

AN ORDINANCE AMENDING SECTION 1205.11 “HIKE BIKE (HB) SENIOR HOUSING OVERLAY ZONING DISTRICT 8” OF THE LAND DEVELOPMENT CODE.

WHEREAS, upon application by the owner of a residential development in the “Hike Bike (HB) Senior Housing Overlay Zoning District 8” in the City of Hudson, the owner has proposed amendments to Section 1205.11(f) of the Land Development Code to eliminate the legal requirement that residences in said District be restricted to persons age 55 and over as originally adopted by this Council; and

WHEREAS, upon the owner’s application, this Council is required by ordinance to introduce this Ordinance and refer it to the Planning Commission for a public hearing and recommendation; 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 amendment to the text of Subsection 1205.11(f) 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. Subsection 1205.11(f) “Hike Bike (HB) Senior Housing Overlay Zoning District 8” is amended to hereinafter read as follows:

SECTION 1205.11 DISTRICT 8: INDUSTRIAL/BUSINESS PARK

(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~~designed to accommodate residents age 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 1,100 feet, less than one-quarter 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 Senior Housing~~ Residential, see Property Development Standards below:

- (i) Duplexes
- (ii) Single family, attached
- (iii) Single family, detached
- (iv) Residential group homes for up to five 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) 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 6 to 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:

Residential 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) ~~Senior Housing Residential Occupant Restrictions on Years of Age Requirements~~

(i) ~~HomeownersResidents Association.~~ All dwellings shall be included within a development having a mandatory ~~homeownersresidents~~ association. Said ~~homeownersresidents~~ 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 55 years of age and older including maintaining surveys or affidavits verifying compliance with 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:~~

~~(1) A restriction that requires homes to be occupied by persons 55 years of age or older, or a demonstration that at least 80% of the occupied units are occupied by at least one resident who is age 55 years of age or older; and~~

~~(H) A restriction on homes to the effect that persons under the age of 19 years of age shall not occupy or reside in a residential unit for more than 90 consecutive days or more than 120 cumulative days in any one 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 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: 4 dwelling units per acre.
- (ii) Duplexes: 4 dwelling units per acre.
- (iii) Single-Family Attached: 6 dwelling units per acre.
- (iv) Townhomes: 8 dwelling units per acre.
- (v) Multi-Family: 12 dwelling units per acre.

- (C) Permitted Mix of Residential Uses per Development:
No more than 65% of the dwellings of any residential development shall be single-family detached. At least 35% of the dwellings shall be single family attached, duplex, townhome or multi-family type and at least three of these four 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 house entry from the exterior be a step-free entrance.
- (E) Open Space: Residential development shall set aside a minimum of 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
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| (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:
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|--------------------------|-------------------------|
| (i) Retail and Services: | 2,000 gross square feet |
| (ii) Office: | 5,000 gross square feet |
- (H) Minimum Lot Width:
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| (i) Single-Family Detached: | 56 feet, with limited use of lesser lot widths allowed as narrow as 45 feet. “Limited” means lot widths less than 56 feet shall be used no more than 4 lots within a span of 500 feet. |
| (ii) Duplexes: | 60 feet. |
| (iii) Single-Family Attached: | 20 feet. |
| (iv) Townhomes: | 24 feet |
| (v) Multi-Family Uses: | 150 feet. |
| (vi) Non-Residential Uses: | 50 feet. |
- (I) Setbacks:
Unless modified pursuant to Section 1203.08, “Minor Modifications,” the yard setbacks shall be:
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| (i) <u>Front Yard Setback:</u> | 20 feet minimum, 35 feet maximum |
| (ii) <u>Minimum Side Yard Setback:</u> | |
| (I) Single-Family Detached/Attached: | 5 feet, 15 feet total both sides. |
| (II) Other Residential: | 10 feet |
| (III) Side-Facing Attached Garage: | 25 feet. |

- (IV) Other Accessory Structures: 5 feet.
- (V) Corner Lots: 20 feet for street side not designated as “front”.
- (iii) Minimum Rear Yard Depth:
 - (I) Principal Structure: 30 feet.
 - (II) Accessory Structure: 8 feet.
- (J) Maximum Number of Units per Structure:
 - (i) Townhomes: 8 units per structure.
 - (ii) Multi-Family: 12 units per structure
- (K) Maximum Structure Height: 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 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 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 of the streets and not the corner.
 - (II) One 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 50% of the single family attached and detached, duplex, and townhome dwellings within a street frontage of 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 car within an enclosed garage.
- (IV) Garages for single family or townhome dwellings shall not be larger than 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 closet 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 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 50% of the dwellings shall have front facing garages within a span of street of 500 feet; and
 - (II) No more than 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 9 feet clear height and 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 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 family dwellings shall not look alike. The subject building shall not look like the buildings on 2 lots to either side of it and 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 (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 (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 closet 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.
 - (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 prided 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 in properties with multi-use paths eight (8) feet in width, and sidewalks.

(S) Environmental Standards.
See Section 1205.14, "Floodplain/Floodway Overlay".

Section 2. Existing Subsection (f) of Section 1205.11 of the Land Development Code is hereby repealed.

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

PASSED: _____

William A. Currin, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality on _____, 2014.

Elizabeth Slagle, Clerk of Council