

Meeting Date:  
July 12, 2021

Request  
Text Amendment to  
the Land Development  
Code

Applicant  
City of Hudson

Case Manager  
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Contents

- o ORD 21-71 2021 LDC Update



**Project Introduction:**

As part of regular updates of the Land Development Code, City staff has recently prepared a list of proposed amendments focused on efficiency, code clarity, and to address noted requests from City Council and residents. City Council conducted a workshop session on April 25, 2021 to consider proposed amendment topics. Staff additionally presented topics to the Architectural and Historic Board of Review on May 26, 2021. Based on these discussions a draft ordinance was prepared and submitted to City Council for a first reading and referral to Planning Commission on June 15, 2021. Staff further reviewed the draft ordinance with the AHBR on June 23, 2021.

**Background:**

The following provides a brief introduction and background to the proposed amendments.

**1. Swing sets, playhouses etc – Section 1201.07(c)(1) Features allowed within a setback:**

Swing sets and playgrounds do not require permits but must currently meet applicable side and rear yard setbacks. This causes some frustration from residents and limits the use of smaller/narrow yards. The proposed amendment would allow play structures and tree houses up to 100 sq feet to be placed within a structure setback. Such improvements would still be required to meet a three-foot setback and would be regulated similar to driveways and patios.

**2. Architectural and Historic Board of Review – Historic District Subcommittee Section 1202.04, 1203.02, and 1203.12**

The referenced sections establish the Historic District Subcommittee of the AHBR to review and provide recommendation to the full AHBR regarding Historic District applications. This format requires two sets of motions and approvals (both subcommittee and full board) to advance an application. Additionally, the AHBR has often struggled with having quorums present of both the subcommittee members and full board in attendance. The draft amendment would remove the subcommittee and have all members equally review and participate in Historic District projects.

**3. Site Plan review - Section 1203.09**

This section describes the site plan review process for applications under the categories of Minor Development (Admin), Basic Development (AHBR), and Major Development (PC). The proposed amendments:

- o establish the ability for small scale projects in the Historic District to be considered Minor Development (Admin)
- o Clarify the threshold for Development in District 6 and 8 – 20% or less expansion would be Minor (admin) and greater than 20% would be Major (PC)

The AHBR has reviewed the proposed amendment and will be completing a final consideration at their meeting of July 14, 2021 with formal comments to be forwarded to the Planning Commission. Staff anticipates the AHBR would request that all Historic District projects remain Basic Development (AHBR) with some procedural changes implemented by the AHBR to allow such cases to be eligible for the consent agenda.

**4. District 3 lot width – Section 1205.06**

The required lot width and maximum density for the residential districts is as follows:

|    | Lot width | Density         |
|----|-----------|-----------------|
| D2 | 200 ft    | 1 per 2.5 acres |
| D1 | 100 ft    | 2 per acre      |
| D3 | 150 ft    | 2.5 per acre    |
| D4 | 60 ft     | 4 per acre      |

Based on the above it appears the 150 ft lot width requirement for D3 is an error in the LDC as District 3 permits a greater density than D1; however, requires a greater lot width.

**5. Assembly and Meeting Halls – Section 1205.08 District 5, 1205.10 District 7, 1205.11 District 8, 1205.12 District 9, and 1206.01 and 1206.02**

this amendment has been proposed based on conflicts within the LDC regarding regulation of assembly/meeting halls and places of worship. Staff has worked with the Law Department and resources from the American Planning Association about places of assembly and places of worship in light of the RLUIPA (Religious Land Use and Institutionalized Persons Act) Act. The amendment properly addresses RLUIPA protections against substantial burdens on religious exercise by having places of worship not be more strictly regulated than places of assembly. Additionally, both uses would be either by right of conditional when within the same district.

**6. Accessory Dwelling units – Section 1206.03**

Accessory dwelling units (ADU) are only permitted within District 4 (Historic area) and District 5 (downtown). Many residents have expressed interest in constructing ADUs in other zoning districts. The proposed amendment would permit one ADU to be accessory to a single family residential use in any district.

ADUs are defined as: 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.

**7. Appendix D – Architectural Design Standards**

Staff has documented several design standards that are common frustrations for residents and provide limited architectural design benefit. Staff has also discussed the proposed amendments with the AHBR on May 26, 2021 and June 23, 2021.

- Massing and garage placement: Revise the Design Standards to align with the district regulations and provide relief for setback greater than 130 feet.
- Window placement on accessory structures: increase threshold from 10 ft to 12 ft
- Fence material: Clarify restriction on chain link
- Glass block windows: codify existing policy/procedure
- Material replacement: Codify existing policy/procedure to request blending of replacement materials
- Number of wall materials: Codify existing policy/procedure to permit a third wall material for several massing types.

**Considerations (Section 1204.01) Zoning Map and Text Amendments**

All applications for text or zoning map amendments shall be reviewed by the PC and City Council for compliance with the nine standards set forth within Section 1204.01 of the Land Development Code (LDC). The following provides a list of each applicable standard:

- (a). Whether or not the proposed amendment is in accordance with the basic intent and purpose of the Land Development Code;**
- (b). Whether or not the proposed amendment furthers the long-range planning goals of the City (as outlined in the City's Comprehensive Plan's goals and objectives);**
- (c). Whether or not conditions within the City have changed since the Land Development Code was last adopted/amended, or there was a mistake in the Land Development Code, that justifies the amendment;**
- (d). Whether or not the amendment corrects an inequitable situation created by the Land Development Code, rather than merely grants special privileges;**
- (e). Whether or not the amendment avoids unlawful exclusionary zoning;**
- (f). With respect to zoning map amendments, whether the proposed zoning map amendment is consistent with the zoning classifications of the surrounding land;**
- (g). With respect to zoning map amendments, whether all of the new requirements attendant to the proposed zoning classification can be complied with on the subject parcel(s);**
- (h). Does the amendment affect the city’s ability to provide adequate services, facilities, or programs that might be required if the application were approved; and**
- (i). Whether or not the amendment is necessary to address changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected.**

Staff notes the proposed amendments align with the intent of the LDC and the 2015 Comprehensive Plan. The proposed amendments will help address inconsistencies in the current regulations, streamline AHBR review processes, response to recent social/planning changes, and provide improved guidance with interpretation of the Architectural Design Standards.

|                            |                       |
|----------------------------|-----------------------|
| Hudson Planning Commission | ZONING TEXT AMENDMENT |
| Case No. 2021-726 2019     | July 12, 2021         |

**Required PC Action**

The PC shall conduct a public hearing, make specific recommendations to the City Council, and transmit the application to the City Council within 120 days from the date of initiation of the application for text or official zoning map amendments.

The City Council shall hold a public hearing and take final action within twenty 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 members of the City Council.

**Recommendation**

Staff recommends the Planning Commission review the proposed text amendments, receive testimony at the public hearing, receive formal comment from the AHBR, and then proceed with consideration of a recommendation to City Council.