may waive any requirement of these Standards in order to approve a proposed project, if the AHBR finds that the project fulfills the five principles enumerated in Section I-2, and meets one of the following conditions:
 - (1) The project is an exceptional design, meaning that it is either especially creative or it is designed in response to unique situation, such as a very difficult site or an unusual program requirement.
 - or
 - (2) Exceptional and unique conditions exist that create a practical difficulty in complying with the requirements of these Standards. The AHBR should consider the factors enumerated in as defined in the Land Development Code in determining "practical difficulty".
- d. The AHBR shall review only those elements of the building which contribute to its exterior appearance, including the massing, roof, facade, signs, siting of the building, and landscaping. Building materials and colors should be compatible within the design scheme and to surrounding buildings.
 - (1) All sides of a building will be reviewed for compliance with these Standards, however, the public faces of a building may be held to a different standard. Public faces shall be defined as the front facade and the two sides adjoining the front facade. **(1)** Rear facades will not be subject to Standards which are specifically directed at public faces.
 - (2) All permanent signs shall comply with the Standards enumerated in Part V.

- (i) Signs that exceed two (2) square feet in area shall be reviewed by the AHBR to ensure compliance with these Standards.
- (ii) Signs that are two (2) square feet or less in area shall be reviewed by the Department of Community Development to ensure compliance with these Standards



**(1) Public Faces of a Building
Shown in Dotted Lines**

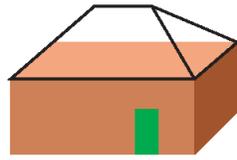
- e. Applicants shall, when required pursuant to this section, submit a Sign Plan for review and approval by the AHBR.
 - (1) A Sign Plan shall be required for all multi-occupant buildings and shall be submitted by the owner of a multi-occupant building whenever:
 - (i) A new multi-occupant building is constructed; or
 - (ii) An existing building is renovated, or remodeled and after the renovation or remodeling, there is more than one occupant that occupies the remodeled or renovated building; or
 - (iii) When a replacement sign is proposed for an existing multi-occupant building.
 - (2) The Sign Plan shall create a set of specific standards for sign design and placement on the proposed building, and on the site.
 - (3) The Sign Plan shall contain the following:
 - (i) Building sections and elevations drawn at an appropriate scale.
 - (ii) Computation of the maximum total sign area and the maximum area of signs for individual storefronts or building units affected by the Sign Plan.
 - (iii) An accurate indication on the elevation/section drawings of the location of each existing and proposed sign.
 - (4) The Sign Plan shall specify one or more standards for consistency among all signs on the multi-occupant building(s) included in the Sign Plan with regard to and in the priority of the elements listed below:
 - (i) Uniform sign placement and/or sign height;
 - (ii) Uniform size and/or shape;
 - (iii) Type of sign construction (materials) and letter components (i.e. sign panel vs. raised letters) and framing;
 - (iv) Type of lighting, and the type of lighting fixtures, if any;

(v) Uniform background colors or harmonious use of a limited range of complementary background colors, and/or harmonious use of a limited range of complementary colors for the sign lettering.

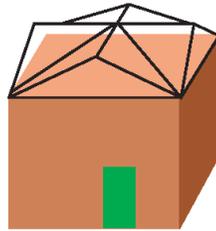
(5) The complexity of the Sign Plan shall be based on the level of variety/cohesiveness of the building architecture and the surrounding area. When a building exhibits a high degree of architectural uniformity, the Sign Plan should require a high degree of consistency among sign elements and, therefore should specify standards for most or all of the elements set forth in subsection (4) above.

Section II-2. - Procedures for Building Type Standards

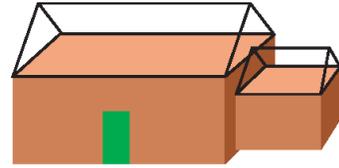
- a. *Building types.* These Standards are organized around the idea of building types. A set of buildings which have similar massing and entrances are considered to be the same type. Buildings of the same type may be used for different purposes, such as apartments or office buildings. Types are also distinguished from the idea of "style". The same type of building may be many different styles.
- b. *How to identify a type.* A building type is primarily identified by the number, shape, proportion, and relationship of the building masses. A secondary consideration is the location of the entrance(s). Architectural style, roof shape, material, building size, and land use are not indicators of type.
- c. *Hudson Types.* In order to preserve the character of Hudson, all new buildings built in Hudson are required to conform to one of the Hudson types more specifically described in Section IV. **(2)**
 - (1) Some building types are restricted for certain uses and in specific districts of Hudson. The Types/District Chart (Section II-3, below) lists these restrictions.
- d. *Use of type in these Standards.* In preparing an application for review under these Standards, the applicant and the AHBR shall use the following procedure.
 - (1) Locate the project within its zoning district of Hudson.
 - (2) Determine what building types are allowed or prohibited in that district and under what conditions from **II-3. Types/District Chart** .
 - (3) Identify the building type that most closely resembles the building that will be altered or built. Once the type is identified, the building design will be subject to all applicable Standards in Part III and to the type Standards for that type which are enumerated in Part IV of these Standards.



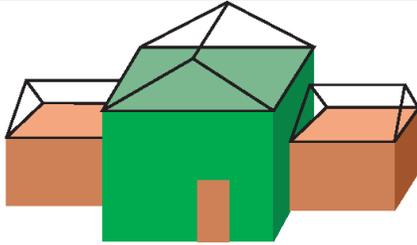
1 Single Story
Simple Mass



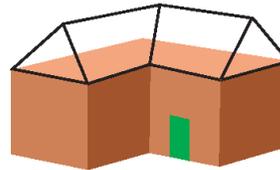
2 Two Story
Simple Mass



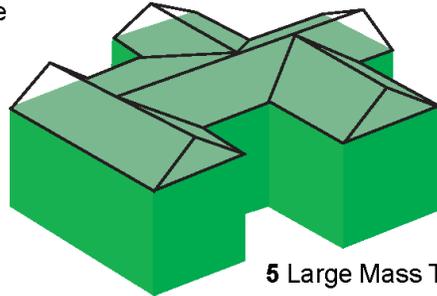
3 Single Story
Wing Type



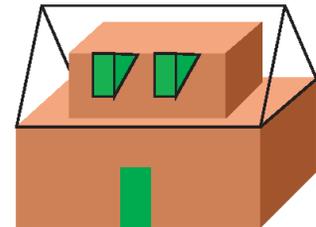
4 Wing Type



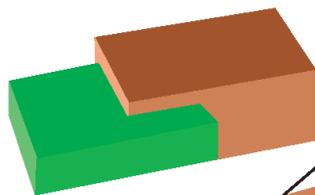
6 EII Type



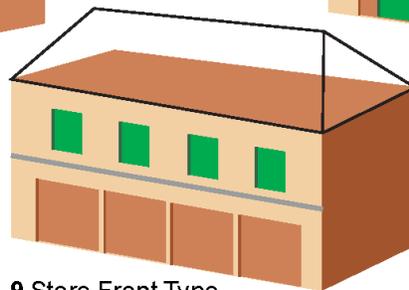
5 Large Mass Type



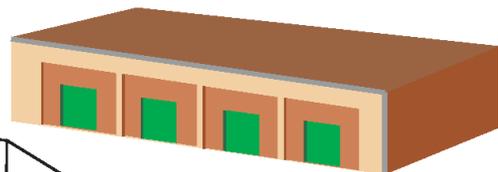
7 Cape Type



8 Intersecting
Mass Type



9 Store Front Type



10 Long Type

(2) Hudson Types

Section II-3 - Type/Districts Chart

Types	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8	District 9	District 10
	Suburban Residential Neighborhood	Rural Residential Conservation	Outer Village Residential Neighborhood	Village Residential Neighborhood	Village Core/ Historic District	Western Hudson Gateway	Village Outer Commercial Corridor	Industrial/ Business Park	Darrowville Commercial Corridor	Ravenna Road Corridor
1. Single story/simple mass type	Allowed for all uses	Allowed for all uses	Allowed for single family detached only	Allowed for single family detached only	Allowed for all uses*	Allowed for all residential uses	Allowed for all uses	Allowed for all uses	All uses except "street front buildings"	Allowed for all uses
2. Two story/simple mass	Allowed for all uses	Allowed for all uses	Allowed for all uses	Allowed for all uses	Allowed for all uses*	Allowed for all uses	Allowed for all uses	Allowed for all uses	Allowed for all uses	Allowed for all uses
3. Single story/wing type	Allowed for all uses	Allowed for all uses	Allowed for all uses	Allowed for all by-right residential uses except multi-family	Allowed for all uses*	Allowed for all uses	Allowed for all uses	Allowed for all uses	All uses except "street front buildings"	Allowed for all uses
4. Two story/wing type	Allowed for all uses	Allowed for all uses	Allowed for all uses	Allowed for all uses	Allowed for all uses*	Allowed for all uses	Allowed for all uses	Allowed for all uses	Allowed for all uses	Allowed for all uses
5. Large mass type	Allowed for all uses	Allowed for all uses	Allowed for all uses	Allowed for commercial, office and multi-family	Allowed for commercial, office and multi-family*	Allowed for all uses	Allowed for all uses	Allowed for all uses	All uses except "street front buildings"	Allowed for all uses
6. Ell type	Allowed for all uses	Allowed for all uses	Allowed for all uses	Allowed for all uses	Allowed for all uses*	Allowed for residential uses	Allowed for all uses	Not allowed	Allowed for all uses	Allowed for all uses
7. Cape type	Allowed for all uses	Allowed for all uses	Allowed for all uses	Allowed for all uses	Allowed for all uses*	Allowed for all uses	Allowed for all uses	Allowed for all uses	All uses except "street front buildings"	Allowed for all uses
8.	Allowed for	Allowed for	Allowed for all	Allowed for	Not	Not	Allowed for	Allowed	Not allowed	Allowed for

Intersecting mass type	recreational and conditional uses only	recreational and conditional uses only	uses	recreational and conditional uses only	allowed*	allowed	all uses	for all uses		recreational and conditional uses only
9. Storefront type	Not allowed	Not allowed	Not allowed	Not allowed	Allowed for all other commercial or mixed uses, but see note*	Allowed for retail or office use within planned development only	Allowed for all uses	Allowed for all uses by-right	All uses except "street front buildings"	Allowed for retail or office use
10. Long type	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Allowed for office use in planned development only	Allowed for all uses	Allowed for all uses	All uses except "street front buildings"	Not allowed

* The storefront type is the only allowed type on Main Street between Clinton and Park Lane.

PART III: - DESIGN STANDARDS FOR ALL BUILDINGS

Section III-1. - General Standards for all buildings

All buildings, regardless of building type and historic status, shall conform with the following Standards.

- a. *Responsibility to contribute to the public realm* . All buildings must contribute to the public realm in their design by presenting a well-designed public facade.
 - (1) The front door or main entrance to a building shall be visible from the street. An entrance to a public building shall be clear and visible from the street and not obscured by building masses or fences.
 - (2) Blank walls (without openings) are not allowed on public faces of any building. Trash and loading areas are allowed on side faces, if screened from the street.
 - (3) The design and massing of the building should acknowledge the primary direction of approach, in areas where one has been defined.
 - (4) Attached garages shall not face the street.
 - (5) Principal Residential Structures on Corner Lots.
 - (i) The building shall face the corner if the approach to the corner places the lot directly in the line of sight. All other siting and orientation requirements shall apply.
 - (ii) An attached garage shall be sited so that its door is not visible from the primary direction of approach.

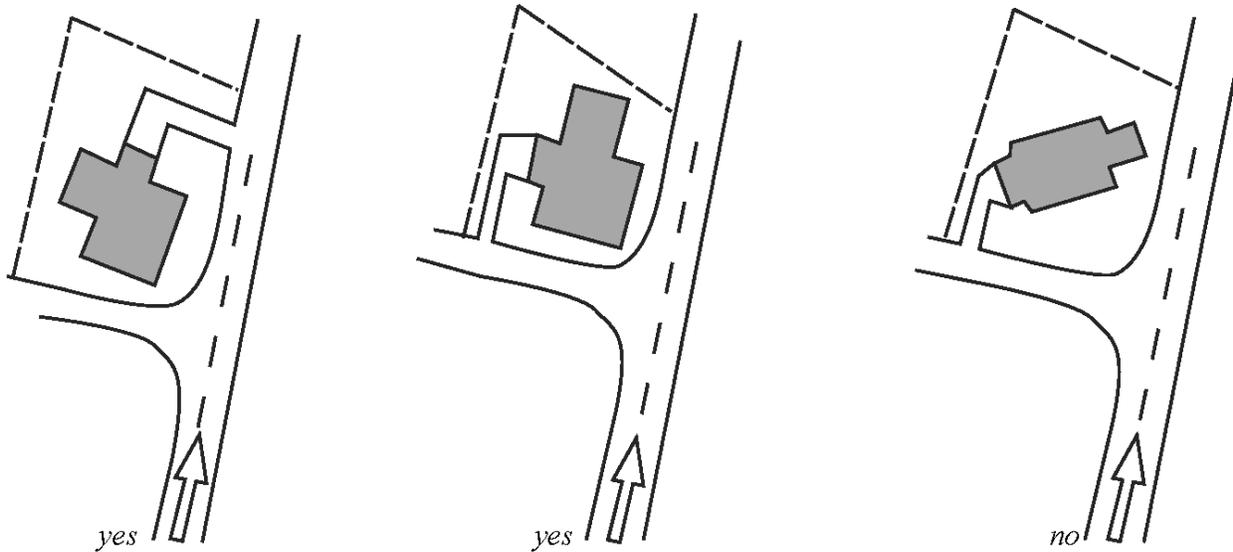


Figure 5a: Structures on Corner Lots

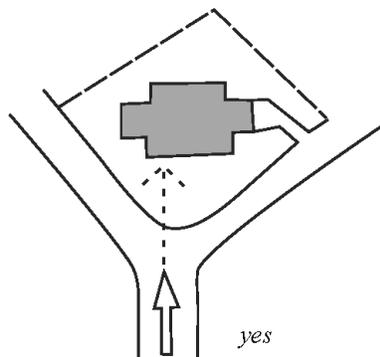
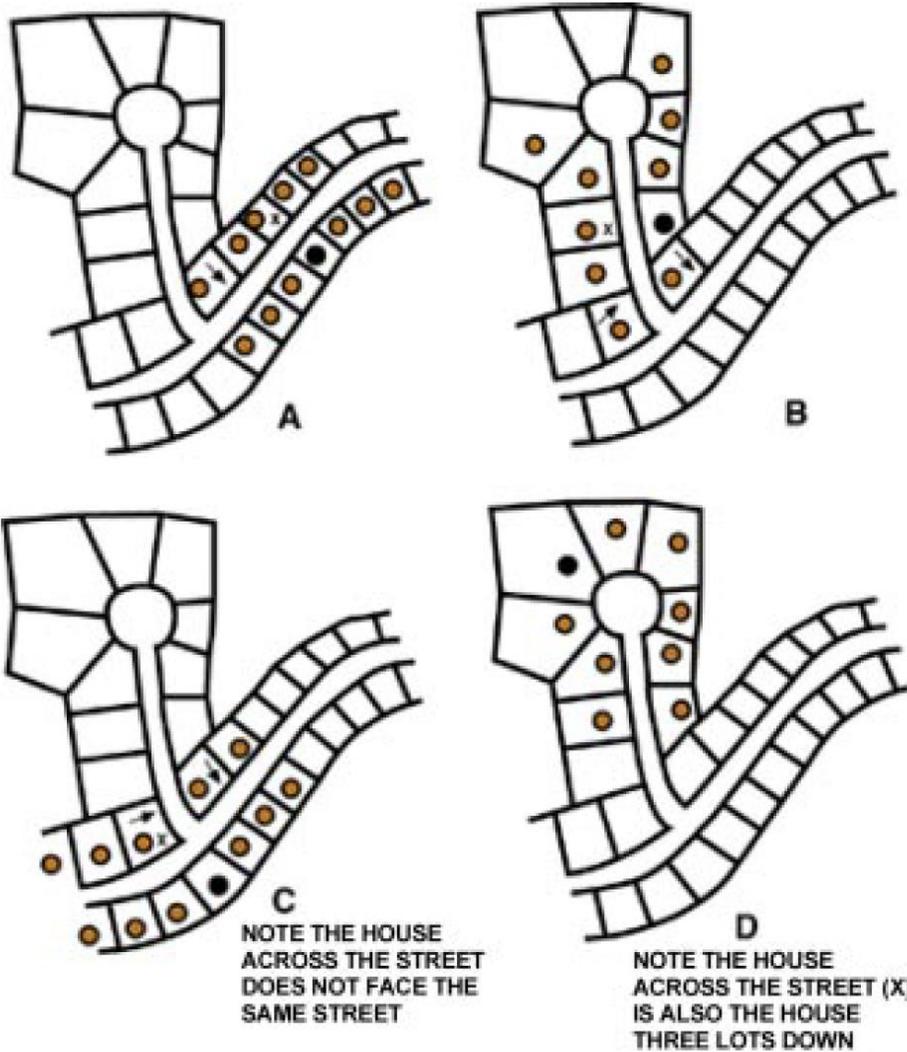


Figure 5b: Structure on Corner Lots Within Line of Sight

- (6) The overall design of the building and the site should take into account the general placement of signs so that all permanent signs and their associated lighting fixtures complement the appearance and architecture of the building and site.
 - (i) All new buildings and alterations to existing buildings should be designed to create appropriate and clearly identifiable locations for occupants' signs.
 - (ii) If a new or renovated building facade does not include a clearly identifiable location for a sign, the owner and AHBR will determine the appropriate location.
 - (iii) If a specific sign proposal is submitted with the building plans and is therefore available during the architectural review process, the sign proposal should be used as a guide for making the above determinations.
- b. *Requirements for variety.* Within a neighborhood or area, substantial variety in architectural style, types of ornament and detail, and materials is desirable.
 - (1) Single family or two family residential buildings in proximity to each other on the street shall not look alike. The property being reviewed shall be compared to the buildings on the three lots on either side of it, and to the building on the lot facing it across the street, and to

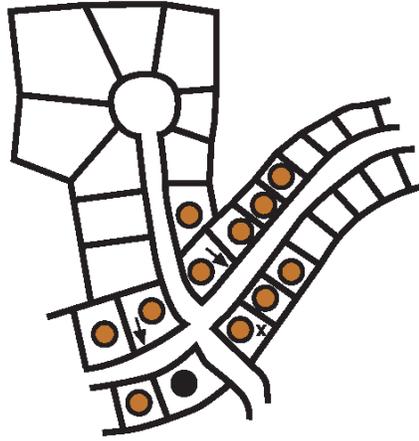
the two lots on either side of that building. **(3)** In cases where this description is not conclusive in determining the referent properties, the diagrams will prevail. Notwithstanding the above, the referent properties will not include any of the following:

- (i) Properties which face onto a different street than the proposed property, unless they are actually adjoining or directly across a street (as in a corner situation). (**3C** , and **3F**)
 - (ii) Properties where all parts of the house are outside a 1,000 ft. radius from the front door of the proposed house.(**3G**)
- (2) The following shall determine whether buildings "look alike".
- (i) Buildings which are different in type (as described in Part IV of these Standards) do not, by definition, look alike. **(2)**

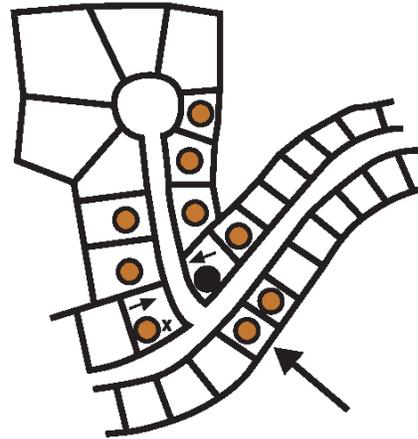


- SUBJECT PROPERTY
- REFERENT PROPERTY
- X LOT ACROSS THE STREET

(3)
"LOOK ALIKE" DIAGRAMS SHOWING SEVERAL EXAMPLES OF SUBJECT AND REFERENT PROPERTY CONFIGURATIONS



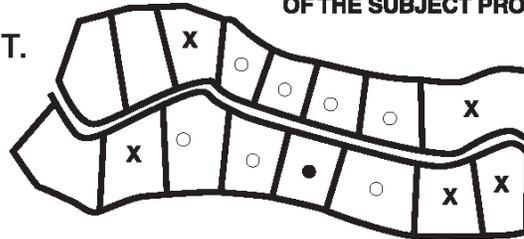
E



F THESE TWO HOUSES FACE A DIFFERENT STREET BUT ARE DIRECTLY ACROSS THE STREET

G SOME PART OF THE REFERENT-BUILDING MUST BE WITHIN 1000 FT. OF THE FRONT DOOR OF THE SUBJECT PROPERTY

1000 FT.



(3) PART 2
"LOOK ALIKE" DIAGRAM SHOWING
SEVERAL EXAMPLES OF SUBJECT
AND REFERENT PROPERTY
CONFIGURATIONS

- (ii) Buildings which are the same type must differ from one another in two of the following: A. wall material, B. architectural style, C. major features such as porches or turrets, D. organization and number of bays, E. wing configuration, or F. roof shape. These terms are defined in Appendix II.
- (3) Except in the case of accessory buildings, historic buildings or buildings contributing to a historic district, no requirement of these Standards shall be interpreted to require a particular architectural style for any building.
- c. *Architectural character.*
- (1) The main building of an institutional use shall have an architectural character consistent with its public nature. It shall be easily distinguished from residential buildings.
 - (2) The architecture of a commercial building may not act as a recognizable logo for a national corporation or franchise. The building architecture is deemed to be a "logo" when the specific business occupying the proposed building could still be easily identified if all the allowable signs were to be removed.
- d. *Accessory buildings (large).* Accessory buildings greater than 79 square feet in gross area shall bear the following relationship to the main structure of the property.

- (1) No accessory building may be larger in ground floor footprint or taller than the main body of the building, except for agricultural uses. The Planning and Zoning Code further restricts height in most districts.
 - (2) Enclosed accessory buildings shall incorporate some elements similar to the main body, for example similar corner boards, window types, or materials.
 - (3) The roof of an enclosed accessory building should be the same roof shape as the roof of the main structure.
 - (4) Open garden structures such as pergolas and gazebos, and enclosed greenhouses which are primarily glass, shall not be subject to the above restrictions.
 - (5) All facades (including the rear) over ten (10) feet long shall have at least one window or door opening. Fenestration placement on the accessory structure shall be proportional to the house.
- e. *Accessory buildings (small)*. Accessory buildings less than 79 square feet in gross area shall be screened from view from the public way to the extent possible on the site.
- (1) Accessory buildings less than 79 square feet in gross area shall be screened from view from the public way to the extent possible on the site.
 - (2) Small accessory structures shall not be constructed of prefabricated metal or synthetic panels.
- f. *Fences* .
- (1) The finished side of all walls and boundaries must face the common property line boundary, or the public way.
 - (2) Except in District 8, only the following fence materials shall be allowed: wood (or vinyl closely resembling wood), wrought iron (or aluminum closely resembling wrought iron), stone, or brick. All other fence materials, including chain link and vinyl-clad chain link, are prohibited unless substantially screened from public view by landscaping or other means.
 - (3) Fence heights and materials shall be compatible with their site location and surrounding development. Fences in the front yard shall be more formal in design and lower in height when sited close to the street or sidewalk. Fences in the rear yard offer more flexibility with greater allowance for height and design.
- g. *Details for New Residential Construction, Additions and Alterations*.
- (1) All steps in front of doors must be the full width of the opening, regardless of whether all portions of the opening are functioning doors. All steps shall incorporate closed risers and double handrails, when handrails are proposed.
 - (2) All chimneys must match the foundation material. Fireplace vents, when incorporated, shall be located at the rear elevation.
 - (3) Exposed foundations and tie courses shall be of a consistent material on all elevations.
 - (4) All skylights must be flat, no bubble type.
 - (5) All decks and porches without a perimeter foundation exposing more than eighteen (18) inches between the fascia and the grade must be screened with compatible materials or landscaping unless a full story is exposed below.
 - (6) Exposed exhaust or vent pipes shall not be evident on any of the facades of the building.
 - (7) Utility meters and equipment shall be located at the side and rear elevation.
 - (8) Large expanses of blank wall are to be avoided. Fenestration placement should be at a maximum of approximately every 12 feet.

- (9) Enclosed porches and additions on existing decks shall incorporate skirting material compatible with the structure.
- h. *Mechanical Equipment.* All mechanical equipment must be screened from public view whether on the ground (with acceptable fencing or landscaping), or on the roof (with parapets). Mechanical roof screens are not acceptable. A Sight Line study must be submitted showing mechanical equipment is not visible from the centerline of surrounding streets and property lines.

Section III-2. - Alterations to existing properties - all types.

The character of Hudson is preserved by maintaining the integrity of buildings as they are altered.

- a. *Alterations to non-historic buildings.* The following shall apply to all buildings which are not historic properties, as defined in Section III-2(b).
 - (1) In the case of an alteration to an existing property, an applicant must comply with the type design Standards in Part IV to the extent that they apply to the alteration itself.
 - (2) Applicants will be permitted to repair or replace existing non-conforming elements without bringing the element into conformance with the Standards, for example, shutters or windows may be replaced with essentially the same elements.
 - (3) If applicants propose to replace any element with another that is not the same (for example, aluminum windows for wood windows), the applicant will be required to conform fully with the Standards for those elements.
 - (4) Applicants may not be compelled to alter any part of the existing property which would otherwise not be affected by the proposed alteration.
 - (5) For existing buildings which do not conform to the type catalogue in Part IV, alterations will be allowed as long as they conform to the general principles enumerated in Section I-2, and they are compatible with the existing architectural style, materials, and massing of the building.
- b. *Standards for historic properties, all districts.* Historic properties include those buildings which are contributing to historic districts and buildings which are designated as historic landmarks by the City Council. Other buildings which have historic or architectural significance may be also be reviewed as historic properties with the mutual agreement of the AHBR and the applicant.
 - (1) Historic landmarks or buildings within historic districts which are greater than fifty years old will not be reviewed according to the type Standards in Part IV. Such buildings will be reviewed according to the Secretary of the Interior's Standards for Historic Rehabilitation (*see Appendix I*) and *National Park Service Preservation Briefs #14 and #16*.
 - (2) In altering historic properties, the applicant is advised to refer to historic surveys and style guides which have been prepared specifically for Hudson, including the **Uniform Architectural Criteria** by Chambers & Chambers, 1977; **Hudson: A Survey of History Buildings in an Ohio Town** by Lois Newkirk, 1989; and **Square Dealers**, by Eldredge and Graham.
 - (3) Hudson's Historic District and Historic Landmarks contain a wealth of properties with well preserved and maintained high quality historic building materials. The preservation of these materials is essential to the distinguishing character of individual properties and of the district. Deteriorated materials shall be repaired where feasible rather than replaced. In the event that replacement is appropriate, the new material should be compatible in composition, design, color, and texture.
 - (i). Use of Substitute materials for Historic Properties (as defined in Section III-2. b.).
 - (a.) The AHBR shall review detailed documentation of the existing site conditions.

- (b.) The AHBR shall request the patching and repair of existing materials.
 - (c.) If the repair or replacement of existing non-historic materials is requested, AHBR shall request removal of the non-historic material to expose the historic material so that it may be assessed.
 - (d.) If the AHBR concurs that the condition of the material requires replacement in some or all portions of the structure, like materials should be used. Substitute materials may be considered when the proposed materials do not alter the historic appearance of the structure, and the proposed materials are compatible in proportion, size, style, composition, design, color, and texture with the existing historic materials.
- (ii). Use of Substitute materials for proposed additions to existing historic properties.
 - (a.) The placement of the addition shall be reviewed to determine its visibility from the public realm.
 - (b.) Substitute materials are acceptable provided they are compatible in proportion, size, style, composition, design, color, and texture with the existing historic materials.
 - (iii). New freestanding structures and non-historic properties: The use of substitute materials is acceptable provided they are compatible in proportion, size, style, composition, design, color, and texture of historic materials.
 - (iv). All applications are subject to Section II-1(c).

Section III-3. - Combination types

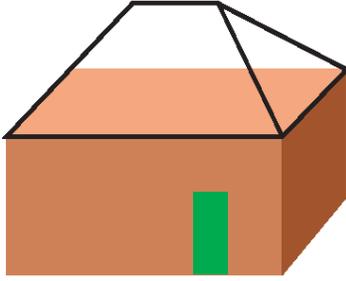
- a. Occasionally a structure will be proposed which appears to be a combination of two types. An example of this is the typical office/warehouse building, which has a single story simple mass attached to a long type building. In this case, the applicant may request that the building be reviewed as if it were two separate, but attached buildings. The board may approve such a building if it meets all the following conditions:
 - (1) The separated parts would meet the requirements of these Standards if they were not attached to each other.
 - (2) The two parts bear some relationship to each other in materials, details or design of openings.
 - (3) If either part is an historic building, the combination building meets or exceeds the Secretary's Standards.

PART IV: - BUILDING TYPES STANDARDS AND CATALOGUE

Applicants are advised to refer to Appendix II for definitions of mass, roof shape, wall materials, typical and special windows, projections, and regulating lines.

Section IV-1. - Single Story Simple Mass

- a. *Identifiers* . This type has a simple mass main body and no subordinate wings, except for small wings which extend from the rear of the main body. The main body is a single story tall and it is rectangular in shape. There may be minor recesses or projections in the main body. **(4)**
- b. *Mass* . The main body must be the largest visible mass.
 - (1) Rear wings may not be larger or taller than the main body of the structure, but they may be the same height.



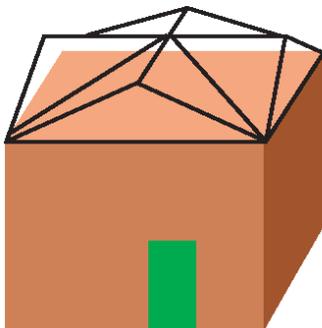
(4) Single Story Simple Mass

- (2) For new construction, an attached garage may be located in the main body of the building only if it is entered from back yard or side yard.
 - (3) In order to avoid very large, simple blocks of buildings, this type may not be used for new construction where the first floor plan is larger than 2,000 square feet in gross area.
- c. *Roof.* The roof of this type may be the following: gabled, hip, or gambrel; and any orientation (i.e. front facing gable). Flat roofs may be used for this type in specific districts only (see Chart).
- (1) Single roof planes covering over 1,000 square feet must be broken up by dormers, cross-ridges, minor roofs, chimneys or similar features.
- d. *Materials.*
- (1) The walls of the main body must be all one material, or an additional material may be used to call attention to the composition. For example a second material may be used on building projections gable ends, entrance recesses, or to emphasize the horizontal or vertical divisions of the building.
 - (2) The materials used in the main body must be applied consistently on that mass on all sides of the structure.
- e. *Openings.* The openings (doors and windows) in a structure generally define the composition the structure.
- (1) The main body may be symmetrical or asymmetrical, but must be designed to stand alone as a resolved composition.
 - (2) Doors and windows on the public faces of a building should be arranged so that they are regulated by a system of (invisible) parallel and perpendicular lines.
 - (3) The building shall have a typical window used for most windows.
 - (4) The main body may also have a special window type, to call attention to a special feature in the composition (e.g. centered over the door) or to use repetitively.
 - (5) Windows not on the public faces of a building may be arranged more informally and may vary in size.
- f. *Details.* Details include window casings and surrounds, cornices, railings, corner boards, half timbers, foundation walls, special brick coursing, quoins, shutters, and downspouts and gutters.
- (1) Details in the main body must be consistently applied throughout all sides of the main body.
 - (2) Exposed foundation walls may not be constructed of unparged concrete block or concrete.
- g. *Projections.* For the purpose of reviewing openings, materials and details, bays and other projections from the facade shall be treated as if they were part of the mass to which they are attached.

- (1) Roofs on projections should match the roof material of the building, and to the extent possible, shall be same kind of roof. Natural finish metals such as copper, terne coated steel, or lead may be substituted for any roofing material.
 - (2) Projections which extend out from the mass to which they are attached more than five feet will be treated as wings, except for open porches, and single story additions off the rear of multi-story dwellings. If the roof line of the addition intersects the roof line of the existing dwelling, then the addition shall be classified as a wing. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (3) Materials used on an open porch or screen room need not be the same as other materials in the structure, but should be related to materials used in the details of the structure.
 - (4) Projections should be carried through to the foundation.
- h. *Additions* . Additions to this type of building usually involve adding wings to the sides or the rear of the building.
- (1) An addition of a side or rear wing to this type requires that the wing and its relationship to the main body comply with requirements for wings as stated in Section IV-3.
 - (2) Projections may be added to the main body as long as these follow the guidelines in Section IV-1 part g.
 - (3) Additions should be designed to be compatible with the main structure by incorporating materials and a foundation to match. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
- i. *Alterations* . Alterations made to this type structure shall be allowed if the effect is to produce a structure which would be compatible with these guidelines.

Section IV-2. - Two Story Single Mass

- a. *Identifiers*. This type has a single mass main body and no subordinate wings, except for small wings which extend from the rear of the main body. The main body is two stories tall. In most cases, there are no significant recesses in the mass of the main body but there can be projections. **(5)**



(5) Two Story Simple Mass

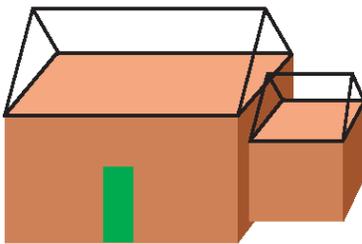
- b. *Mass* . The main body must be the largest visible mass.
- (1) Rear wings may not be larger or taller than the main body of the structure, but they may be the same height.
 - (2) In new construction, an attached garage may be located in the main body of the building only if it is entered from the side or rear yard.
 - (3) In order to avoid very large, simple blocks of buildings, this type may not be used for new construction where the first floor plan is larger than 2,000 square feet.

- c. *Roof.* The roof of this type may be any kind: flat, gabled, hip, gambrel; and any orientation (i.e. front facing gable).
 - (1) Single roof planes covering over 1,000 square feet must be broken up by dormers, cross-ridges, minor roofs, chimneys or similar features.
- d. *Materials.*
 - (1) The walls of the main body must be all one material, or an additional material may be used to call attention to the composition. For example a second material may be used on building projections gable ends, entrance recesses, or to emphasize the horizontal or vertical divisions of the building.
 - (2) The materials used in the main body must be applied consistently on that mass on all sides of the structure.
- e. *Openings.* The openings (doors and windows) in a structure generally define the composition the structure.
 - (1) The main body may be symmetrical or asymmetrical, but must be designed to stand alone as a resolved composition.
 - (2) Doors and windows on the public faces of a building should be arranged so that they are regulated by a system of (invisible) parallel and perpendicular lines.
 - (3) The building shall have a typical window used for most windows.
 - (4) The main body may also have up to two special window types, to call attention to a special feature in the composition (e.g. centered over the door) or to use repetitively.
 - (5) Windows not on the public faces of a building may be arranged more informally and may vary in size, but not style.
- f. *Details.* Details include window casings and surrounds, cornices, railings, corner boards, half timbers, foundation walls, special brick coursing, shutters, quoins, and downspouts and gutters.
 - (1) Details in the main body must be consistently applied throughout all sides of the main body.
 - (2) Exposed foundation walls may not be constructed of unparged concrete block or concrete
- g. *Projections* . For the purpose of reviewing openings, materials and details, bays and other projections from the facade shall be treated as if they were part of the mass to which they are attached.
 - (1) Roofs on projections should match the roof material of the building, and to the extent possible, shall be same kind of roof. Natural finish metals such as copper, terne coated steel, or lead may be substituted for any roofing material.
 - (2) Projections which extend out from the main body to which they are attached more than five feet will be treated as wings, except for open porches, and single story additions off the rear of multi-story dwellings. If the roof line of the addition intersects the roof line of the existing dwelling, then the addition shall be classified as a wing. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (3) Materials used on an open porch or screen room need not be the same as other materials in the structure, but should be related to materials used in the details of the structure.
 - (4) Projections on the ground floor should be carried through to the foundation. (*diagram*)
- h. *Additions.* Additions to this type of building usually involve the wings or the rear of the building.
 - (1) An addition of a side or rear wing to this type requires that the wing and its relationship to the main body comply with requirements for wings as stated in Section IV-4.

- (2) Projections may be added to the main body as long as these follow the guidelines in Section IV-2 part g.
- (3) Additions should be designed to be compatible with the main structure by incorporating materials and a foundation to match. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
- i. *Alterations* . Alterations made to this type structure shall be allowed if the effect is to produce a structure which would be compatible with these guidelines.

Section IV-3. - Single Story Wing Type

- a. *Identifiers* . This type has a main body and subordinate wings. The main body is a single story and centrally located in the structure and the front door is located in the main body. There are one or two wings which are smaller in size. There may be recesses and projections in the masses of the main body or wings. **(6)**



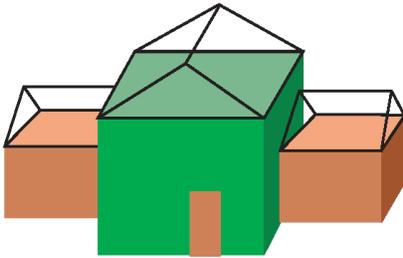
(6) Single Story Wing Type

- b. *Mass* . The main body must be the largest visible mass.
 - (1) Wings may not be larger or taller than the main body of the structure, but they may be the same height.
 - (2) The front face of the main body must sit forward at least 18" from the front face of the wings.
 - (3) In new construction, an attached garage may be located in a wing or in the main body, but must be entered from the side yard or from the rear.
- c. *Roof* . All roofs in all the wings must be of the same kind, but they may have a different pitch or orientation. Roofs shall not intersect a wall so as to cause a valley.
- d. *Materials* .
 - (1) The walls of the main body must be all one material, or an additional material may be used to call attention to the composition. For example a second material may be used on building projections, gable ends, entrance recesses, or to emphasize the horizontal or vertical divisions of the building.
 - (2) The wings may have a different material for the wall than the main body, but no more than two materials for the walls may be used on the structure.
 - (3) The materials used in any mass must be applied consistently on that mass on all sides of the structure.
- e. *Openings* . The openings (doors and windows) in a structure generally define the composition the structure.
 - (1) The main body may be symmetrical or asymmetrical, but must be designed to stand alone as a resolved composition.
 - (2) Wings usually have simple composition that is dependent on the main body.

- (3) Doors and windows on the public faces of a building should be arranged so that they are regulated by a system of (invisible) parallel and perpendicular lines.
 - (4) The building shall have a typical window used for most windows.
 - (5) The public faces of the building may also have up to three special windows, to call attention to a special feature in the composition (e.g., a picture window located in the center of the main body) or to use repetitively. No more than one type of special window may be used in any mass, except the main body, which may have two types of special windows.
 - (6) Windows not on the public faces of a building may be arranged more informally and may vary in size, but not style.
- f. *Details* . Details include window casings and surrounds, shutters, cornices, railings, corner boards, half timbers, foundation walls, special brick coursing, shutters, quoins, and downspouts and gutters, etc.
- (1) Details in the main body must be consistently applied throughout all sides of the main body.
 - (2) Details in a wing must be consistently applied throughout the sides of that wing.
 - (3) Details in the wings should be the same or subordinate to those in the main body. For example, a wing should not have an elaborate cornice if the main body has a simple one.
 - (4) Exposed foundation walls may not be constructed of unparged concrete block or concrete.
- g. *Projections*. For the purpose of reviewing openings, materials and details, bays and other projections from the facade shall be treated as if they were part of the mass to which they are attached.
- (1) Roofs on projections should match the roof material of the building, and to the extent possible, shall be same kind of roof. Natural finish metals such as copper, terne coated steel, or lead may be substituted for any roofing material.
 - (2) Projections which extend out from the mass to which they are attached more than five feet will be treated as wings, except for open porches, and single story additions off the rear of multi-story dwellings. If the roof line of the addition intersects the roof line of the existing dwelling, then the addition shall be classified as a wing. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (3) Materials used on an open porch or screen room need not be the same as other materials in the structure, but should be related to materials used in the details of the structure.
 - (4) Projections should be carried through to the foundation.
- h. *Additions* . Additions to this type of building usually involve the wings or the rear of the building.
- (1) An additional wing may be added to any mass of the building. This wing must be attached at the rear or side of the building and may not extend forward of the main body. Any added wing must follow the Standards set forth for wings in this building type.
 - (2) Wings may also be extended. In this case, the original wing and its extension shall be considered one wing and shall be reviewed as such under these Standards.
 - (3) Additions should be designed to be compatible with the main structure by incorporating materials and a foundation to match. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (4) Projections may be added to any mass as long as these follow the Standards in Section IV-1 part g.
- i. *Alterations* . Alterations made to this type structure shall be allowed if the effect is to produce a structure which would be compatible with these Standards.

Section IV-4. - Two Story Wing Type

- a. *Identifiers* . This type has a main body and subordinate wings. The main body is two stories tall and centrally located in the structure and the front door is located in the main body. There are one or two wings which are smaller in size. Wings may be one or two stories. In most cases, there are no significant recesses in the masses of the main body or wings, but there can be projections from these masses. **(7)**
- b. *Mass* . The main body must be the largest visible mass.
 - (1) Wings may not be larger or taller than the main body of the structure, but they may be the same height.



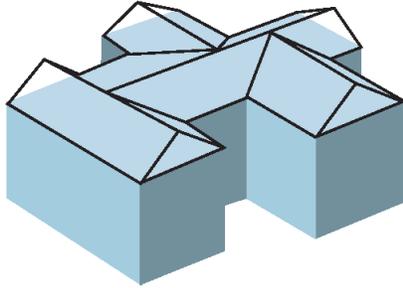
(7) Two Story Wing Type

- (2) The front face of the main body must sit forward at least 18" from the front face of the wings.
- (3) In new construction, an attached garage may be located in a wing or in the main body, but must be entered from the side yard or from the rear.
- c. *Roof*. All roofs in all the wings must be of the same shape as the main body, but they may have a different pitch or orientation. Roofs shall not intersect a wall so as to cause a valley.
- d. *Materials*.
 - (1) The walls of the main body must be all one material, or an additional material may be used to call attention to the composition. For example a second material may be used on building projections gable ends, entrance recesses, or to emphasize the horizontal or vertical divisions of the building.
 - (2) The wings may have a different material for the wall than the main body, but no more than two materials for the walls may be used on the structure.
 - (3) The materials used in any mass must be applied consistently on that mass on all sides of the structure.
- e. *Openings* . The openings (doors and windows) in a structure generally define the composition the structure.
 - (1) The main body may be symmetrical or asymmetrical, but must be designed to stand alone as a resolved composition.
 - (2) Wings usually have simple composition that is dependent on the main body.
 - (3) Doors and windows on the public faces of a building should be arranged so that they are regulated by a system of (invisible) parallel and perpendicular lines.
 - (4) The building shall have a typical window used for most windows.
 - (5) The public faces of the building may also have up to three special windows, to call attention to a special feature in the composition (e.g., a picture window located in the center of the main body) or to use repetitively. No more than one type of special window may be used in any mass, except the main body, which may have two types of special windows.
 - (6) Windows not on the public faces of a building may be arranged more informally and may vary in size, but not style.

- f. *Details* . Details include window casings and surrounds, cornices, railings, corner boards, half timbers, foundation walls, special brick coursing, quoins, shutters, and downspouts and gutters.
- (1) Details in the main body must be consistently applied throughout all sides of the main body.
 - (2) Details in a wing must be consistently applied throughout the sides of that wing.
 - (3) Details in the wings should be the same or subordinate to those in the main body. For example, a wing should not have an elaborate cornice if the main body has a simple one.
 - (4) Exposed foundation walls may not be constructed of unparged concrete block or concrete.
- g. *Projections* . For the purpose of reviewing openings, materials and details, bays and other projections from the facade shall be treated as if they were part of the mass to which they are attached.
- (1) Roofs on projections should match the roof material of the building (unless both roofs are flat) and to the extent possible, shall be same kind of roof. Natural finish metals such as copper, terne coated steel, or lead may be substituted for any roofing material.
 - (2) Projections which extend out from the mass to which they are attached more than five feet will be treated as wings, except for open porches, and single story additions off the rear of multi-story dwellings. If the roof line of the addition intersects the roof line of the existing dwelling, then the addition shall be classified as a wing. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (3) Materials used on an open porch or screen room need not be the same as other materials in the structure, but should be related to materials used in the details of the structure.
 - (4) Projections on the ground floor should be carried through to the foundation.
- h. *Additions* . Additions to this type of building usually involve the wings or the rear of the building.
- (1) An additional wing may be added to any mass of the building. This wing must be attached at the rear or side of the building and may not extend forward of the main body. Any added wing must follow the Standards set forth for wings in this building type.
 - (2) Wings may also be extended or made two-story. In this case, the original wing and its extension shall be considered one wing and shall be reviewed as such under these Standards.
 - (3) Additions should be designed to be compatible with the main structure by incorporating materials and a foundation to match. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (4) Projections may be added to any mass as long as these follow the Standards in Section IV-1 part g.
- i. *Alterations* . Alterations made to this type structure shall be allowed if the effect is to produce a structure which would be compatible with these Standards.

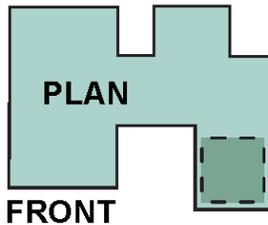
Section IV-5. - Large Mass Type

- a. *Identifiers* . This type has a complex massing with several large masses attached to each other. It does not have a dominant (forward) main body, but may have one or more central masses to which other masses are attached. Most of the building is two stories tall. It may have more than one entrance, and several subordinate wings or projections. **(8)**

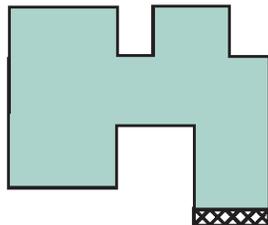


(8) Large Mass Type

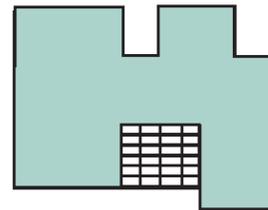
- b. *Mass* . This type may only be used for a structure which has a first floor greater in size than 2,500 square feet.
- (1) It may have more than one central mass of equal size. The building must be organized into small masses rather than one large block.
 - (2) Wings may occur on any of the masses and be the same size or smaller in height than the central masses.
 - (3) Wings may thrust forward from a central mass.
 - (4) An attached garage may not be located within a wing or a central mass that is the most forward of all the masses. **(9)**
 - (5) At least one entrance must face the street.



(9) Garage Not Allowed in Most Forward Mass



(10) Porches May Not Extend From Most Forward Mass



(11) Additions May Not In-Fill Between Masses

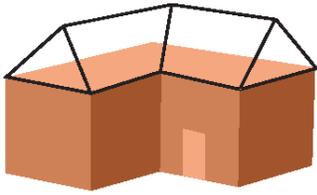
- c. *Roof* . The same roof shape must be used throughout the building for all roofs, except for turrets, towers and other unique masses, where a special roof may be used. Roofs may have different pitches and orientation. Roofs shall not intersect a wall so as to cause a valley.
- d. *Materials* . Materials are the prime method for providing continuity in a large building.
- (1) There will be a single dominant material used for all the walls of the building. A second material may be used for accenting certain features, for example a second material may be used on building projections gable ends, entrance recesses, or to emphasize the horizontal or vertical divisions of the building.
 - (2) The materials used in any mass must be consistently applied on that mass on all side of the building.
- e. *Openings* . Window and doors are the major method for establishing the composition.
- (1) Doors and windows on the public faces of a building should be arranged so that they are regulated by a system of (invisible) horizontal and vertical lines. The horizontal lines should be the same throughout the building.
 - (2) The building shall have typical window used for most windows.

- (3) Each mass may also have a special window type, to call attention to a special feature in the composition (e.g. centered over the door) or to use repetitively. No more than five different window types are allowed on the public faces of a building, including the typical window.
 - (4) Windows not on the public faces of a building may be arranged more informally and may vary in size, but not style.
- f. *Details* . Details include window casings and surrounds, cornices, railings, corner boards, half timbers, foundation walls, special brick coursing, quoins, and downspouts and gutters. A large mass type requires more detail and larger detail than other types.
- (1) Details in each mass must be consistently applied through all sides of that mass.
 - (2) Each side of a mass must have openings or other significant details (such as interesting wall articulation) to avoid blank expanses of wall.
 - (3) Exposed foundation walls may not be constructed of unparged concrete block or concrete.
- g. *Projections* . For the purpose of reviewing openings, materials and details, bays and other projections from the facade shall be treated as if they were part of the mass to which they are attached.
- (1) Roofs on projections should match the roof material of the building, and to the extent possible, shall be same kind of roof. Natural finish metals such as copper, terne coated steel, or lead may be substituted for any roofing material.
 - (2) Projections which extend out from the mass to which they are attached more than five feet will be treated as wings, except for open porches, and single story additions off the rear of multi-story dwellings. If the roof line of the addition intersects the roof line of the existing dwelling, then the addition shall be classified as a wing. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (3) Materials used on an open porch or screen room need not be the same as other materials in the structure, but should be related to materials used in the details of the structure.
 - (4) Projections on the ground floor should be carried through to the foundation.
 - (5) Porches may not extend outward from the most forward mass of the building. **(10)**
- h. *Additions* . Additions to this type of building usually involve the wings or the rear of the building.
- (1) An additional wing may be added to any mass of the building.
 - (2) No addition to a building will be allowed which has the effect of creating one large block out of two or more smaller masses. The organization of the building into smaller masses must be maintained. **(11)**
 - (3) Additions should be designed to be compatible with the main structure by incorporating materials and a foundation to match. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (4) Wings may also be extended or made two-story. In this case, the original wing and its extension shall be considered one wing and shall be reviewed as such under these Standards.
 - (5) Projections may be added to any mass as long as these follow the Standards in Section IV-5 part g.
- i. *Alterations* . Alterations made to this type structure shall be allowed if the effect is to produce a structure which would be compatible with these Standards.

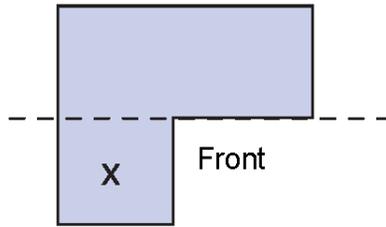
Section IV-6. - Ell Type

- a. *Identifiers* . This type consists of a single mass in an "ell" (the "ell body"). It is sometimes difficult to distinguish from a wing type, but usually the entrance of an ell house is located in the part of the ell

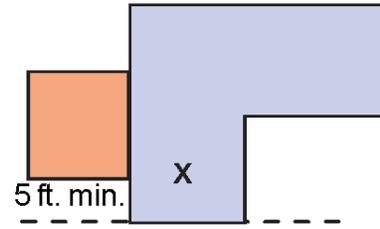
body furthestmost from the street. **(12)** The two parts of the ell body are the same in height and similar in size. The ell body is usually two stories tall, but it may be a single story.



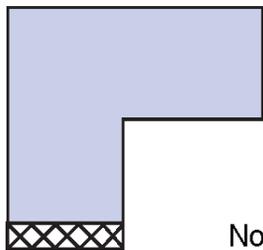
(12) Ell Type Showing the Ell Body with the Door in the Rear Part



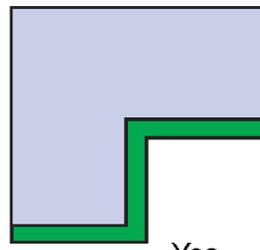
(13) Garage is not Allowed Forward of the Line of the Wall Where the Door is Located



(14) Wings Must Sit at Least Five Feet Behind the Forward Line of the Ell Body



No



Yes

(15) Porch may not Extend from the Forward Line of the Ell Body Unless it Covers More than One Side of the Building

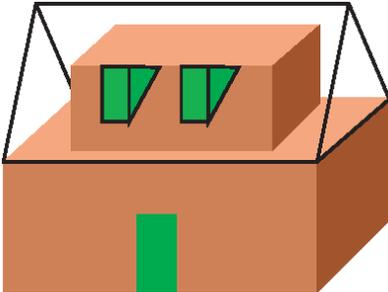
Subordinate wings may also be present; these may be one or two stories. In most cases, there are no significant recesses in the masses of the ell body or wings, but there can be projections from these masses.

- b. *Mass* . The ell body is treated as a single mass and it must be the largest mass.
 - (1) Wings may not be larger or taller than the ell body of the structure, but they may be the same height.
 - (2) An attached garage located in the ell body of the building or in a wing must have its entrance no further forward than the wall which contains the entrance door to the ell body. **(13)**
 - (3) Wings which are subordinate to the ell body must be located at least five feet behind the front line of the most forward part of the ell body. **(14)**
- c. *Roof* . All roofs in all the wings and the ell body must be of the same shape, but they may have a different pitch or orientation. Roofs shall not intersect a wall so as to cause a valley.
- d. *Materials*.
 - (1) The walls of the ell body must be all one material. An additional material may be used to call attention to features such as building projections, gable ends, entrance recesses, or to emphasize the horizontal or vertical divisions of the building.
 - (2) The wings may have a different material for the wall than the ell body, but no more than two materials for the walls may be used on the structure.
 - (3) The materials used in any mass, including the ell body, must be applied consistently on that mass on all sides of the structure.
- e. *Openings* . The openings (doors and windows) in a structure generally define the composition the structure.
 - (1) Doors and windows on the public faces of a building should be arranged so that they are regulated by a system of (invisible) vertical and horizontal lines.

- (2) The building shall have a typical window used for most windows.
 - (3) The public faces of the building may also have up to three special windows, to call attention to a special feature in the composition (e.g., a picture window located in the center of the ell body) or to use repetitively. No more than one type of special window may be used in any mass, except the ell body, which may have two types of special windows.
 - (4) Windows not on the public faces of a building may be arranged more informally and may vary in size, but not style.
- f. *Details* . Details include window casings and surrounds, cornices, railings, corner boards, half timbers, foundation walls, special brick coursing, quoins, and downspouts and gutters.
- (1) Details in the ell body must be consistently applied throughout all sides of the ell body.
 - (2) Details in a wing must be consistently applied throughout the sides of that wing.
 - (3) Details in the wings should be the same or subordinate to those in the ell body. For example, a wing should not have an elaborate cornice if the ell body has a simple one.
 - (4) Exposed foundation walls may not be constructed of unparged concrete block or concrete.
- g. *Projections* . For the purpose of reviewing openings, materials and details, bays and other projections from the facade shall be treated as if they were part of the mass to which they are attached.
- (1) Roofs on projections should match the roof material of the building, and to the extent possible, shall be same kind of roof. Natural finish metals such as copper, terne coated steel, or lead may be substituted for any roofing material.
 - (2) Projections which extend out from the mass to which they are attached more than five feet will be treated as wings, except for open porches, and single story additions off the rear of multi-story dwellings. If the roof line of the addition intersects the roof line of the existing dwelling, then the addition shall be classified as a wing. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (3) Materials used on an open porch or screen room need not be the same as other materials in the structure, but should be related to materials used in the details of the structure.
 - (4) Projections on the ground floor should be carried through to the foundation.
 - (5) No porch may extend from the most forward portion of the ell body, except for a wraparound porch which extends over more than one face of the ell body. **(15)**
- h. *Additions* . Additions to this type of building usually involve the wings or the rear of the building.
- (1) An additional wing may be added to the rear or side of the building. This wing must be attached to the ell body of the building. Any added wing must follow the Standards set forth for wings in this building type.
 - (2) Wings may also be extended or made two-story. In this case, the original wing and its extension shall be considered one wing and shall be reviewed as such under these Standards.
 - (3) Additions should be designed to be compatible with the main structure by incorporating materials and a foundation to match. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (4) Projections may be added to any mass as long as these follow the Standards in Section IV-6 part g.
- i. *Alterations* . Alterations made to this type structure shall be allowed if the effect is to produce a structure which would be compatible with these guidelines.

Section IV-7. - Cape type

- a. *Identifiers* . This type has a main body and may have subordinate wings. The main body is one and half stories tall and centrally located in the structure and the front door is located in the main body. The half story does not exhibit extensive wall area, being mostly contained within the volume of the roof and lighted by dormers. Wings are smaller in size than the main body and are a single story. **(15a)**
- b. *Mass* . The main body must be the largest visible mass.
 - (1) Wings may not be larger or taller than the main body of the structure, but they may be the same height.



(15a) Cape Type

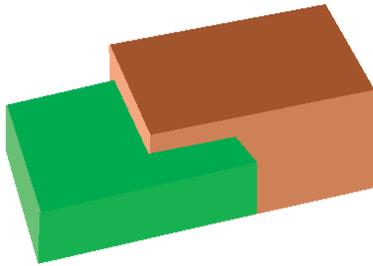
- (2) The front face of the main body must sit forward at least 18" from the front face of the wings.
- (3) In new construction, an attached garage may be located in a wing or in the main body, but must be entered from the side yard or from the rear.
- c. *Roof* . All roofs in all the wings must be of the same shape as the main body, but they may have a different pitch or orientation. Roofs shall not intersect a wall so as to cause a valley.
- d. *Materials*.
 - (1) The walls of the main body must be all one material, or an additional material may be used to call attention to the composition. For example a second material may be used on building projections gable ends, entrance recesses, or to emphasize the horizontal or vertical divisions of the building.
 - (2) The wings may have a different material for the wall than the main body, but no more than two materials for the walls may be used on the structure.
 - (3) The materials used in any mass must be applied consistently on that mass on all sides of the structure.
- e. *Openings* . The openings (doors and windows) in a structure generally define the composition the structure.
 - (1) The main body may be symmetrical or asymmetrical, but must be designed to stand alone as a resolved composition.
 - (2) Wings, if any, usually have a simple composition that is dependent on the main body.
 - (3) Doors and windows on the public faces of a building should be arranged so that they are regulated by a system of (invisible) parallel and perpendicular lines.
 - (4) The building shall have a typical window used for most windows.

- (5) The public faces of the building may also have up to two special windows, to call attention to a special feature in the composition (e.g., a picture window located in the center of the main body) or to use repetitively. No more than one type of special window may be used in any mass, except the main body, which may have two types of special windows.
 - (6) Windows not on the public faces of a building may be arranged more informally and may vary in size, but not style.
- f. *Details* . Details include window casings and surrounds, cornices, railings, corner boards, half timbers, foundation walls, special brick coursing, quoins, shutters, and downspouts and gutters.
- (1) Details in the main body must be consistently applied throughout all sides of the main body.
 - (2) Details in a wing must be consistently applied throughout the sides of that wing.
 - (3) Details in the wings should be the same or subordinate to those in the main body. For example, a wing should not have an elaborate cornice if the main body has a simple one.
 - (4) Exposed foundation walls may not be constructed of unparged concrete block.
- g. *Projections* . For the purpose of reviewing openings, materials and details, bays and other projections from the facade shall be treated as if they were part of the mass to which they are attached.
- (1) Roofs on projections should match the roof material of the building (unless both roofs are flat) and to the extent possible, shall be same kind of roof. Natural finish metals such as copper, terne coated steel, or lead may be substituted for any roofing material.
 - (2) Projections which extend out from the mass to which they are attached more than five feet will be treated as wings, except for open porches, and single story additions off the rear of multi-story dwellings. If the roof line of the addition intersects the roof line of the existing dwelling, then the addition shall be classified as a wing. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (3) Materials used on an open porch or screen room need not be the same as other materials in the structure, but should be related to materials used in the details of the structure.
 - (4) Projections on the ground floor should be carried through to the foundation.
- h. *Additions* . Additions to this type of building usually involve the wings or the rear of the building.
- (1) An additional wing may be added to any mass of the building. This wing must be attached at the rear or side of the building and may not extend forward of the main body. Any added wing must follow the Standards set forth for wings in this building type.
 - (2) Wings may also be extended. In this case, the original wing and its extension shall be considered one wing and shall be reviewed as such under these Standards.
 - (3) Additions should be designed to be compatible with the main structure by incorporating materials and a foundation to match. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (4) Projections may be added to any mass as long as these follow the Standards in Section IV-8 part g.
- i. *Alterations* . Alterations made to this type structure shall be allowed if the effect is to produce a structure which would be compatible with these Standards.

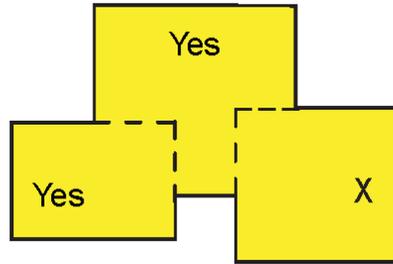
Section IV-8. - Intersecting mass type

- a. *Identifiers* . This type consists of two or more masses which appear to overlap. The main body is the largest mass and it acts as a kind of anchor to the building, that is, the smaller masses ("intersecting

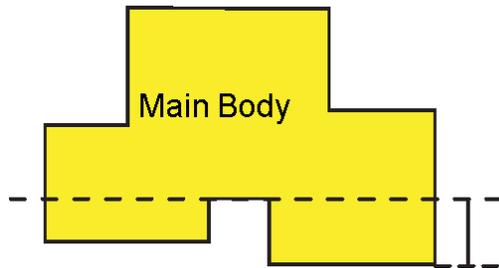
masses") all intersect and overlap it. It sometimes sits slightly behind one or two smaller intersecting masses. The main body and intersecting masses may be one or two stories tall. **(16)**



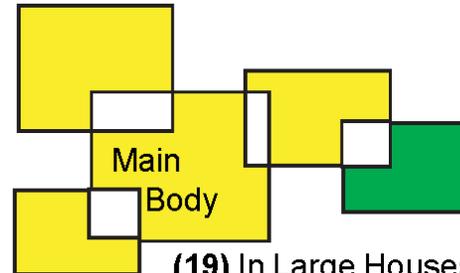
(16) Intersecting Mass Type



(17) Garage may not be Placed in the Most Forward Mass



(18) Intersecting Masses may not Extend more than Eight Feet out from the Front Wall Line of the Main Body



(19) In Large Houses, Intersecting Masses May Overlap the Main Body and Each Other

- b. *Mass* . The main body must contain the front entrance and it must be the largest mass.
- (1) Intersecting masses must be clearly lower in height than the main body.
 - (2) Attached forward facing garages are not allowed. Attached garages are not allowed in any intersecting mass which sits forward of the main body. Attached garages are allowed in the main body of the building if there are smaller intersecting masses which sit forward of the garage entrance and screen it from the street. **(17)**
 - (3) No intersecting mass may be positioned so that the line of its front wall is more than 8 feet forward of the front wall of the main body. **(18)**
 - (4) In this type of building, all masses overlap and none can be read as separate wings. All the intersecting masses must "overlap", in plan, the main body. In very large buildings with ground floor footprints greater than 2,500 square feet, an intersecting mass may overlap another intersecting mass rather than the main body. **(19)**
- c. *Roof* . Roofs in all the intersecting masses must be the same shape as the main body.
- (1) Roof intersections shall express the idea of intersecting masses.
 - (2) Roofs shall not intersect a wall so as to cause a valley.
- d. *Materials*.
- (1) The walls of the main body must be all one material, or an additional material may be used to call attention to the composition. For example a second material may be used on building

projections, gable ends, entrance recesses, or to emphasize the horizontal or vertical divisions of the building.

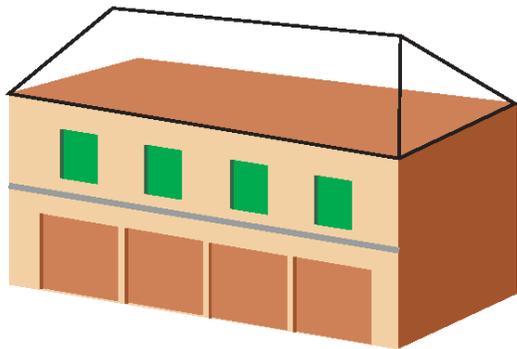
- (2) The intersecting masses may have a different material for the wall than the main body, but no more than two materials for the walls may be used on the structure.
 - (3) The materials used in any mass, including the main body, must be applied consistently on that mass on all sides of the structure.
- e. *Openings* . The openings (doors and windows) in a structure generally define the composition the structure.
- (1) Doors and windows on the public faces of a building should be arranged so that they are regulated by a system of (invisible) vertical and horizontal lines.
 - (2) The building shall have a typical window used for most windows.
 - (3) The public faces of the building may also have up to three special windows, to call attention to a special feature in the composition (e.g., a picture window located in the center of the main body) or to use repetitively. No more than one type of special window may be used in any mass, except the main body, which may have two types of special windows.
 - (4) Windows not on the public faces of a building may be arranged more informally and may vary in size, but not style.
- f. *Details* . Details include window casings and surrounds, cornices, railings, corner boards, half timbers, foundation walls, special brick coursing, quoins, shutters, and downspouts and gutters.
- (1) Details in the main body must be consistently applied throughout all sides of the main body.
 - (2) Details in a intersecting masses must be consistently applied throughout the sides of that mass.
 - (3) Details in the intersecting masses should be the same or subordinate to those in the main body. For example, an intersecting mass should not have elaborate window surrounds if the main body has simple ones.
 - (4) Exposed foundation walls may not be constructed of unparged concrete block or concrete.
- g. *Projections* . For the purpose of reviewing openings, materials and details, bays and other projections from the facade shall be treated as if they were part of the mass to which they are attached.
- (1) Roofs on projections should match the roof material of the building, and to the extent possible, shall be same kind of roof. Natural finish metals such as copper, terne coated steel, or lead may be substituted for any roofing material.
 - (2) Projections which extend out from the mass to which they are attached more than five feet will be treated as wings, except for open porches, and single story additions off the rear of multi-story dwellings. If the roof line of the addition intersects the roof line of the existing dwelling, then the addition shall be classified as a wing. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (3) Materials used on an open porch or screen room need not be the same as other materials in the structure, but should be related to materials used in the details of the structure.
 - (4) Projections on the ground floor should be carried through to the foundation.
- h. *Additions* . Additions to this type of building usually involve the intersecting masses.
- (1) An additional intersecting mass may be added to the main body or to an intersecting mass which sits behind the main body. Any added mass must follow the Standards set forth for intersecting masses in this building type.

- (2) Intersecting masses and the main body may also be extended or made two-story. In this case, the original mass and its extension shall be considered one mass and shall be reviewed as such under these Standards.
- (3) Additions should be designed to be compatible with the main structure by incorporating materials and a foundation to match. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
- (4) Projections may be added to any mass as long as these follow the Standards in Section IV-7.g.

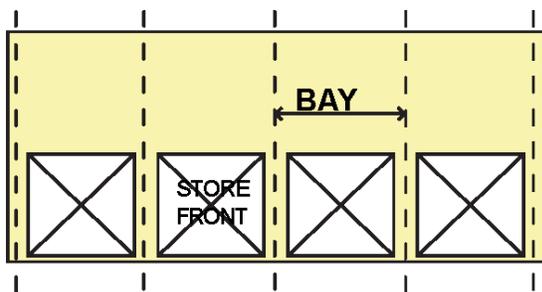
i. *Alterations* . Alterations made to this type structure shall be allowed if the effect is to produce a structure which would be compatible with these Standards.

Section IV-9. - Storefront Type

a. *Identifiers* . This type of building is a two story structure divided into structural bays. The storefront is the area which infills the structural bay on the ground floor. Each bay usually contains a single store, but stores may fill more than one bay and have more than one storefront. The upper floor usually is quite distinct in design from the lower floor. **(20)**



(20) Storefront Mass



(21) The Storefront Type is Divided into Vertical Bays

- b. *Mass* . The building is a single mass.
 - (1) The mass is divided into structural bays of varying width from 20 feet up to 40 feet. If the building is narrower than 40 feet wide, it may be only a single bay wide. **(21)**
 - (2) The mass has no recesses except for storefront entries, but it may have bay window or other minor projections. For the most part, the building forms a continuous wall on both floors that does not step back from the building line.
 - (3) The building must be located on the front setback line of the property.

- c. *Roof* . The roof of the building may be flat or gabled.
- d. *Storefronts* . The storefront is defined as that part of the building that infills the structural bay on the front faces of the ground level. Storefronts face the street. If a building has a corner site, storefronts may extend on both street faces.
 - (1) Storefronts shall consist of (from the ground upwards): an opaque base, transparent glass, opaque header and a lintel. The following approximate dimensions shall apply: base- 1 to 2 feet high, transparent glass- to a height of 10 feet above grade, header- 1 to 2 feet high, lintel- one foot high. **(22)**
 - (2) At least 60% of the storefront area (calculated as the area inside the structural bay) shall be transparent.
 - (3) The base of the storefront shall be of a markedly different material than the wall of the building.
 - (4) Variety in the design of storefronts is desirable to create a lively and attractive pedestrian environment. There shall be no requirement that storefronts in one building use the same design elements.

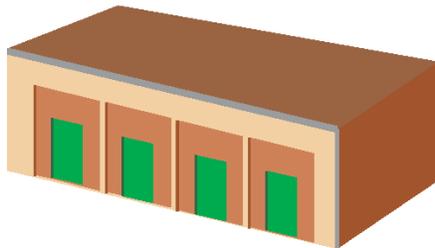


- (5) Signs and awnings, if used, shall fit entirely within the width of the storefront and below its lintel. Awnings shall maintain a minimum 7 foot clearance above the sidewalk. Awnings shall be retractable and made of canvas or other fabric on a metal frame. Awnings shall not be backlit. Awning colors shall be compatible with the sign and building colors.
- e. *Building entrances*
 - (1) Storefront entrances shall be recessed a minimum of 3 feet from the face of the storefront.
 - (2) Storefront entrance doors shall be at least 80% transparent glass.
 - (3) Entrances to the upper floor(s) of the building shall be separate from the storefront.
 - (4) Entrances from parking areas behind the building are permitted, but may not be the primary entrances, except for an auto-oriented business such as a service station.
- f. *Upper floor* . The street wall of the upper floors of commercial buildings shall be distinct from the ground floor.
 - (1) The placement of windows in the upper wall shall respect the structural bay divisions. No opening shall intrude into the implied division between one bay and the next. **(23)**
 - (2) Each building shall have a typical upper floor window. The upper floor may also have a single special window to call attention to a feature in the composition.

- (3) A cornice shall top the wall, be a minimum of 18 inches high and protrude a minimum of 6 inches from the plane of the wall.
 - (4) Details and materials used in the upper floor shall be used consistently throughout the public faces of the building.
- g. *Projections* .
- (1) Projections, including balconies and bays, of up to two feet from the face of the building mass are allowed above the line of the ground floor.
 - (2) Rooftop mechanical units shall be completely out of view from the ground on all sides.
- h. *Additions* .
- (1) Wings may be added to the rear of the building only. No wing may be greater in height than the main mass of the building. Wings which face a rear public parking area must have typical windows and materials which are the same as the upper wall of the public faces of the main body of the building.
 - (2) If there is room on the lot, the building may also be extended, by maintaining the front wall plane and maintaining all other design features of this type as described in these guidelines. The building extension may vary in appearance from the original building.
- i. *Alterations* . Alterations made to this type structure shall be allowed if the effect is to produce a structure which would be compatible with these Standards.

Section IV-10. - Long Mass Type

- a. *Identifiers* . Buildings of this type are constructed of a repetitive structure of load-bearing wall slabs or load-bearing columns with non-load-bearing infill. This repetitive structure provides the opportunity to break the overwhelming length of the building's walls down into smaller, repetitive pieces. These pieces, called bays, constitute the basic unit of the building's design. There are sometimes multiple entrances along the front (long side). The long type building may also have a continuous arcade.
- (24)**



(24) Long Type

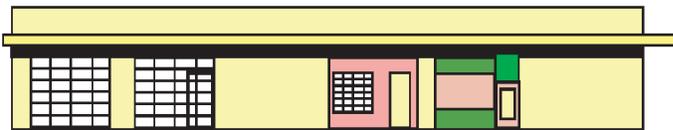
- b. *Mass* . The mass of the building is a single block with multiple bays.
- (1) The separation of one bay from another on the building's exterior shall be made visible through features such as openings, details, material changes, projections, or recesses.
 - (2) A long type building may be oriented so that the long side either faces the street or is perpendicular to the street.
- c. *Roof* . This building may have any roof shape. In order to avoid long unbroken expanses of visible roof, roofs other than flat roofs must be broken up by dormers or cross gables, or by a change in roof height or orientation. Such feature must respect the vertical regulating lines created by the bays.
- d. *Materials*.

- (1) A single building material must be used on all building walls, and up to two additional materials may be used to emphasize different bays.

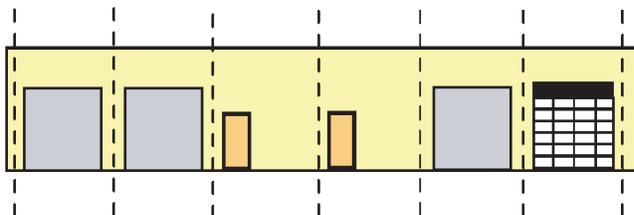
e. *Openings.*

- (1) The bay openings may be used in a manner similar to storefronts, i.e. they may create openings which may be filled with a combination of door, wall and windows. In this case, the wall material inside the bay opening must be different than the wall material of the building. When used in this manner, the infill of the bay may be very different from bay to bay or it may have continuity of design. **(25)**
- (2) Unless used as described in (1) above, the long building shall have not more than one typical window and two typical doors, including a standard overhead (garage) door and a standard entrance door. **(26)**
- (3) The building may also have up to three special openings such as the main entrance lobby, or other special functions.

f. *Details* . Details include sign bands, cornices, railings, corner boards, foundation walls, special brick coursing, lightweight decorative attachments and downspouts and gutters.



(25) Long Type Used Like Storefront Bay [above]



(26) Long Type Used for Office/Warehouse

- (1) Some details may vary from bay to bay in order to make the division between bays more prominent.
- (2) Cornices, foundation walls and other continuous details must be carried through all public faces of the structure.

g. *Projections* . A long type building may have the following types of projections:

- (1) A projection of up to four feet from the face of the building, which is used in a regular (rhythmic) manner to articulate the bays or opening in the building.
- (2) A continuous arcade, up to eight feet deep, which may vary in height in response to the bays. Arcades may not be recessed in the building wall, but must extend out from the main building mass.

h. *Additions* . No additions made be made to the front of the building, except as a projection described in Section IV-10.g.

- (1) Bays may be added to the structure. Such additions will comply with all the guidelines above.
- (2) Additions may be made to the rear of the building if it is substantially out of public view.

- i. *Alterations* . Alterations made to this type structure shall be allowed if the effect is to produce a structure which would be compatible with these Standards.
- j. *Mechanical Equipment*. All mechanical equipment must be screened from public view whether on the ground (with acceptable fencing or landscaping), or on the roof (with parapets). Mechanical roof screens are not acceptable. A Sight Line study must be submitted showing mechanical equipment is not visible from the centerline of surrounding streets and property lines.

Section IV-11. - Townhome Type

- a. *Identifiers* . This type has a single mass main body and no subordinate wings, except for small wings that extend from the rear of the main body or to the sides of dwelling units on the ends of the main body. The main body is two stories tall and divided into at least three structural bays by vertical common fire-resistant walls. Each bay contains a single dwelling unit. Each dwelling unit has its own front and rear access to the outside and no unit is located over another unit. In most cases, there are no significant recesses in the mass of the main body but there can be projections.
- b. *Mass* . The main body must be the largest visible mass.
 - (1) Wings may not be larger or taller than the main body of the structure, but they may be the same height.
 - (2) The front face of the main body must sit forward at least 18" from the front face of the wings.
 - (3) An attached garage may be located in a wing or the main body of the building but it must be entered from the side yard or the rear.
 - (4) The mass has no recesses except for entries, but it may have bay window or other minor projections. For the most part, the building forms a continuous wall on both floors that does not step back from the building line.
- c. *Roof* . The roof of the building may be gabled - side facing, gambrel - side facing, mansard, or hip. The roofs on wings must be of the same shape as the main body, but they may have a different pitch or orientation. Roofs shall not intersect a wall to cause a valley. To avoid long unbroken expanses of roof, roofs must be broken with cross gables, a change in roof height or orientation, or an offset of at least 18 inches.
- d. *Materials* .
 - (1) The walls of the each dwelling unit must be one material, except that an additional material may be used to call attention to the composition. For example a second material may be used on building projections, entrance recesses, or to emphasize the horizontal or vertical divisions of the building.
 - (2) The materials used on a dwelling unit must be applied consistently on that dwelling unit on all sides.
 - (3) No more than three primary materials may be used on any building.
 - (4) A primary building material may change only at breaks in the building plane. Breaks in the building plane must be at least 18 inches.
 - (5) Wings must have the same primary material of the dwelling unit.
- e. *Openings* . The openings (doors and windows) in a structure generally define the composition of the structure.
 - (1) The building must be designed as a resolved composition and each dwelling unit must be designed to stand alone as a resolved composition within the overall building.
 - (2) Doors and windows on the public faces of a dwelling unit should be arranged so that they are regulated by a system of (invisible) parallel and perpendicular lines.
 - (3) Doors and windows shall respect the structural bay divisions.

- (4) Each building shall have a typical window used for most windows.
 - (5) Each dwelling unit may also have two special window types, to call attention to a special feature in the composition (e.g. centered over the door) or to use repetitively.
 - (6) Windows not on the public faces of a building may be arranged more informally and may vary in size, but not style.
 - (7) Wings usually have a simple composition that is dependent on the main body.
- f. *Details* . Details include window casings and surrounds, cornices, railings, corner boards, half timbers, foundation walls, special brick coursing, shutters, quoins, and downspouts and gutters.
- (1) Details on each dwelling unit must be consistently applied throughout all sides of the dwelling unit.
 - (2) Exposed foundation walls may not be constructed of unparged concrete block or concrete.
 - (3) Details in a wing must be consistently applied throughout the sides of that wing.
 - (4) Details in the wings should be the same or subordinate to those in the main body. For example, a wing should not have an elaborate cornice if the main body has a simple one.
- g. *Projections* . For the purpose of reviewing openings, materials and details, bays and other projections from the facade shall be treated as if they were part of the mass to which they are attached.
- (1) Roofs on projections should match the roof material of the building, and to the extent possible, shall be the same kind of roof. Natural finish metals such as copper, terne coated steel, or lead may be substituted for any roofing material.
 - (2) Projections which extend out from the mass to which they are attached more than five feet will be treated as wings, except for open porches, and single story additions off the rear of multi-story dwellings. If the roof line of the addition intersects the roof line of the existing dwelling, then the addition shall be classified as a wing. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (3) Materials used on an open porch or screen room need not be the same as other materials in the structure, but should be related to materials used in the details of the structure.
 - (4) Projections of up to two feet from the face of the building mass are allowed above the line of the ground floor. All other projections on the ground floor should be carried through to the foundation.
 - (5) Rooftop mechanical units shall be completely out of view from the ground on all sides.
- h. *Additions* . Additions to this type of building usually involve the wings or the rear of the building.
- (1) An added wing must follow the standards set forth for wings in this building type.
 - (2) Wings may be extended or made two-story. In this case, the original wing and its extension shall be considered one wing and shall be reviewed as such under these standards.
 - (3) Additions should be designed to be compatible with the main structure by incorporating materials and a foundation to match. This guideline should not be construed to mean a masonry pier or continuous wall foundation is required upon the enclosure of an existing deck or porch.
 - (4) Projections may be added to any mass as long as these follow the standards set forth in part g.
- i. *Alterations* . Alterations made to this type structure shall be allowed if the effect is to produce a structure which should be compatible with these standards.

PART V: - DESIGN STANDARDS FOR SIGNS

All permanent signs reviewed by the AHBR shall comply with the following Standards.

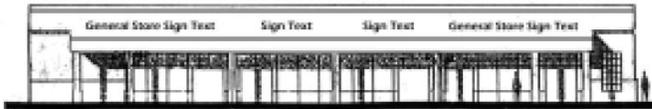
Section V-1. - Diversity/Cohesiveness of signs seen in a series.

Within a commercial area or development where multiple storefronts are situated side by side, the level of variety or cohesiveness in the design of signs that are seen in a series or sequence should be commensurate with the level of variety or cohesiveness presented by the architecture of the building(s):

- a. Variety in the design of signs among different storefronts should be encouraged when the architecture of the building(s) suggests variety. For example, the downtown area consists of a number of different buildings each exhibiting its own unique design and character. Signs on these different buildings should reflect a similar amount of diversity. **(44)**



44
Environment where individual stores are articulated through varied architectural design.



45 Building where all storefronts share common architectural features.

- b. Storefronts with common architectural elements should have signs that share continuity of design so that the placement and design of individual signs contribute to the cohesive appearance created by the common architectural elements. For example, a series of storefronts that, because of their architecture and design, have the appearance of a single building should have occupant signs that share common elements. **(45)**
- c. *Sign Plans* : Owners of multi-occupant buildings shall develop Sign Plans in conformance with Section II-1.e. for the building and site to aid in determining the level of variety/cohesiveness required for signs.

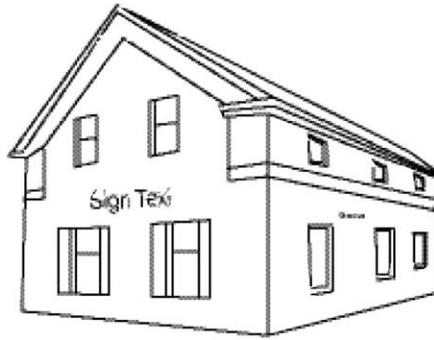
Section V-2. - Placement of Signs on Buildings.

Signs should be designed and placed on buildings to be compatible with and complement the appearance of the building.

- a. All signs should be reviewed for their impact on the overall building facade.
- b. The sign and associated lighting fixtures should complement the architecture of the building on which it is placed and should be placed in an appropriate location on the building facade.
- c. If the building design does not clearly identify the appropriate placement for a sign panel **(46)(47)** , then individual letters are encouraged unless there is a clear location for adding panels, such as establishing one or more repetitive, common architectural features in order to create a repetitive sequence. **(48)**



47
Awkward placement of sign panels.



48
Building is better suited to sign comprised of individual letters.

46
Building with no specific sign placement location using sign affixed to a panel verses individual letters.

- d. Whenever a new or renovated sign is proposed for an existing building:
 - (1) It may be determined that building alterations are needed in order for the proposed sign to be properly placed on the building facade.
 - (2) Any inappropriate and extraneous elements from past remodeling project(s) should be removed prior to the installation of the proposed sign to improve the clarity and design of the proposed sign and restore the intended character of the building.
- e. A sign should be confined within the fascia consistent with signs on adjacent buildings and shall not extend beyond the identified signable area on the building or over the edges of the sign panel.
- f. In multi-occupant buildings, signs for first floor occupants should not extend above the windowsill of the second story unless the establishment is also located on the second floor.
- g. Colors of the sign and the sign background should be compatible with the building's colors.

Section V-3. - Specific Standards for Window Signs, Projecting Signs, and Ground Signs

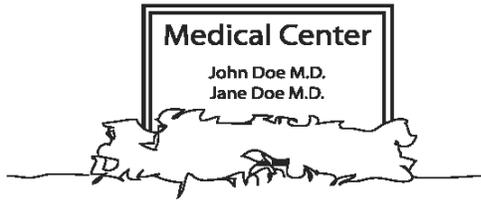
- a. *Window Signs* . Permanent window signs should be comprised of individual letters, logos, or design elements that are not encompassed by a solid opaque background so as not to obscure the view through the window. **(49)**



49
Transparent window sign.

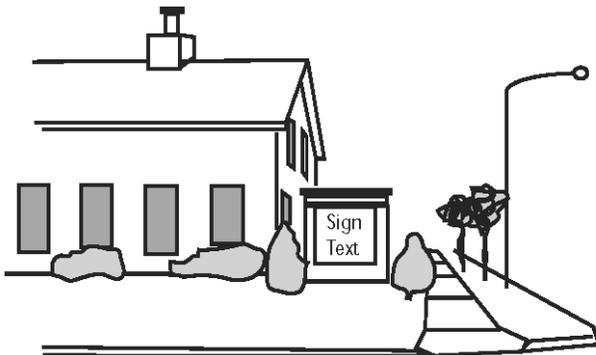
- b. *Projecting Signs* . The size of the lettering and graphics on a projecting sign should be appropriate for viewing by pedestrians.
- c. *Ground Signs* . The design and placement of ground signs and associated lighting fixtures should complement the overall visual appearance of the site:
 - (1) Ground signs should be designed to relate to and share common design elements with the building and the sign(s) attached to the building.

- (2) Whenever a building is located 30 feet or more from the street, its ground sign should be placed on a solid base.



50 Signs on solid bases should be appropriately landscaped.

- (3) Approved year-round landscaping shall be used around the base of the sign to screen lighting fixtures and sources in compliance with the Land Development Code. **(50)**
- (4) When properly screened, the lower two (2) feet of the solid base of a ground sign may be exempt from the sign area calculation. **(50)**
- (5) Signs on structural supports separated from the ground by air are more appropriately located in front of buildings located closer to the street. **(51)**

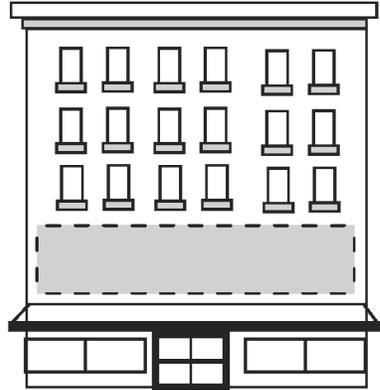


51 Signs on structural supports should be used only when buildings are close to the street.

- (6) Ground signs should be spaced or combined along the street frontage in a manner that ensures that one ground sign does not obscure the view of another ground sign.
- (7) A ground sign that provides a directory of occupants for a multi-occupant building should have simplicity of design to compensate for the additional amount of information provided (i.e. utilize common elements such as the same background color, or other common elements, etc.)

Section V-4. - Overall Design of Signs (wall, awning, window, projecting and ground signs)

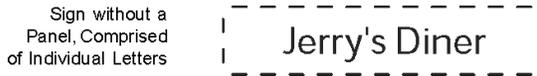
- a. The size and shape of the sign shall be in proportion to the space the sign is to occupy:
- (1) A sign (whether comprised of a panel or individual letters) should not exceed approximately 70% of the height and length of the signable area of the building. **(52)(53)(54)**



52
Signable area of a building is that portion of a building facade that can accommodate a sign within an open area framed by the architectural elements of the building.

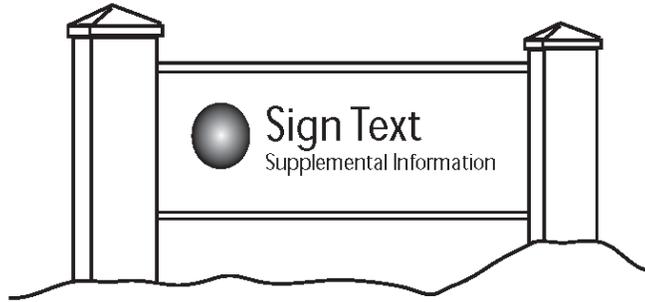


54 Height and width of sign comprised of individual letters should not exceed 70% of the height and width of signable area.



53 Height and width of sign panel should not exceed 70% of the height and width of signable area. Height and width of lettering should not exceed 70% of the height and width of sign panel.

- (2) The lettering within a sign panel should not exceed approximately 70% of the height and length of the sign panel. **(53)**
- b. Elements of the sign should create an overall cohesive design, reflect simplicity, avoid visual clutter and ensure legibility. Each sign should:
- (1) Be consolidated into a minimum number of elements, whether words, symbols, or graphics.
 - (2) Have a simple shape,
 - (3) Have appropriate contrast,
 - (4) Be designed with a limited number of, and harmonious use of, colors.
 - (5) Be constructed with a minimum number of materials.
- c. The message should be easy to read from the intended vantage point - public street, public sidewalk, or public parking lot - but not be out of scale with the building, site or streetscape.
- (1) The ratio of the message to the background should permit easy recognition of the message.
 - (2) Lettering size should be the size needed to ensure the sign can be seen from the intended distance.
 - (3) The number of items of information displayed should be consistent with the amount of information that can be comprehended by the intended viewer.
 - (i) Generally 10 items or less of information per sign are a typical amount of information the average person can comprehend while driving. This is based upon the principle that the more readable the type face and the better the contrast between the letter and the background, the more readable and comprehensible the sign.
 - (ii) An item of information includes a symbol, geometric shape, logo, word, abbreviation or number, or a grouping of letters and numbers which together convey meaning. For signs combining different shapes, each shape may be considered an item of information. **(55)**



55 Calculation Number of Items

Logo = 1 item
 Sign Text = 2 items
 Supplemental Information = 3 items
 Total = 6 items

- (4) Lettering and numbers less than three (3) inches in height should only be used when intended to be viewed from a vantage point on the interior of the site, such as after the vehicle has entered the site or by pedestrians.
- (5) For awning signs, the sign graphics should be located on the portion of the awning fabric that hangs perpendicular to the horizontal plane of the ground, below the awning's support structures.
- d. All plaques hanging from the same projecting sign supports should have a compatible size, shape and color so that the entire projecting sign has an overall cohesive design.
- e. All wall signs, projecting signs, ground signs and wall signs mounted on a panel should have a compatible frame or border.
- f. The aggregate exterior lighting used to illuminate any one sign face in a residential district should not exceed an initial lumen output of 2850 lumens (equivalent to a 150 watt incandescent A lamp).

Section V-5. - Sign Construction

All signs shall be framed, constructed, and erected so as to complement the overall appearance of the building and site as well as the overall appearance of the sign.

- a. *Sign Graphics* . A sign's graphic elements shall be executed in a professional manner.
- b. *General Sign Construction* .
 - (1) All signs shall be constructed, and erected in a professional and workmanlike manner.
 - (2) Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.
- c. *Materials* .
 - (1) Signs should be fabricated on and of materials that are of permanent quality, good durability and are complimentary to the building of which they become a part.
 - (2) Materials used should be those materials that weather well and reduce maintenance.
 - (3) Signs should have a matte finish, not have a glossy or reflective finish.
- d. *Framing and Supports*.
 - (1) Visible frames or supports for freestanding or projecting signs should be:
 - (i) In scale with the size and character of the building;
 - (ii) Designed either as a key element of the sign or minimized so as not to detract from the sign.
 - (2) All signs attached to buildings shall be attached in a manner that preserves the historic integrity of the building.

- (3) No part of any sign shall be revolving, oscillating or otherwise designed to move to attract attention.

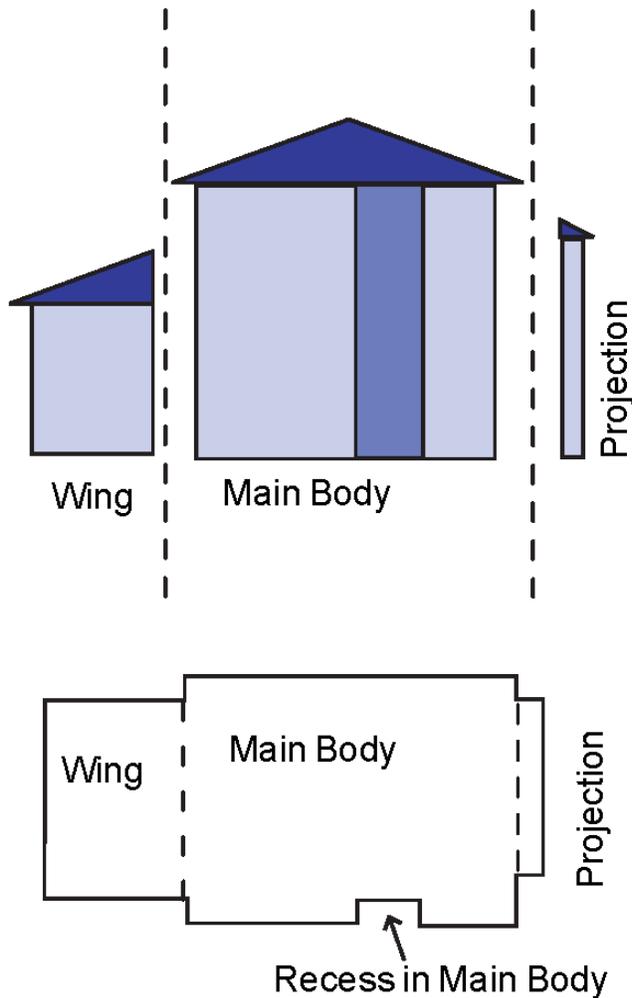
Appendix 1: - Secretary of the Interior's Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Appendix 2: - Definitions

Masses. A mass of a building is any one of the following: the main body, an "ell body", a wing, an intersecting mass or a central mass. Masses are usually distinguished by their plan and should be identifiable by a change in the roof height or direction.



(27) Parts of a Building

A *Main Body* is usually centrally located in the plan, is the largest (footprint and height) mass, and is different from all other masses in that it can be understood as a complete building if all the other masses were subtracted from it. **(27)**

A *Wing* is always attached to a *Main Body* and will not "stand alone" in composition. Its basic rectangular shape (minus protrusions) is attached, but not overlapped, on the *Main Body*. It is smaller in footprint or height than the *Main Body*. It usually has a separate roof. All faces of a wing must be wide enough to contain the typical window of the building. (Parts of a building which are not this large are *projection*, see below). **(27)**

An *intersecting* mass is distinguished from a wing in the plan of the building. The basic rectangle of an intersecting mass appears to overlap the main body or other masses. **(19)**

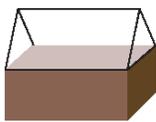
An "*ell body*" is found only in ell type buildings. It is a single mass with an ell shape and a roof that turns a corner, but is otherwise continuous (i.e., it has the same height, materials, and shape). **(12)**

A *central mass* is a mass found in large type buildings which is treated like a main body (it is larger than wings and centrally located, for example). Unlike a main body, there may be more than one central mass in a large type building.

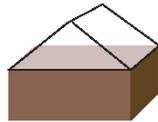
Roof. All roof shapes are allowed in Hudson. For the purpose of distinguishing different roof shapes, the following shall be considered different from one another: **(27a)** A. Gable roof- front facing, B. Gable roof - side facing, C. Cape roof, D. Hip roof, Gambrel roof - front facing, E, Gambrel roof - side facing, F. Flat roof, G. Shed roof - front facing, H. Shed roof - side facing, I. Mansart roof. For the purposes of look alike, the roof shape on the main body of the building shall determine the orientation of the roof, i.e., whether the roof is front-facing or side-facing.

Materials.

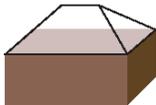
Wall material . The walls of a building are all the solid surfaces which are perpendicular to the ground, including areas in roof peaks, but not including expressed structural columns, window and door surrounds, decorative rough timbers, cornice boards, and other details. **(28)** Materials which are the same but are a different color or texture shall not be considered different materials for the purposes of these Design Standards. For the purposes of these guidelines, the following are considered different materials from one another:



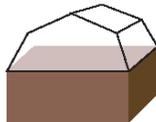
Side Facing Gable Roof



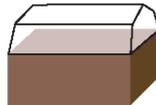
Front Facing Gable Roof



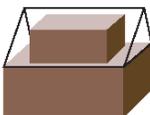
Hip Roof



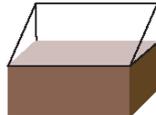
Front Facing Gambrel



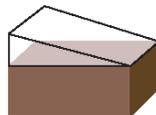
Side Facing Gambrel



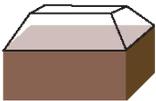
Cape Roof



Front Facing Shed Roof



Side Facing Shed Roof



Mansart Roof



Flat Roof

(28a) Different Roof Shapes

Standard face brick

Utility brick

Concrete block

Wood clapboard siding and vinyl or aluminum siding which imitates clapboard siding

Asphalt shingle siding

Wood shingle siding

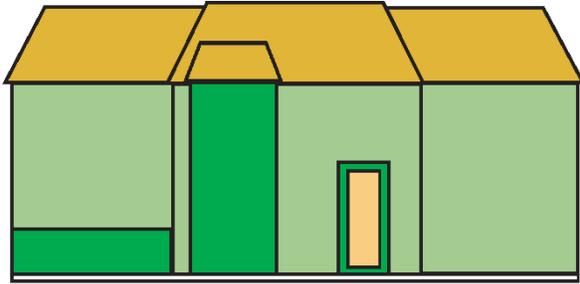
Wood siding which is not clapboard or shingle

Stone or stone-like material

Metal panels

Concrete: pre-cast, tilt wall or poured-in-place

Stucco or stucco-like material



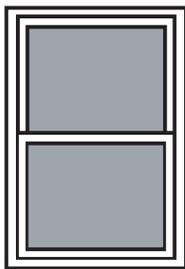
(28) A Second Material is used to Emphasize the Features in the Facade

Openings.

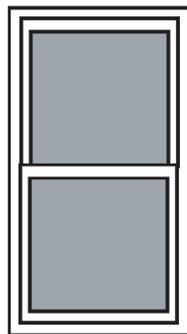
1. All buildings have a *typical window*. The definition of a typical window is the window in a building that is used most frequently. It may be any style and shape. Once a typical window has been designated as "typical", all windows which are not typical are called "special". The number of special windows is limited by the guidelines.

Some slight variations are allowed in typical windows.

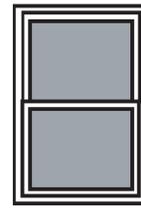
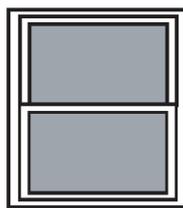
Windows which are the same proportion and style as the typical window, but are larger or smaller, may be counted as typical windows. **(29)**



Typical Window



(29) Variation in Height Allowed if Same Width



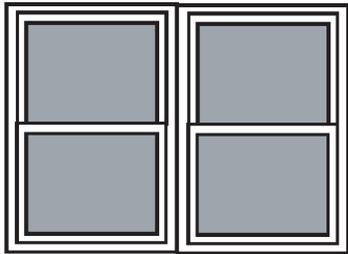
(30) Variation in Size Allowed if Same Proportion

Windows which are the same width and style as the typical window, but are shorter or longer, may be counted as typical windows. **(30)**

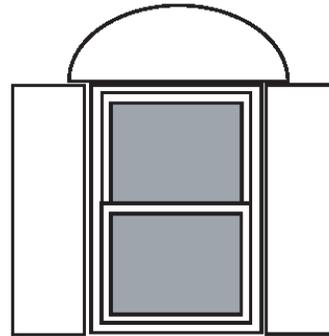
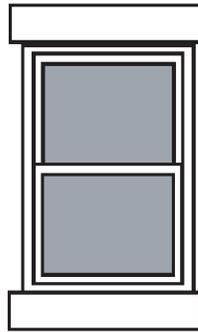
Multiples of the typical window shall be counted as typical windows. **(31)**

Typical windows may have different types of attached details (for example: cornices, shutters) and still be considered typical. The details must be used consistently on all sides of that mass (for example, the same detail must be used on all typical windows on the ground floor). **(32)**

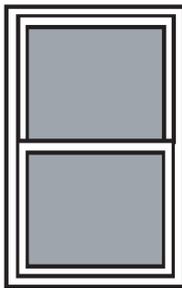
2. *Special windows* . Typical windows cease to be "typical" and must be counted as "special" when: The internal divisions (for example, mullions) of the window are different than the typical window. **(33)**



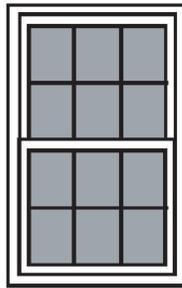
(31) Variation in Multiples Allowed



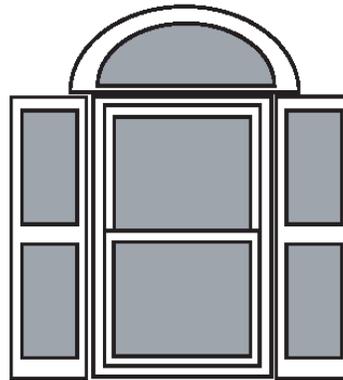
(32) Variation in Details Allowed



Typical Window

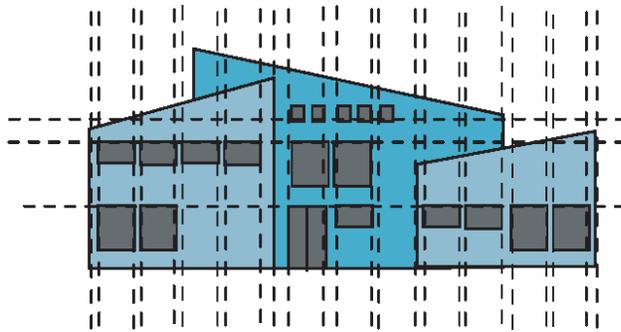


(33) Not Typical



(34) Not Typical

The window has additional lights added to it, for example, a fan light or side lights. **(34)**



(35) The Regulating Lines of a Building are Invisible Lines that Control the Location of Major Features

The window is a different width and height than the typical window, and is not proportional.

Special windows may not be larger in overall area than four times a typical window.

For the purposes of defining "windows", sidelights and fan lights abutting a door or window shall not be considered special windows.

Regulating Lines.

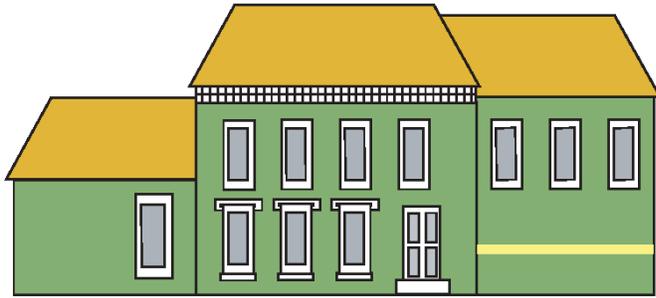
Regulating lines are invisible horizontal and vertical lines which anchor the placement of openings and other elements of a building. They are an aid to composition. **(35)**

Openings may be centered on vertical lines, or they may be lined up against them.

Regulating lines do not need to be symmetrical, but they should have some demonstrable order.

Openings need not occur at all intersections of regulating lines.

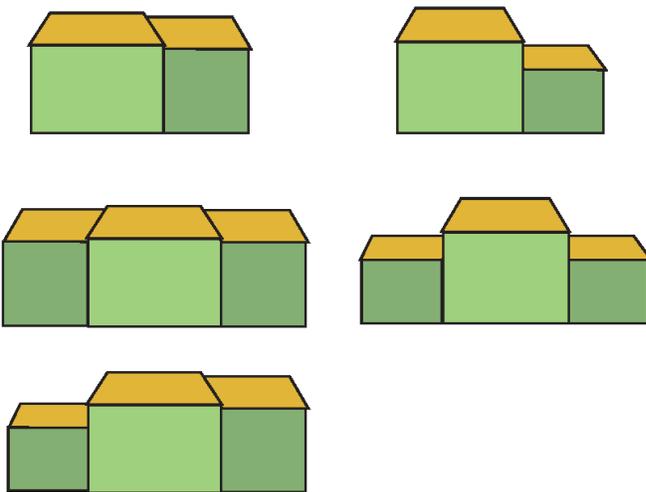
Details. Consistent use of details is required by the standards for most types. Examples of consistent use of details include: same cornice carried all around a single mass, window shutters used on all the upper level typical windows of a single mass, exposed foundation walls treated the same in a single mass. **(36)**



(36) Consistent use of Details on all Sides of a Mass, E. G. Windows Surrounds on all First Floor Windows of the Main Body

Projections. Projections are areas of a building plan which push out from the rectangular shape of the mass to which they are attached. Projections have some wall material and may have windows on any side. Projections which extend more than five feet from the mass to which they are attached are considered to be wings. Projections are normally treated as if they were a part of the mass to which they are attached.

Architectural Style. Most architectural styles are allowed in Hudson. However, some architectural styles normally have massing elements which may not be allowed in Hudson. For the purposes of these guidelines, the following are considered to be different styles from one another:



(38) Different Wing Configurations

Victorian

Queen Anne

Federal

Georgian

Greek revival

Tudor

Italianate

French Empire

Craftsman

Richardsonian

Prairie style

Ranch

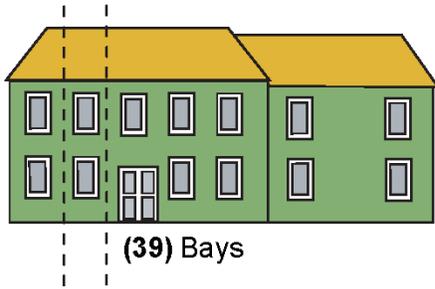
Modern (international style)

Post-modern

Contemporary

Eclectic

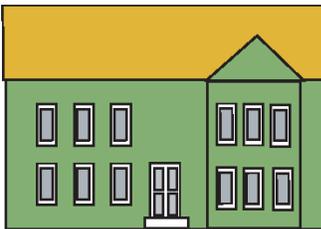
A good reference book for stylistic definition is the *Field Guide to American Houses*. Not all elements of a building need to conform to the style in order for that building to be classified as a particular style for the purposes of these guidelines.



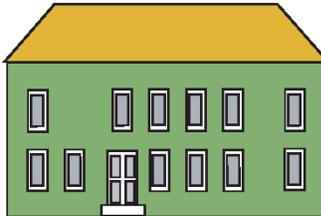
(40) Five Symmetrical Bays Around a Central Front Door



(41) Four Symmetrical Bays with an Asymmetrical Front Door



(42) Seven Asymmetrically Bays with Centered Front Door



(43) Seven Asymmetrical Bays with Asymmetrical Front Door

At the discretion of the AHBR, eclectic or unclassifiable buildings which are extremely different in appearance from one another may be considered to be different styles.

Wing configuration. For the purpose of look alike, the wing configurations shown in **(38)** shall be considered to be different from one another.

Bay organization and number. A "bay", in a traditional design, is a section of a facade with a single window. **(39)** Buildings may be counted as having either a different number of bays or a different bay organization (not both).

For the purposes of look-alike, the following shall be considered different bay organization:

Symmetrical bays around a central front door. **(40)**

Symmetrical bays with an asymmetrical front door. **(41)**

Asymmetrical bays with centered front door. **(42)**

Asymmetrical bays and asymmetrical front door. **(43)**

The bay organization and number of the main body shall prevail in determining the bay organization of the building for the purpose of look-alike.