



COMMUNITY DEVELOPMENT • 1140 Terex Road • Hudson, Ohio 44236 • (330) 342-1790

Date: May 11, 2020
To: Jane Howington, City Manager
From: Greg Hannan, Community Development Director
CC: Thomas J. Sheridan, Asst City Manager
Re: COVID 19 Response – Merchant Support

As a follow up to the discussion on May 5, 2020, City staff is completing individual phone calls with approximately 30 merchants across various industries including retail, restaurant, service, medical, and office. The phone calls are informing staff of the necessary programs needed to support the small business community. Staff is also commencing regular meetings with Destination Hudson, Merchants of Hudson, and Hudson Area Chamber of Commerce to determine what assistance programs are needed.

Listed below is the further development of programs introduced at the May 5, 2020 meeting.

Land Development Code: moratoriums on the following until Dec 31, 2020. Staff recommends first introduction and reading on May 19, Second reading June 2nd, Planning Commission recommendation June 8th and third reading and possible action on June 16, 2020.

1. Temporary signs: Moratorium to suspend the enforcement of the regulations associated with the nonresidential use of temporary window and temporary ground signage as set forth in the Land Development Code Section 1207.17. This moratorium would be modeled on ORD. 2019-041 (attached) which placed a moratorium on enforcement of window signage regulations while proposed amendments were being studied.
2. Expiration of permits and board approvals: Moratorium to suspend the expiration of the time periods set forth in LDC Section 1203.02(g)(4), 1203.07(e), and 1203.09(h)(3)(c), so that any time period which expires pursuant to the applicable section shall automatically be extended through December 31, 2020. This moratorium would be modeled on ORD. 2010-057 (attached) which extended all such approvals an additional year.
3. Outdoor Sales/Dining: Staff is still researching current LDC allowances along with the needs of merchants. At this time no formal moratoriums are being considered.

City Services/Programs:

4. **Outdoor Seating:** Provide outdoor picnic tables in the downtown greens and cafe seating along the public sidewalks for carry out service from restaurants (see attached Plain Dealer Article)
Note: Merchants have also expressed interest in accommodating alcohol consumption in compliance with state and local regulations. Additional study will be needed to determine if such would be feasible.
5. **Parking:** Installation of curbside service reserved parking stall signage adjacent to restaurants and businesses in need of such dedicated turnover spaces.
6. **Promotion:** ongoing promotion to support shop local efforts through social media, website, and promotional videos.
7. **Connecting resources:** City staff continue to connect business to available state and federal resources.
8. **Activate Downtown:** The virus restrictions will not allow for large scale festivals in the community. Additional activation of downtown can occur with smaller scale, more frequent enhancements:
 - a. Downtown public art
 - b. Light up the clock tower, streetscape
 - c. Micro events: Chalk art, sidewalk signage, small scale live music, pop up displays
 - d. Downtown banners on light poles

Attachments:

1. Ordinance 2010-57 moratorium regarding expiration of approvals
2. Ordinance 2019-41 moratorium regarding temporary signage
3. Plan Dealer Article from May 10, 2020 regarding outdoor seating

City of Hudson
PROPOSED LEGISLATION

DATE: April 16, 2010

TO: Honorable Mayor and Members of City Council
Anthony J. Bales, City Manager

10-57

FROM: Thomas E. King, Community Development Director

RE: *Ordinance 10-57 (As Amended) Establishing a temporary moratorium on the expiration of approvals of site plans for developments in the City pursuant to Land Development Code Section 1203.09(g) and on completion of development plans pursuant to Section 1201.09(c).*

MEETING: City Council Meeting - April 21, 2010

I. Legislative History

Ordinance 10-57 received first reading April 7 and was reviewed by the Planning Commission at their meeting of April 12.

II. Purpose & Explanation

The Planning Commission recommended Council approve this moratorium and asked staff and Council to consider whether said moratorium should be broader than extending Site Plan Approvals in light of the unusual economic recession. So upon additional consideration and pursuant to the Planning Commission recommendation staff prepared Ordinance 10-57 (As Amended). This amended ordinance adds the extension of any variances associated with projects for which site plan approval is extended until May 1, 2011.

The Land Development Code provides for the expiration of Site Plan Approval granted by the Planning Commission if approved projects do not secure a zoning certificate within (12) months of Planning Commission action. This expiration is to ensure projects and plans do not become out of date due to changes in regulations or circumstances. However, unusual economic conditions have prevented projects in Hudson and elsewhere from moving forward.

III. Recommended Action

Staff recommends this Amended legislation be approved by Council at the meeting of April 21, 2011.

TEK/cgm

copy to Carol M CD

ORDINANCE NO. 10-57 (As amended 4/21/10)

OFFERED BY: Mayor Currin

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE EXPIRATION OF APPROVALS OF SITE PLANS FOR DEVELOPMENTS, AND THE APPROVALS OF ANY VARIANCES ASSOCIATED THEREWITH, IN THE CITY PURSUANT TO LAND DEVELOPMENT CODE 1203.09(g), AND ON THE TIME LIMITS FOR COMPLETION OF BUILDINGS OR DEVELOPMENTS PURSUANT TO LAND DEVELOPMENT CODE 1201.09(c); AND DECLARING AN EMERGENCY.

WHEREAS, the Land Development Code at Section 1203.09(g)(3) provides for expiration of the Planning Commission's approvals of site plans if a zoning certificate for the development which is the subject of the site plan approval is not issued within twelve (12) months of the Planning Commission's approval; and

WHEREAS, Land Development Code Section 1203.07(e) requires the recipient of a variance from a Code requirement granted by the Board of Zoning and Building Appeals to commence substantial construction within one year of receiving approval of the variance and to complete the construction within two years or the variance becomes null and void; and

WHEREAS, pursuant to Section 1201.09(c)(1) of the Land Development Code, any building or development for which a zoning certificate was granted prior to the effective date of a Code amendment shall be permitted to proceed to construction even if such building or development does not conform to the newly-amended provisions of the Code; if construction is not commenced or completed within the Code's applicable time limits, the Planning Commission may only grant, for good cause shown, one extension of the time limits for up to six (6) months; and therefore, buildings or developments not completed within the applicable time limits shall only be constructed, completed, or occupied in compliance with the requirements of the newly-enacted amendments to the Code; and

WHEREAS, due to current adverse economic and market conditions for property development in Hudson and across the nation, there are current development projects in the City which have received approvals from the Planning Commission that could be jeopardized by the enforcement of the aforesaid time limits in the Code; and

WHEREAS, this Council is willing to temporarily suspend the enforcement of the current time limits in the aforesaid sections of the Land Development Code, the purposes of which are to avoid plans becoming out of date and developments not proceeding in the community's interest due to changes in standards and code requirements in the interim; and

WHEREAS, in the foreseeable future, this Council does not anticipate any substantive limiting changes in the City's standards or codes with respect to development and this Council recognizes the current economic and market conditions which require additional time to allow development projects to move to construction, but within a reasonable period of time -- that period of time being an extension of the time limits in the aforesaid Land Development Code provisions for currently-approved development projects until May 1, 2011;

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1: This Council declares the above findings to be true and correct.

Section 2: There is established a moratorium which shall suspend the expiration of the time periods set forth in Land Development Code Sections 1203.09(g)(3), 1201.09(c)(1), and 1203.07(e), which moratorium shall be in effect from the effective date of this Ordinance through May 1, 2011, so that any time period which expires pursuant to Sections 1203.09(g)(3) and 1201.09(c)(1), and the time periods for any variances associated with developments affected by this Ordinance which expire pursuant to Section 1203.07(e), during the effective dates of this moratorium shall automatically be extended through May 1, 2011.

Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the general welfare of the City by reason of the immediate necessity of implementing this temporary moratorium at the earliest possible date so as to enable approved site plans for developments in the City to maintain their approval status during the current economic and market conditions which are not conducive to development; wherefore, this Ordinance shall be in effect immediately upon its passage provided it receives the affirmative vote of five (5) members of Council except that six (6) affirma-

tive votes shall be required if all members are present; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: May 5, 2010

William A. Currin
William A. Currin, Mayor

ATTEST:

Mary Ann George
Mary Ann George, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality on May 5, 2010.

Mary Ann George
Mary Ann George, Clerk of Council



City of Hudson, Ohio

Staff Report

File Number: 19-41

Meeting Date: 4/2/2019

Version: 1

Status: Third Reading

In Control: City Council

File Type: Ordinance

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON ENFORCEMENT OF THE LAND DEVELOPMENT CODE REGULATIONS RELATED TO WINDOW SIGNS ERECTED FOR NONRESIDENTIAL USES; AND DECLARING AN EMERGENCY.

Brief Description: Request to temporarily suspend the enforcement of the Land Development Code regulations related to temporary and permanent window signs for nonresidential uses to allow City Staff to study, engage the community, and consider drafting new regulations.

Legislative History

None.

Purpose & Explanation

A temporary moratorium is requested on enforcement of the Land Development Code Regulations related to window signs erected for nonresidential uses. Portions of the Land Development Code regulations need to be updated to improve clarity with respect to enforcement and to better reflect the current needs of the City of Hudson. Staff recognizes that the review, community outreach, and legislative analysis of temporary and permanent window sign regulations will require at least a ten (10) month moratorium on enforcement of temporary and permanent window sign regulations in the Land Development Code through December 31, 2019;

Legal Authority for Proposed Legislation

Pursuant to Charter Section 6.04, Contracts & Purchasing:

Competitively bid and advertised for two consecutive weeks; bid tab attached: [Yes/No/NA])

Joint or Cooperative Purchase Program

Professional Services

Other - not applicable

Fiscal Impact

Currently Budgeted (Account #, \$)

Supplemental Appropriation Required (Account #, \$)

Appropriation Not Required

Does this legislation require use of an emergency clause?

Yes, emergency language is requested, so the City can quickly and responsibly begin to study, analyze, and review the current temporary and permanent window sign regulations contained in the Land Development Code.

No

Suggested Action

Staff recommends approval of the requested moratorium

Submitted by,

Jane Howington, City Manager

Thomas J. Sheridan, Asst City Manager - Professional Services

Greg Hannan, Community Development Director

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON ENFORCEMENT OF THE LAND DEVELOPMENT CODE REGULATIONS RELATED TO WINDOW SIGNS ERECTED FOR NONRESIDENTIAL USES; AND DECLARING AN EMERGENCY.

WHEREAS, Section 1207.17(d)(1) of the Land Development Code provides that, for nonresidential uses in nonresidential districts, there shall be a maximum of one (1) permanent building sign permitted per ground floor occupant frontage with a maximum size of one and a half (1.5) square feet per lineal foot of building frontage not to exceed one hundred (100) square feet total; and

WHEREAS, Section 1207.17(d)(2) of the Land Development Code provides that, for nonresidential uses in nonresidential districts, a structure is permitted one (1) permanent building sign which can be either a wall sign, awning sign, or window sign; and

WHEREAS, Section 1207.17(d)(2)(A)(1) of the Land Development Code provides that, for nonresidential uses in nonresidential districts, a permanent window sign (if utilized as the nonresidential use's one building sign) shall not exceed twenty-five percent (25%) of the total glass area of the building's ground floor windows and further provides that identical permanent window signs may be displayed in more than one (1) ground floor window at the same position of height and placement; and

WHEREAS, Section 1207.17(d)(2)(A)(2) of the Land Development Code provides that, for nonresidential uses in nonresidential districts, in multi-story buildings, each occupant above the ground floor shall be permitted one (1) permanent window sign to be placed in the occupant's space that is not to exceed six (6) square feet or twenty-five percent of the area of the window the sign is placed in, whichever is smaller; and

WHEREAS, Section 1207.17(d)(6)(B) of the Land Development Code provides that, in nonresidential districts for nonresidential uses, 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 and, if erected to advertise a specific event, shall be removed seven (7) days after the close of such event; and

WHEREAS, Section 1207.17(a)(5) of the Land Development Code prohibits all signs not expressly permitted by the Land Development Code; and

WHEREAS, for nonresidential uses in residential districts, permanent and temporary window signs are prohibited as they are not expressly permitted in the Land Development Code; and

WHEREAS, effective, thoughtful, and smart regulation of nonresidential window signage within the City of Hudson is an important public purpose necessary to the public health, safety, and general welfare of the City's residents, businesses, and visitors; and

WHEREAS, portions of the Land Development Code relative to temporary and permanent window signs needs to be updated to improve clarity with respect to enforcement and to better reflect the current needs of the City of Hudson; and

WHEREAS, the passage of this moratorium is not intended to and shall not create any claims relative to legal nonconforming status for any sign by any property owner (or person in possession of property) that has installed, installs, or seeks to install a temporary or permanent window sign in violation of the Land Development Code's window sign regulations; and

WHEREAS, this moratorium is not intended to and shall not grant or confer any special and/or preferential legal status to any sign existing as of the effective date of this Ordinance; and

WHEREAS, this moratorium is strictly limited to a moratorium on enforcement of only those temporary and permanent window signs that were erected prior to the effective date of this Ordinance; and

WHEREAS, all signs, including temporary and permanent window signs, erected after the effective date of this Ordinance shall be erected in compliance with the Land Development Code and shall also be subject to enforcement pursuant to the terms of the Land Development Code as if this moratorium was not in effect; and

WHEREAS, this Council desires to accommodate the needs of its residents and businesses by temporarily suspending the enforcement of the Land Development Code regulations related to temporary and permanent window signs for nonresidential uses for those temporary and permanent window signs existing as of the effective date of this Ordinance, the purpose of which is to direct City Staff to study and consider drafting new regulations with respect to temporary and permanent window signs for nonresidential uses; and

WHEREAS, this Council recognizes that the review, community outreach, and legislative analysis of temporary and permanent window sign regulations will require at least a ten (10) month moratorium on enforcement of temporary and permanent window sign regulations in the Land Development Code through December 31, 2019;

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1: This Council declares the above findings to be true and correct.

Section 2: There is established a moratorium which shall suspend the enforcement of the regulations associated with the nonresidential use of temporary and permanent window signage as set forth in Land Development Code Section 1207.17 for properties that had erected temporary and/or permanent window signage prior to the effective date of this Ordinance through December 31, 2019, so that any temporary or permanent window signs that existed

prior to the effective date of this Ordinance shall be permitted to remain until the repeal of this moratorium or December 31, 2019, whichever occurs first.

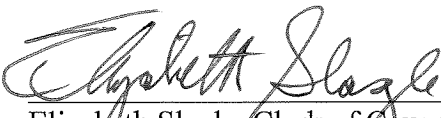
Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance is declared to be an emergency measure necessary for the preservation of the general welfare of the City by reason of the immediate necessity of implementing this temporary moratorium at the earliest possible date so as to enable the City to quickly and responsibly begin to study, analyze, and review the current temporary and permanent window signage regulations contained in the City's Land Development Code; wherefore, this Ordinance shall be in effect immediately upon its passage provided it receives the affirmative vote of five (5) members of Council except that six (6) affirmative votes shall be required if all members are present; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

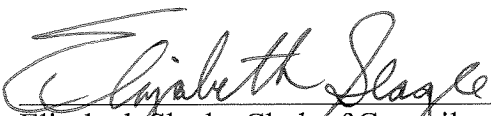
PASSED: April 2, 2019


David A. Basil, Mayor

ATTEST:


Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance No. 19-41 was duly passed by the Council of said Municipality on April 2, 2019.


Elizabeth Slagle, Clerk of Council

First Reading: March 5, 2019
Second Reading: March 19, 2019
Third Reading: April 2, 2019

Metro

What to do if your family member needs money. **B5**

Closing streets for outdoor seating could provide a lifeline to Cleveland restaurants struggling in the post-coronavirus city



Chairs are set up on the pedestrian-only Market Avenue near the West Side Market in Ohio City in 2019. *Lisa DeJong, The Plain Dealer*

Al fresco to the rescue?

Evan MacDonald emacdonald@cleveland.com

Every year after the Ohio City Street Festival, Sam McNulty hears the same question: Couldn't prohibiting vehicles on West 25th Street and opening the area to pedestrians, restaurants and other vendors become permanent?

The concept of reshaping West 25th Street into a pedestrian zone is an old one, said McNulty, the owner of neighborhood staples including Market Garden, Nano Brew and Bier Markt. The idea would create a pedestrian-friendly entertainment district in the vein of those in other large cities, like Times Square in New York City or Downtown Crossing in Boston.

Giving more space to businesses to oper-

ate has taken on additional significance during the coronavirus pandemic. As restaurants, bars and pubs across the U.S. begin to grapple with how to reopen, government officials are ordering them to follow social distancing guidelines by placing tables at least 6 feet apart. In Ohio, restaurant and bars will start to reopen Friday with outdoor seating, while indoor spaces must wait until May 21. When 6 feet of distance isn't possible, physical barriers like high booth seats or plexiglass barriers should be placed between groups of patrons.

For restaurants already struggling to survive amid the crisis, requirements that limit the number of customers they serve pose a

dilemma, in an industry where businesses survive on very narrow profit margins. But what if they were allowed to expand capacity by setting up tables in the street? For many businesses on West 25th Street, the idea could be a "game-changer" as they work to recover from the crisis, McNulty said.

"In many of the great cities around the world, some of the most popular areas are the pedestrian districts. Cleveland is behind the curve on this," McNulty said. "Now is the time for grand plans and bold moves, because it's such a time of transition, and we're rewriting so many of the rules."

Potential roadblocks to creating pedestrian districts:

- ▶ Traffic implications.
- ▶ Permits and liquor licenses.
- ▶ Need for businesses to mark the boundary of their premises with some barrier, like fencing or a rope.

SEE OUTDOOR SEATING, B2

Outdoor seating

FROM BI

The idea has already become a reality elsewhere. The capital of Lithuania, Vilnius, has announced a plan to turn at least 18 of the city's public spaces into massive outdoor cafés. The idea is to provide more outdoor space for restaurants, hairdressers, and other businesses to operate and still adhere to social distancing guidelines, according to *The Guardian*.

Closing streets to vehicle traffic and opening them to restaurants, bars and other vendors is not a foreign concept in Cleveland. Part of East 4th Street is already dedicated to pedestrian access. Annual events like the Ohio City Street Festival and the Feast of the Assumption in Little Italy close off streets in those neighborhoods to allow for more foot traffic.

Cleveland's population topped out at nearly 915,000 residents in the 1950s, so the city has adequate infrastructure for its current population of roughly 385,000, said Chris Ronayne, the president of University Circle Inc. and former planning director for the city. He said the city could transform other entertainment districts like University Circle, Shaker Square, Hingetown and Euclid Avenue to make them more pedestrian-friendly, and offer more space to restaurants for social distancing.

"To give people comfort, and to give restaurateurs comfort, I think distance is the operative of the day," Ronayne said. "As long as you can make it healthy, it's probably not a bad idea."

PEDESTRIAN DISTRICTS

Dramatically altering some of the city's most vibrant neighborhoods would not be an easy task, of course, and could involve some significant red tape. In addition to the obvious traffic implications, there's also the need to figure out permits, liquor licenses and the

additional public health concerns related to the coronavirus.

The Ohio Department of Commerce regulates alcohol sales in the state, and its rules require businesses to mark the boundary of their premises with some barrier, like fencing or a rope. Restaurants would need to follow that rule to serve alcohol to anyone sitting at a table in the street.

Other roadblocks include getting approval from the city to operate a patio, and to close off part of a street and reroute traffic, city officials and restaurateurs said.

Still, officials said, the idea to offer more outdoor seating is worth considering. Cleveland City Council President Kevin Kelley said restaurants are an integral part of the city's culture, so he'd be willing to listen to any idea that would allow them to operate safely.

"If it's simply a matter of allowing a restaurant to go out into the street, that sounds like a reasonable accommodation," Kelley said.

Another issue would be determining which streets to convert. Some restaurant-heavy areas, like Little Italy and West 25th Street, are obvious candidates to turn into pedestrian zones. But it becomes more complicated for others. Should city officials close down an entire block to let a single restaurant expand its seating capacity into the street? Officials would need to weigh the benefit to the business against the impact on the neighborhood and traffic, Kelley said.

City Council member Kerry McCormack, whose Ward 3 includes the downtown area, Tremont, Ohio City and the Stockyards, is an advocate for creating more pedestrian- and bike-friendly zones in Cleveland. He said the city has for years prioritized vehicle traffic and parking at the expense of reshaping and enhancing its entertainment districts. It could be time to reconsider that approach, he said.

"We've got to get out of the mindset of how

we get a car out of a parking garage and out to the suburbs as quickly as possible," McCormack said. "We've got to get into the mindset of creating a vibrant downtown."

RESTAURATEURS SEE BENEFIT

McNulty, for one, thinks restaurant and pub owners would be broadly supportive of the idea of providing more outdoor seating. He said even closing streets at certain times — like at night or on weekends, or during the summer months — could be hugely beneficial to businesses as they try to recover from the financial hit they've taken during the pandemic.

"I couldn't imagine any restaurateur, or even any open-minded citizen, being opposed to it," McNulty said.

Limiting or prohibiting vehicle traffic could create some operational questions for the businesses, like how and when they receive deliveries to restock their supplies, McNulty said. Still, he believes the benefit of being able to seat more diners far outweighs those concerns.

Little Italy restaurateurs would likely support the idea as well, said Scott Phillips, the owner of longtime neighborhood staple Guarino's. As long as the weather is nice enough to sit diners outdoors, he feels it could help boost business in the neighborhood.

"It's a very interesting idea," he said. "Little Italy would band together, I'm sure."

Justin Bibb, a board member for Destination Cleveland and the Greater Cleveland RTA, said he thinks residents would be supportive of the idea to create pedestrian zones because they are eager to find a way to support businesses amid the crisis. He said small businesses are the lifeblood of the city's economy, and giving them more space to operate could be a financial shot in the arm.

"Given everything happening in the country right now, this is the perfect time for a city like Cleveland to be testing innovative and new ideas," Bibb said.



If Cleveland restaurants are forced to limit capacity to adhere to social-distancing guidelines, some believe creating pedestrian zones to provide more outdoor seating, like on East 4th Street, could help them seat more diners. *John Kuntz, cleveland.com*

Restaurant industry in Ohio

22,547

Eating and drinking establishments in Ohio.

585,000

Restaurant and food service jobs in Ohio.

\$24.2B

Estimated sales in Ohio restaurants in 2018.

Source: Ohio Restaurant Association