

AN ORDINANCE AMENDING CHAPTERS 1202, “ADMINISTRATIVE AND REVIEW ROLES,” 1203 “DEVELOPMENT REVIEW AND ADMINISTRATIVE PROCEDURES,” 1205, “ZONING DISTRICTS,” 1207, “ZONING DEVELOPMENT AND SITE PLAN STANDARDS,” AND 1213, “DEFINITIONS,” OF THE LAND DEVELOPMENT CODE TO IMPLEMENT THE AMENDMENTS TO THE CHARTER OF THE CITY OF HUDSON ADOPTED IN 2015.

WHEREAS, the Land Development Code was adopted in December 1999; and

WHEREAS, since its adoption, the Land Development Code has been amended to authorize administrative review and approval of certain minor projects and to streamline the review process for development in Districts 6 and 8; and

WHEREAS, pursuant to Ordinance No. 04-54, adopted June 2, 2004, the Land Development Code was amended to create a class of minor residential projects that staff can review and approve administratively; and

WHEREAS, pursuant to Ordinance No. 09-47, adopted August 5, 2009, the Land Development Code was amended to establish the Design Subcommittee for development in Districts 6 and 8 and zoning development, site plan, and design standards for Districts 6 and 8; and

WHEREAS, pursuant to Ordinance No. 09-117, adopted February 3, 2010, the Land Development Code was amended to transfer zoning certificate approval of projects in Districts 6 and 8 from the Architectural and Historic Board of Review to the Planning Commission; and

WHEREAS, the electors of the City adopted certain amendments to the Charter of the City of Hudson at the November 3, 2015 general election, including amendments affirming that the Planning Commission may approve zoning certificates for new non-residential buildings in office/industrial zones and expanding staff’s authority to approve minor development to including any minor residential or non-residential project in the City; and

WHEREAS, as a result of the Charter amendments, City staff has prepared proposed amendments to the Land Development Code which will: (1) specify that the Planning Commission may approve zoning certificates only for new non-residential buildings in Districts 6 and 8 and not for small additions or alterations to existing buildings; (2) clarify that the Planning Commission has the power to take final action on site plans and zoning certificates for new non-residential development in Districts 6 and 8, which is not currently explicitly stated in the code; (3) clarify that the Design Subcommittee for Development in Districts 6 and 8 makes recommendations on the design of structures, not the site plan as currently stated in the code; (4) expand staff’s authority to approve minor improvements to non-residential development, in addition to residential development; (5) reduce the amount of time in which a zoning certificate expires (the deadline to

complete a project), from two years to one year; and (6) add a definition for “Minor Improvement, Nonresidential;” and

WHEREAS, this Council has introduced the within Ordinance and referred it to the Planning Commission pursuant to its obligation under Land Development Code Section 1203.03 to follow said procedure; and

WHEREAS, the Planning Commission has submitted its recommendation to Council and Council has held its own public hearing on this Ordinance, and upon which Council determines that the proposed amendments to Chapters 1202, 1203, 1205, 1207 and 1213 of Land Development Code should be adopted as being consistent with the public health, safety and general welfare.

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

Section 1. Chapter 1202, “Administrative and Review Roles,” of the Land Development Code, be amended in part to read as follows:

“CHAPTER 1202 – ADMINISTRATIVE AND REVIEW ROLES

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Section 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:

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- (6) Site Plans and Zoning Certificate Approval - Non-Residential Development in Districts 6 and 8. Review and take final action on proposed site plans, except for minor development site plans (unless called up by the PC and except for major development site plans that are called up by the City Council. As appointed to the Design Sub-Committee for Development in Districts 6 and 8, review site plans for the design of buildings and other structures except for minor improvements, for proposed new non-residential developments and make recommendations to the whole Planning Commission. Take final action on zoning certificates for new non-residential development.

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Section 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 ~~residential~~ improvements and all new nonresidential 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 ~~residential~~ improvements 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 site plans for the design of buildings and other structures except for minor improvements for proposed new nonresidential developments and make recommendations to the Planning Commission.

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Section 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) Site Plans Design Review – New Non-Residential Developments in Districts 6 and 8. Review site-plans for the design of buildings and other structures except for minor improvements, for proposed new non-residential developments in Districts 6 and 8 and report its comments and recommendations to the Planning Commission relating to such ~~site~~ plans' compliance with applicable design guidelines and requirements.

* * *

Section 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:

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- (k) Architecture/Design/Historic Preservation Compliance - Minor ~~Residential~~ Improvements. Review and take final action on zoning applications for minor ~~residential~~ improvements, or as necessary refer such applications to the AHBR.

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Section 1202.07 Summary Table – Administrative and Review Roles

Type of Application or Review	MAYOR & CITY COUNCIL	PLANNING COMMISSION	BZBA	AHBR	DESIGN SUBCOMMITTEE 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	Final Action on Called-Up Applications Appeals	Final Action (Unless City Council Calls Up)	----	----	Review/Recommendation on <u>Site Plans Design of Structures</u> in Districts 6/8	Review/Recommendation
Site Plans-Minor Developments	----	Final Action When Referred by City Manager or Called Up Appeals	----	----	---	Final Action Unless Referred to PC
Site Plans-All Other Developments	Appeals	Final Action	----	----	Review/Recommendation on <u>Site Plans Design of Structures</u> in Districts 6/8	Review/Recommendation
Conditional Uses	----	Final Action	Appeals	----		Review/Recommendation
Development Agreements	Final Action	Review/Recommendation	----	----		Review/Recommendation
Architecture//Design Review/Cert of Appropriateness	----	Final Action (Nonresidential in Districts 6 and 8)	Appeals on Certs of Appropriateness	Final Action except Districts 6/8		Review/Recommendation
Variances	----	----	Final Action	----		Review/Recommendation
Nonconforming Uses/Buildings/Lots	----	----	Final Action	----		Review/Recommendation
Interpretations	----	----	Appeals	----		Final Action-Use Classifications &Map Interpretations
Minor Modifications	----	----	----	----		Final Action
<u>Minor Improvements</u>	----	----	----	----	----	<u>Final Action</u>

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Section 2. Chapter 1202, “Administrative and Review Roles,” of the Land Development Code of the Codified Ordinances of the City of Hudson, to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 3. Chapter 1203, “Development Review and Administrative Procedures,” of the Land Development Code, be amended in part to read as follows:

**“CHAPTER 1203 DEVELOPMENT REVIEW AND ADMINISTRATION
PROCEDURES**

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Section 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.

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- (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. Architectural and Historic Board of Review (“AHBR”) review occurs after a proposed development has received site plan approval, except new development in Districts 6 and 8. 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 AHBR approval of new residential structures (including large accessory structures), additions (~~including decks~~), alterations, and fences, except for minor residential improvements.
 - Applications for AHBR approval of new ~~commercial~~ non-residential structures, additions, alterations, and fences (except new nonresidential development in Districts 6 and 8 and minor improvements).
 - Applications for AHBR approval of signs.
 - No permit shall be issued for the demolition of any building or structure located outside an historic district and not designated as an historic landmark until such proposed demolition is first reviewed by the AHBR to determine whether the building or structure has historic or architectural significance and to determine whether the applicant for such permit will voluntarily consent to the retention of such building or structure as appropriate. For purposes of this section, the terms >alteration= and >remodeling= do not include the term >demolition=. For purposes of this section,

the term >demolition= shall mean the act of completely tearing down or removing a building or structure.

- (2) 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.
- (3) When AHBR Recommendations Required. The AHBR, as represented on the Design Sub-Committee for Development in Districts 6 and 8, shall recommend to the Planning Commission final action on all applications for ~~development site plans in Districts 6 and 8~~ the design of buildings and other structures except for minor improvements, for new non-residential development in Districts 6 and 8. Such recommendation shall be either to approve, approve with conditions, or deny the application for such a development ~~site plan~~ based on its compliance with the use, development, and design standards set forth in this Code.

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(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, including new single-family developments on single lots, accessory structures, additions, alterations, demolitions, and fences.
 - (B) Industrial development.
 - (C) Commercial development, including accessory structures, additions, alterations, demolitions, and fences.
 - (D) Grading, cutting, clearing or ~~undertaking~~ any other land disturbance activity. Occupy, use, or change the use or alter any structure or land.
 - (E) 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 AHBR approval of residential or commercial development, or erection of signs. For new nonresidential 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:
 - (A) Residential Development-Generally. Prior to issuance of a zoning certificate for residential development, including construction of a

single-family dwelling on an individual lot, the applicant first shall have received all of the following:

- Final site plan approval;
- Final approval of any conditional uses or variances (when applicable);
- AHBR approval; and
- Residential allotments pursuant to Chapter 1211 of this Code.

(~~C~~ B) Commercial Development. Prior to issuance of a zoning certificate for commercial development, the applicant shall have received all of the following:

- Final site plan approval; and
- ~~Including review and~~ PC approval pursuant to adopted design guidelines for development in Districts 6 and 8 for the design of buildings and other structures for new non-residential development; and or
- AHBR approval (including AHBR approval of any proposed signs);

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.

(~~D~~ C) Industrial Development. Prior to issuance of a zoning certificate for industrial development, the applicant shall have received all of the following:

- Final site plan approval; and
- ~~Including review and~~ PC approval pursuant to adopted design guidelines for development in Districts 6 and 8 the design of buildings and other structures for new non-residential development; and
- ~~AHBR approval (including AHBR approval of any proposed signs);~~

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.

(~~E~~ D) Signs. Prior to issuance of a zoning certificate for signs, the applicant shall have received all of the following:

- Final approval of any variances or conditional use requirements (when applicable); and
- AHBR approval except for minor improvements.

- (E) ~~Residential Development~~– Minor Improvements. Prior to issuance of a zoning certificate for minor ~~residential~~ improvements, the applicant shall first have received all of the following:
- Final site plan approval; and
 - City Manager approval for architecture/design/historic preservation compliance.
 - Applications involving PC or BZBA action shall be referred to AHBR, except new non-residential development in Districts 6 and 8.
- (3) Issuance of Zoning Certificates. A zoning certificate shall be issued within seven (7) days after final action and approval by the AHBR for residential and commercial developments and for signs, after final action by the City Manager for minor ~~residential~~ improvements ~~with notice to AHBR of action taken~~, and after final action and approval by the PC and/or City Council on a site plan application for developments in Districts 6 and 8.
- (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 ~~twenty-four (24)~~ 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 ~~twenty-four (24)~~ 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

	<u>Step 1</u> Pre-Application Review	<u>Step 2</u> Application	<u>Step 3</u> Staff Review & Report	<u>Step 4</u> PC Action	<u>Step 5</u> City Council Action	<u>Step 6</u> AHBR Action	<u>Step 7</u> Zoning Certificate	<u>Comments</u>
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	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 Plan Review	M-Major M-All Others Except Minor	A	A	A-SR	A-Major Only-SR	N/A	A	City Mgr Final Action on Minor-SR; PC call-up of Minor-SR; City Council call-up of Major-SR
Preliminary Subdivision	M	A	A	A	N/A	N/A	N/A	
Final Subdivision	V	A	A	A	N/A	N/A	N/A	
Development Agreements	V	A	A	A	A	N/A	N/A	
Architectural/Design Review/Cert of Appropriateness	V	A	A-SR	N/A	N/A	A	A	AHBR consent agenda for minor items
Minor Improvements	<u>N/A</u>	<u>A</u>	<u>A-SR</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>A</u>	

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Section 4. Chapter 1203, “Development Review and Administration Procedure,” of the Land Development Code of the Codified Ordinances of the City of Hudson, to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 5. Chapter 1205, “Zoning Districts,” of the Land Development Code, be amended in part to read as follows:

“CHAPTER 1205 – ZONING DISTRICTS

* * *

Section 1205.09 District 6 – Western Hudson Gateway

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(e) *Property Development/Design Standards*

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(6) Architecture and Design Standards: All non-residential uses in District 6 shall comply with the design standards set forth in Section 1207.18(h) of this Code.

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Section 1205.11 District 8 – Industrial/Business Park

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(e) *Property Development/Design Standards*

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(5) Architecture and Design Standards: All non-residential uses in District 6 shall comply with the design standards set forth in Section 1207.18(h) of this Code.

* * *”

Section 6. Chapter 1205, “Zoning Districts,” of the Land Development Code of the Codified Ordinances of the City of Hudson, to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 7. Chapter 1207, “Zoning Development and Site Plan Standards,” of the Land Development Code, be amended in part to read as follows:

“CHAPTER 1207 – ZONING DEVELOPMENT AND SITE PLAN STANDARDS

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Section 1207.18 Zoning Development & Site Plan Standards for Districts 6 & 8

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(h) ~~*Industrial*~~ *Nonresidential 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 ~~industrial~~ nonresidential 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.

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Section 8. Chapter 1207, “Zoning Development and Site Plan Standards,” of the Land Development Code of the Codified Ordinances of the City of Hudson, to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 9. Chapter 1213, “Definitions,” of the Land Development Code, be amended in part to read as follows:

“CHAPTER 1213 – DEFINITIONS

* * *

Section 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:

* * *

(179) Medical Clinic

~~(252 180) Residential improvement, minor,~~ Minor improvement, residential, shall mean residential and nonresidential development consisting of decks, additions and accessory structures that do not exceed 120 square feet in gross floor area, arbors, pergolas, fences, and alterations which involve the replacement of architectural features with similar materials and design. Minor residential development shall not include Historic Landmarks and properties within the Historic District.

(181) Minor improvement, nonresidential, shall mean outside of Districts 6 and 8 nonresidential development consisting of additions and accessory structures that do not exceed 1,000 square feet in gross floor area, fences, and alterations which involve the replacement of architectural features with similar materials and design. In Districts 6 and 8 minor non-residential development shall mean development consisting of additions and accessory structures that do not exceed 2,000 square feet in gross floor area, fences, signs, and alterations. Minor nonresidential improvement shall not include Historic Landmarks and properties within the Historic District.

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Section 10. Chapter 1213, “Definitions,” of the Land Development Code of the Codified Ordinances of the City of Hudson, to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 11. 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 of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 12. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

David A. Basil, Mayor

ATTEST:

Elizabeth A. Slagle, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality on _____, 2016.

Elizabeth Slagle, Clerk of Council

First Reading & Referral to Planning Commission: April 5, 2016