

15 JUNE 2018

MEMORANDUM

To: City Council and Planning Commission

From: **The LDC Rewrite Team**
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Subj: Summary of Proposed Revisions to the Current Hudson Land Development Code (Updated)

Ref: 2015 Hudson Comprehensive Plan

I. The Hudson Land Development Code

The bulk of the City’s current Land Development Code (“LDC”) was adopted in 1999 – just five years after the merger of Hudson Village and Hudson Township. Much has changed since 1999 in the City of Hudson and so have the needs of the City’s business and residential occupants. A City’s Land Development Code contains all of the adopted standards, regulations, and procedures relative to development within the City. Land Development Code’s regulate small residential projects like fences and additions and, at the same time, regulate large scale projects like residential subdivisions and commercial business parks. Consequently, the reach and effects of a LDC that is out-of-date and/or behind a City’s current development needs cannot be understated.

While the original 1999 LDC has been amended over the years, a full update has not been undertaken since the LDC’s original adoption. In April of 2017, with a recently adopted Comprehensive Plan in hand (the 2015 Comprehensive Plan – passed on January 19, 2016 by Hudson City Council, hereinafter the “Comp Plan”),

the City began a year-long process to complete a full revision of the LDC. Notably, City leadership tasked both the Community Development Department and Solicitor's Office to work together to complete the rewrite process internally. Approaching 18 years since its original adoption, it was officially time for Hudson to revisit the full text of the City's 1999 LDC.

At the outset, it is important to note that the following suggested revisions to the LDC are not intended to be a full code replacement. From the start, the Rewrite Team uniformly agreed that Hudson is a special place and its status as a destination municipality in Ohio is in no small part due to the LDC adopted early in Hudson's life as a City. Therefore, the Team's task would be to talk to the City stakeholders and leaders, review the suggested goals and recommendations in the City's Comprehensive Plan, and listen to the experiences of administrators and users of the LDC to discover and identify ways to *improve* the existing LDC and position Hudson for future success. Ultimately, after countless hours of investigation, research, and discussion, the Rewrite Team concluded that the suggested revisions contained in Section IV below contain the optimum mix of retained and revised code language. And, collectively, create a new and revised LDC that positions Hudson to thrive in its next twenty years and beyond.

The memorandum that follows is the first in a possible series of memorandums that will be distributed as the Administration, Council, and the Planning Commission work through the LDC rewrite. The purpose of this first memorandum is to highlight the ideas that emerged from both the Comp Plan and Phase I of the LDC Rewrite and list the suggested revisions. It is anticipated that subsequent memorandums may be distributed to address questions that come up during the LDC Rewrite hearings.

II. **The LDC Rewrite Process – Phases I to III**

a. **Phase I**

Over a six-month period, the LDC Rewrite Team reached out to community residents, businesses, stakeholders, City personnel, and City leadership for their feedback on the existing LDC. From an outreach standpoint, Phase I's primary goal was to identify areas of the current LDC

that needed improvement while simultaneously creating a roadmap for drafting.

The outreach component of Phase I was divided into two different components: (1) Internal Outreach and (2) External Outreach. The Internal Outreach involved the City's Elected and Appointed Staff. The External Outreach generally involved community stakeholders, residents, and commercial users of the LDC.

i. **Internal Outreach**

Internal Outreach was comprised of:

- 19 individual key-person interviews with elected and appointed City staff;
- 3 public meetings with the City's land use boards (AHBR, BZBA, and PC) focused on discussing the strengths and weaknesses of the City's LDC; and
- 1 online survey mailed out to the above-mentioned groups.

ii. **External Outreach**

External Outreach was comprised of:

- 1 public open house¹;
- 1 public online survey²;
- 1 meeting with the Hudson League of Women Voters;
- Solicitation of input from the Environmental Awareness Commission and Tree Commission;
- 1 City webpage to keep the public up to date on the LDC Rewrite; and
- Solicited input from:
 - 30 building contractors;
 - 32 Homeowner's Associations; and
 - 49 Hudson Merchants.

¹ In an effort to maximize community participation and input, this event was advertised in the Hudson Hub Times Newspaper, Facebook, and the City Website.

² See FN1.

Ultimately, with Phase I, stakeholders provided remarkably consistent feedback on the current LDC with most respondents requesting the following changes to the current LDC³:

- Simplify the LDC, make it easier to navigate, and improve its organization;
- Improve code enforcement;
- Promote a variety of housing types;
- Allow flexibility in garage orientation;
- Employ more charts, tables, and visual aids; and
- Include regulations that will attract millennials, young families, and empty nesters.

Finally, concurrent with the above internal and external outreach, the LDC Rewrite Team also began studying the Comp Plan's recommendations for future land use and development to cross reference the recommendations from the Comp Plan with the recommendations gathered during Phase I. And, thereafter, create a synthesis between the above two data sources to map out the best and/or necessary changes to the LDC.

b. ***Phase II***

Phase II was the drafting stage. At the outset, the LDC Rewrite Team met with a joint session of both the Planning Commission and City Council to discuss the LDC Rewrite Team's initial findings. During this meeting, feedback was solicited that set the overall tone for the drafting stage.

During Phase II, the information compiled in Phase I was reviewed and analyzed by the LDC Rewrite Team. The Team also reflected on their past experiences with the LDC and the Comp Plan was consulted. Weekly Team meetings were held. Discussions were had between Team members on what should and should not be in the LDC, and most importantly, what did Hudson need to continue to succeed in the future. Ultimately, the changes that were agreed on were implemented and became the revised draft LDC.

³ See Exhibit "A" for a full breakdown of the data received in Phase 1.

c. ***Phase III***

Phase III is the current phase. Phase III consists of the review, discussion, formal public comment, and adoption phase. See Section V below for more information.

III. **Goals for the LDC Rewrite**

a. ***Phase I***

The outreach in Phase 1 revealed a narrow set of concerns. In its simplest sense, the leaders, users, administrators, and stakeholders of Hudson wanted revisions that resulted in the following:

- Where possible, simplify the LDC;
- Where possible, streamline the LDC; and
- Create a regulatory environment that can flex to accommodate varied housing styles.

b. ***The Comp Plan and the Legal Standard***

i. ***The Legal Standard***

From a legal perspective, zoning map and/or zoning regulations: (1) must bear a substantial relationship to the municipality's interest in the public health, safety, morals, or general welfare of the municipality; (2) may not be unreasonably or arbitrarily exercised; and (3) must not interfere with private rights beyond the necessities of the situation. To satisfy this standard, a municipality needs to be able to demonstrate the rationale and or underlying justification for its zoning map and regulations. One way to do this is to make sure that the proposed zoning map and zoning regulations reflect and implement the policies, goals, and recommendations contained in the City's current comprehensive plan.

A comprehensive plan demonstrates what the City should look like at some point in the future from a land development standpoint. The Comp Plan represents Hudson's policy towards

future development both public and private. Indeed, creation of the Comp Plan was the first step in moving towards to the LDC Rewrite today. A comprehensive plan is an independently prepared (and separately adopted) study of a community’s physical development that is based on a careful review of a community’s population, economics, living patterns, transportation patterns, and environmental issues – to name just a few topics. In turn, the studies constituting the comprehensive plan (and, the recommendations within the comprehensive plan based upon those studies) provide the reasons and support for the changes a community seeks to make to its land development code.

Accordingly, the Rewrite Team focused on crafting a revised LDC where the revisions suggested were consistent with the Comp Plan’s recommendations.

ii. ***The Comp Plan’s Goals and Recommendations***

The Comp Plan’s Land Use and Development Plan (“LUDP”) identified future land uses for all areas within the City and provided a framework to guide future planning and land use policy decisions. The most recent plan is a continuation of both the 1995 and 2004 Plans.

The LUDP identified the overarching goal of “Support[ing] a healthy balance of land uses that can continue to make Hudson an attractive place to live and work, and carefully manage new growth and investment to ensure preservation of the community’s historic character and small-town charm.” (Comp Plan at 23). Specifically, the LUDP outlined a collection of goals and recommendations to assist in achieving this, including:

- “Support the creation and maintenance of stable residential neighborhoods, ranging from medium or large lot single family homes to small lot single family detached homes, duplexes,

townhomes, condominiums, and apartments.” (Comp Plan at 23).

- “Concentrate commercial corridor uses at key nodes along Route 303 and 91.” (Comp Plan at 23)
- “Support the creation and maintenance of offices, industrial areas, and business parks of varying sizes that can accommodate a diverse array of industries, support well-paying jobs, and generate new tax revenue.” (Comp Plan at 23).
- “Continue to ensure new development reflects the scale of existing development within Hudson.” (Comp Plan at 23).

The overreaching residential goal in the Comp Plan was to “preserve and enhance the character of Hudson’s established neighborhoods while accommodating incremental residential development that can diversify and expand the local housing stock.” (Comp Plan at 29). The Com Plan suggests that this can be achieved through a variety of recommendations including:

- “Promote residential development and redevelopment of a variety of housing and dwelling unit types, tenures, and densities in accordance with the Land Use Plan.” (Comp Plan at 29).
- “Encourage housing development that provides diverse choices of style and cost.” (Comp Plan at 29).
- “Support the development of ‘age targeted’ housing units that allow Hudson’s seniors to age in place and remain in the community.” (Comp Plan at 29).
- “Provide developers with the flexibility to cluster residential development in certain portions of a site, thereby leaving larger contiguous areas of stream buffers, wetlands, tree stands, and other assets undisturbed.” (Comp Plan at 29).
- “Focus the development of higher-density or multi-family units with the greater Downtown area.” (Comp Plan at 29).
- “Evaluate changes to the Land Development Code that can allow greater flexibility in designing and developing higher-density homes such as duplexes and townhomes, in appropriately targeted areas.” (Comp Plan at 29).

- “Preserve and maintain existing housing through regular and enhanced code enforcement.” (Comp Plan at 29).

From a demographic standpoint, the Comp Plan identified that Hudson’s population is aging and this may require more senior friendly housing options that include multi-family, townhomes, and senior living as well as increased access to health care services. (Comp Plan at 15). Additionally, the Comp Plan indicated that average household income is rising in Hudson and this will increase demand for retail goods and services within the community. (Comp Plan at 15).

IV. **Proposed Changes**

a. ***Introduction***

As explained above, the following proposed revisions are not considered a wholesale code replacement. Indeed, much of the current LDC works well. However, the data uncovered from both Phase I and the Comp Plan suggested a need for a full code review to address certain areas that needed improvement and/or modernization to best position Hudson for its future.

b. ***Signs***

The City is facing two primary concerns with respect to its sign code: (1) revisions in light of the ever-increasing legal scrutiny on municipal regulation of signs with respect to content and (2) concerns from the merchants about their ability to effectively advertise. To deal with these concerns the Rewrite Team proposes the following:

- New regulations that allow A-Frame signs in District 5;
- Addition of a content substitution clause;
- Addition of a sign code specific severability clause;
- Removal of the “Ideological Signs” exemption to zoning certificate and registration requirement and a revision to the balance of the text to indicate that “temporary ground signs and banner signs” ***in non-residential*** districts need only to register with the CD Department, but do not need a zoning certificate.

- Addition of a substitution clause for non-commercial speech within the “instructional sign” definition.
- Deleted the reference to exempting “instructional sign” from regulations if you meet the code text. (The Code text is the regulation.)
- Exempted from the need for a sign permit: “Any outdoor sign which is not in any way visible from any adjacent public right of way or from any adjacent property.”
- Also exempted: temporary ground and banner signs in residential districts

c. ***Zoning Map Changes***

- Combine Districts 7, 9, and the 7-Overlay into one business/commercial corridor along SR 91 – the B-3 Business/Commercial District.
- Integrate the current District 8-Overlay into District 8.
- Combine Districts 2 and 10 into one residential district – District R-1 Residential Neighborhood.

d. ***District and Use Regulations***

The largest amount of revisions are proposed within the LDC’s district development regulations and the permitted/conditional use table. The Rewrite Team’s goals with respect to the district and use revisions were:

- Where possible, transfer regulatory text to district tables.
- Add diagrams to assist in explaining regulatory text and tables.

Additionally, to address the goals and recommendations with respect to future land use/creation of housing variety/creation of a simplified review process some uses that are currently conditionally permitted have been converted to permitted uses. Also, generally speaking, development regulations have been revised to cater to the creation of a varied housing.

The zoning district standards have been revised to reflect the following:

- Names of the districts have been revised to better reflect their character.
- Total number of districts have been reduced.

- Purpose Statements have been adjusted to reflect current goals as elicited from Phase I and stated in the Comp Plan.
- Former District 10 has been integrated into District 2 R-1 Residential Neighborhood as it is primarily residential use.
- Charts and diagrams have been implemented for easier interpretation of standards.
- Housing types have been integrated to reflect a greater variety within the districts.
- Districts 7, 9, and the 7-Overlay all with similar use standards, were combined to allow for compatible and consistent redevelopment along the Rt. 91 corridor while encouraging mixed use development.
- The District 8-Overlay was integrated into District 8.

Here is a table to better explain the District Changes:

| <u>Old District</u> | <u>New District</u> |
|--|--|
| District 1: Suburban Residential Neighborhood | District 1: R-2 Residential |
| District 2: Rural Residential Conservation | District 2: R-1 Residential Neighborhood |
| District 3: Outer Village Residential Neighborhood | District 3: R-3 Residential Neighborhood |
| District 4: Historic Residential Neighborhood | District 4: R-4 Residential Neighborhood |
| District 5: Village Core District | District 5: B-1 Downtown District |
| District 6: Western Hudson Gateway | District 6: B-2 Office Park |
| District 7: Outer Village Commercial Corridor | District 7: B-3 Business/Commercial Corridor |
| District 7 Office Overlay Zone | District 7: B-3 Business/Commercial Corridor |
| District 8: Industrial/Business Park | District 8: I-1 Business/Industrial Park |

| | |
|---|--|
| District 8 Hike Bike Senior Housing Overlay | District 8: I-1 Business Industrial Park |
| District 9: Darrowville Commercial Corridor | District 7: B-3 Business/Commercial Corridor |
| District 10: Ravenna Road Corridor | District 2: R-1 Residential Neighborhood |
| Floodplain/Floodway Overlay | (No Change) |

The proposed revisions are presented below in more detail by District followed by a bulleted list of the major changes.

Proposed District 2: R-1 Residential Neighborhood

- *The area encompassing the proposed District 2: R-1 Residential Neighborhood is currently comprised of District 2: Rural Residential Conservation and District 10: Ravenna Road Corridor*

| | | Residential Uses | Non-Residential Uses |
|--|--|--|---------------------------|
| Development Standards | Density | 1 unit per 2.5 acres | N/A |
| | Minimum Lot Size | 2.5 acres | 2.5 acres* |
| | Lot Width | 200' | 200' |
| Building Setbacks (Principal) | Front | 50' ** | 100' |
| | Side | 20'; 25' for attached garage; 50' on corner | 30' |
| | Rear | 50' | 50' |
| Building Setbacks (Detached Accessory) | Front | Behind rear building line | Behind rear building line |
| | Side | 15' | 15' |
| | Rear | 15' | 15' |
| Parking and Driveway Setback | 3' | 10'; 25' adjacent to residential | |
| Location of Parking | Side or rear of principal building per section 1207.12 | Side or rear of principal building per section 1207.12 | |
| Max. Building Height (Principal) | 35' | 35' | |
| Max. Building Height (Accessory Structure) | 16'; 25' for detached garage | 16'; | |

| | | |
|------------------------------------|---|---|
| | | 25' for detached garage |
| Maximum number of curb cuts | 1 for lot widths less than 150 feet; 2 for lot widths greater than 151 feet See section 1207.13(c)(5) | 1 for lot widths less than 150 feet; 2 for lot widths greater than 151 feet See section 1207.13(c)(5) |

The following changes have been proposed for the former District 2 and 10:

1. Removed minimum lot width of 250' for lots abutting a railroad right-of-way.
2. Open Space Conservation Subdivision requirements have been incorporated into the Planned Development requirements.
3. Removed density bonus for additional open space to allow PC/Council to determine bonus on a case-by-case basis through the Planned Development process.
4. Parking setbacks have been revised from 25' to 10'.
5. Government and Administrative Offices and Services is now a Permitted Use where it was previously not allowed in District 2, but permitted in District 10.
6. Government Public Works and Service Facilities/Government Power Facilities is now a Permitted Use where Government Public Works and Service Facilities was not a Permitted Use in District 10.
7. Commercial Nurseries has been removed as a Conditional Use from District 2 and a Permitted Use from District 10.
8. Assisted Living has been removed as a Conditional Use where it used to be conditionally permitted in District 2.
9. Public Non-Commercial Facility for Composting is no longer a conditional use where it was previously conditionally permitted in District 2.
10. Planned Development is a Special Permit Use.

Proposed District 1: R-2 Residential Neighborhood

- *The area encompassing the proposed D1: Suburban Residential Neighborhood is currently comprised of District 1: Suburban Residential Neighborhood*

| | | Residential Uses | Non-Residential Uses |
|---|------------------|--|--|
| Development Standards | Density | 2 units per acre | N/A |
| | Minimum Lot Size | 20,000 square feet | 1.5. acres |
| | Lot Width | 100' | 100' |
| Building Setbacks (Principal) | Front | 50'* | 100' |
| | Side | 15' 25' for attached garage 50' on corner | 30' |
| | Rear | 50' | 50' |
| Building Setbacks (Detached Accessory) | Front | Behind rear building line | Behind rear building line |
| | Side | 15 | 15' |
| | Rear | 15 | 15' |
| Parking and Driveway Setbacks | | 3' | 10' 25' adjacent to residential |
| Location of Parking | | Side or rear of principal building per section 1207.12 | Side or rear of principal building per section 1207.12 |
| Max. Building Height (Principal) | | 35' | 35' |
| Max. Building Height (Accessory Structure) | | 16' 25' for detached garage | 16' 25' for detached garage |
| Maximum number of curb cuts | | 1 for lot widths less than 150 feet 2 for lot widths greater than 151 feet See section 1207.13(c)(5) | See section 1207.13(c)(5) |

The following changes have been proposed for the former District 1:

1. Definition of Density revised.
2. Removed 200' lot width requirement for lots fronting an arterial road.
3. Removed 1-acre area requirement for lots fronting an arterial road.
4. Parking setbacks have been revised from 25' to 10'.
5. Open Space Conservation Subdivision requirements have been incorporated into the Planned Development requirements.
6. Family Day Care is now a Conditional Use where it was previously a Permitted Use in District 1.
7. Removed Commercial Nurseries as Permitted or Conditional Use.
8. Government and Administrative Offices and Services in now a Permitted Use where it was previously not permitted in District 1.
9. Planned Development is now a Special Permit Use.

Proposed District 3: R-3 Residential Neighborhood

The area encompassing the proposed District 3: R-3 Residential Neighborhood is currently comprised of District 3: Outer Village Residential Neighborhood

| | | Single Family Detached | Duplex | Single Family Attached | Townhome | Non-Residential |
|--|------------------|--|--|--|--|--|
| Development Standards | Density | 2.5 units per acre | 2.5 units per acre | 4 units per acre | 5 units per acre | N/A |
| | Minimum Lot Size | 16,000 square feet; 1 acre if fronting arterial road | 16,000 square feet; 1 acre if fronting arterial road | 16,000 square feet; 1 acre if fronting arterial road | 2,500 square feet | 2 acres |
| | Lot Width | 150' | 150' | 48' | 24' | 150' |
| Building Setbacks (Principal) | Front | 50' * | 50' * | 50' * | 50' * | 75' |
| | Side | 15'; 25' for attached garage; 50' on corner | 15'; 25' for attached garage; 50' on corner | 15'; 25' for attached garage; 50' on corner | 15'; 50' on corner | 30' |
| | Rear | 50' | 50' | 50' | 50' | 50' |
| Building Setbacks (Detached Accessory) | Front | Behind rear building line | Behind rear building line | Behind rear building line | Behind rear building line | Behind rear building line |
| | Side | 15' | 15' | 15' | 15' | 15' |
| | Rear | 15' | 15' | 15' | 15' | 15' |
| Dwelling units per structure | | 1 | 2 | 4 | 6 | N/A |
| Distance required between residential buildings | | N/A | 20' | 20' | 20' | N/A |
| Parking and Driveway Setbacks | | 3' | 3' | 3' | 3' | 10'; 25' adjacent to residential |
| Location of Parking | | Side or rear of principal building per section 1207.12 | Side or rear of principal building per section 1207.12 | Side or rear of principal building per section 1207.12 | Side or rear of principal building per section 1207.12 | Side or rear of principal building per section 1207.12 |
| Maximum number of curb cuts | | 1 for lot widths less | 1 for lot widths | 1 for lot widths | 1 for lot widths less | See section 1207.13(c)(5) |

| | | | | | |
|---|---|--|--|---|---------------------------------|
| | than 150 feet; 2 for lot widths greater than 151 feet See section 1207.13(c)(5) | less than 150 feet; 2 for lot widths greater than 151 feet See section 1207.13(c)(5) | less than 150 feet; 2 for lot widths greater than 151 feet See section 1207.13(c)(5) | than 150 feet; 2 for lot widths greater than 151 feet See section 1207.13(c)(5) | |
| Max. Building Height (Principal) | 35' | 35' | 35' | 35' | 40' |
| Max. Building Height (Accessory) | 16'; 25' for detached garage | 16'; 25' for detached garage | 16'; 25' for detached garage | 16'; 25' for detached garage | 16'; 25' for detached garage |

The following changes have been proposed for the former District 3:

1. Open Space requirements have been incorporated into the Planned Development requirements.
2. Parking setbacks have been revised from 25' to 10'.
3. Removed minimum lot width of 250' for lots abutting a railroad right-of-way.
4. Duplexes are now a Permitted Use (was Conditional).
5. Government and Administrative Offices and Services in now a Permitted Use where it was previously not permitted in District 3.
6. Government Public Works and Service Facilities/Government Power Facilities is now a Permitted Use where the use was previously not permitted in District 3.
7. Planned Development is now a Special Permit Use.
8. Institutional Residential for the Handicapped or Elderly (For 9 or more people) is no longer permitted as a Conditional Use.

Proposed District 4: R-4 Residential Neighborhood

- The area encompassing the proposed District 4: R-4 Residential is currently comprised of District 4: Historic Residential Neighborhood.

| | | Single Family Detached | Duplex | Single Family Attached | Townhome | Multi-Family | Non-Residential |
|--|-----------|--|---|--|--|---|--|
| Minimum Lot Size | Density | 4 units per acre* | 4 units per acre | 6 units per acre | 8 units per acre | 12 units per acre | N/A |
| | Area | 6,000 square feet | 6,000 square feet | 6,000 square feet | 2,500 square feet | 10,000 square feet | N/A |
| | Lot Width | 60' | 60' | 20' | 24' | 150' | 150' |
| Building Setbacks (Principal) | Front | 35'*** | 35'*** | 35'*** | 35'*** | 15'*** | 1.5 times the maximum height of principal building |
| | Side | 8'; 25' for attached garage; 35' on corner | 10'; 25' for attached garage; 35' on corner | 8'; 25' for attached garage; 35' on corner | 8'; 25' for attached garage; 35' on corner | 10'; 25' for attached garage; 35' on corner | 15'; 35' on corner |
| | Rear | 40' | 40' | 40' | 40' | 40' | 40' |
| Building Setbacks (Detached Accessory) | Front | Behind rear building line | Behind rear building line | Behind rear building line | Behind rear building line | Behind rear building line | Behind rear building line |
| | Side | 4'; 8' garage; 35' on corner | 4'; 8' garage; 35' on corner | 4'; 8' garage; 35' on corner | 4'; 8' garage; 35' on corner | 4'; 8' garage; 35' on corner | 4'; 8' garage; 35' on corner |
| | Rear | 4' | 4' | 4' | 4' | 4' | 4' |
| Dwelling units per structure | | 1 | 2 | 8 | 6 | 12 | N/A |
| Distance between residential buildings | | N/A | N/A | 20' | 20' | 20' | N/A |
| Parking and Driveway Setbacks | | 3' | 3' | 3' | 3' | 10' | 10' |
| Location of Parking | | Side or rear of principal building per | Side or rear of principal building | Side or rear of principal building per | Side or rear of principal building per section 1207.12 | Side or rear of principal building per | Side or rear of principal building per section 1207.12 |

| | | | | | | |
|---|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|---|
| | section 1207.12 | per section 1207.12 | section 1207.12 | | section 1207.12 | |
| Maximum number of curb cuts | 1 per lot | 1 per lot | 2 per development site | 2 per development site | 2 per development site | 1 per lot; 2 for lots greater than 150' |
| Max. Building Height (Principal) | 35' | 35' | 35' | 35' | 40' | 40' |
| Max. Building Height (Accessory) | 16'; 25' for detached garage | 16'; 25' for detached garage | 16'; 25' for detached garage | 16'; 25' for detached garage | 16'; 25' for detached garage | 16'; 25' for detached garage |

The following changes have been proposed for the former District 4:

1. Single Family Attached, Townhomes, and Multi-Family changed from Conditional uses to Permitted uses.
2. Bed and Breakfast Inns changed from Conditional to Permitted
3. Planned Development is now a Special Permit Use.
4. Government Public Works and Service Facilities/Government Power Facilities is now a permitted use where it was previously not permitted in the district.
5. Government and Administrative Offices and Services in now a permitted use where is was previously not a permitted use in the district.
6. Changed side and rear yard setback for detached garages to 8' (was 4').
7. Added side yard setback for non-residential structures (15'). No setback in previous code.

Proposed District 5: B-1 Downtown District

- *The area encompassing the proposed District 5: B-1 Downtown District is currently comprised of District 5: Village Core District)*

| | | Single Family Detached | Duplex | Single Family Attached | Townhome | Multi-Family | Non-Residential |
|--|------------------|--------------------------------|---------------------------------|--------------------------------|--------------------------------|---|---|
| Development Standards | Density | 8 units per acre | 12 units per acre | 8 units per acre | 20 units per acre | 30 units per acre | N/A |
| | Minimum Lot Size | N/A | N/A | N/A | N/A | N/A | N/A |
| | Lot Width | 50' | 50' | 48' | 24' | 100 feet | 100 feet |
| Building Setbacks (Principal) | Front | 5'* | 5'* | 5'* | 5'* | 75% of front wall of commercial and retail buildings shall be built to edge of front sidewalk or front property line (minimum and maximum front yard/setback = 0 feet) * | 75% of front wall of commercial and retail buildings shall be built to edge of front sidewalk or front property line (minimum and maximum front yard/setback = 0 feet) * |
| | Side | 8'; 25' for attached garage | 10'; 25' for attached garage | 8'; 25' for attached garage | 8'; 25' for attached garage | 10'; 25' for attached garage | 0' provided emergency services access is available at rear of structure; 15' if adjacent to residential use |
| | Rear | 25' | 25' | 25' | 25' | 25' | 10' 20' if adjacent to residential use |
| Building Setbacks (Detached Accessory) | Front | Behind rear building line | Behind rear building line | Behind rear building line | Behind rear building line | Behind rear building line | Behind rear building line |
| | Side | 5'; 8' for detached garage | 5'; 8' for detached garage | 5'; 8' for detached garage | 5'; 8' for detached garage | 5'; 8' for detached garage | 5' |
| | Rear | 5'; | 5'; | 5'; | 5'; | 5'; | 5' |

| | | | | | | | |
|---|---------------------------------|--|---|--|---|---|--|
| | | 8' for detached garage | 8' for detached garage | 8' for detached garage | 8' for detached garage | 8' for detached garage | |
| Dwelling units per structure | N/A | N/A | 4 | 8 | 20 | N/A | |
| Distance between residential buildings | N/A | N/A | 10' | 10' | 10' | N/A | |
| Parking and Driveway Setbacks | 3' | 3' | 3' | 3' | 10' | 10' | |
| Max. Building Height (Principal) | 35' | 35' | 35' | 35' | 40' | 45' | except no portion of a building shall exceed a height such that it would be visible above existing facades fronting Main Street when viewed from Village Green |
| Max. Building Height (Accessory) | 16'; 25' for detached garage | 16'; 25' for detached garage | 16'; 25' for detached garage | 16'; 25' for detached garage | 16'; 25' for detached garage | 16'; 25' for detached garage | |
| Maximum number of curb cuts | See section 1207.13(c)(5) | 1 per lot See section 1207.13(c)(5) | 2 per development site See section 1207.13(c)(5) | 1 per lot See section 1207.13(c)(5) | 2 per development site See section 1207.13(c)(5) | 1 per lot; 2 for lots greater than 150' See section 1207.13(c)(5) | |

The following changes have been proposed for the former District 5:

1. Multi-Family Use is now a Permitted Use (was Conditional).
2. ATM machines are now a Permitted Use (was Conditional).
3. Bank and Other Financial Institutions now a Permitted Use (was Conditional).
4. Bar and Tavern special conditions have been removed.
5. Medical Clinic's special conditions have been removed.
6. Parking lot as Principal Use is now a Permitted Use (was Conditional).
7. Recording, Radio or Television Studios special conditions have been removed.
8. Recreational Facilities, Outdoor has been removed as a Conditional Use where it used to be conditionally permitted in the District.
9. Restaurants' special conditions have been removed.
10. Retail Use special conditions have been removed.
11. Service, Business special conditions have been removed.
12. Government Public Works and Service Facilities/Government Power Facilities is now a Permitted Use (was Conditional).

13. Planned Development is now a Special Permit Use.

14. A lot width of 100' has been established for multi-family and non-residential.

15. Changed side and rear yard setback for detached garages to 8' (was 4').

Proposed District 6: B-2 Office Park

- *The area encompassing what is the proposed District 6: B-2 Office Park is currently comprised of District 6: Western Hudson Gateway*

| | | Non-Residential Use | Non-Residential Use adjacent to residentially zoned property |
|--|-------|---|--|
| Building Setbacks (Principal) | Front | 50' | 50' |
| | Side | 25' | 100' |
| | Rear | 25' | 100' |
| Building Setbacks (Detached Accessory) | Front | 50' | 50' |
| | Side | 25' | 100' |
| | Rear | 25' | 100' |
| Materials/Vehicles (Either parked or stored) | Front | Not Permitted | Not Permitted |
| | Side | 25' | 50' |
| | Rear | 25' | 50' |
| Parking Setbacks/Location* Loading Area** | Front | 25' | 25' |
| | Side | 10' | 50' |
| | Rear | 10' | 50' |
| Minimum Lot Size | | 5 acres office and industrial parks; 2 acres all other uses | 5 acres office and industrial parks; 2 acres all other uses |
| Max. Building Height (Principal) | | 50' | 50' |
| Max. Building Height (Accessory) | | 50' | 50' |
| Required street frontage | | 60' | 60' |
| Maximum number of curb cuts | | See Section 1207.18(f) | See Section 1207.18(f) |

The following changes have been proposed for the former District 6:

1. Assisted Living was removed as a Conditional Use.
2. Bank and Other Financial Institution's special conditions have been removed from Permitted Use.
3. Lodging has been removed as a Conditional Use.
4. Medical Clinics are now a Permitted Use (was Conditional).
5. Restaurants' special conditions have been removed from the Permitted Use.
6. Retail special conditions have been removed from the Permitted Use.
7. Service/Business special conditions have been removed from the Permitted Use.
8. Industrial Business Park's special conditions have been removed from the Permitted Use.
9. Public (Non- Commercial Facility for Composting) is now a Conditional Use where the use was previously not permitted in the District.
10. Planned Development is now a Special Permit Use.
11. Transportation Facilities without Repairs (Bus Terminal, Depot, etc) is now a Permitted Use.
12. Removed separate regulations for Non-Residential use adjacent to residentially used property.

Proposed District 8: I-1 Business/Industrial Park

- *The area encompassing the proposed District 8: I-1 Business/Industrial Park is comprised of District 8: Industrial/Business Park*

| | | Non-Residential | Non-Residential adjacent to residentially zoned property |
|---|-------|--|--|
| Building Setbacks (Principal) | Front | 50' | 100' |
| | Side | 25' | 100' |
| | Rear | 25' | 100' |
| Building Setbacks (Detached Accessory) | Front | 50' | 100' |
| | Side | 25' | 100' |
| | Rear | 25' | 100' |
| Storage Area Setbacks | Front | Not Permitted | Not Permitted |
| | Side | 25' | 50' |
| | Rear | 25' | 50' |
| Parking Setbacks | Front | 25' | 25' |
| | Side | 10' | 50' |
| | Rear | 10' | 50' |
| Minimum Lot Size | | 5 acres for office and industrial parks; 2 acres all other uses | 5 acres for office and industrial parks; 2 acres all other uses |
| Max. Building Height (Principal) | | 50' | 50' |
| Max. Building Height (Accessory) | | 25' | 25' |
| Max. Height (Wireless Telecommunication) | | <200' feet for towers; 15' equipment shelters | <200' feet for towers; 15' equipment shelters |

The following changes have been proposed for the former District 8:

1. Assisted Living was removed as a Conditional Use and is no longer permitted in the District.
2. Adult Businesses special conditions have been removed from the permitted use. These regulations are still located in 1207.19(a).
3. Assembly and Meeting Halls is now a Permitted Use (was Conditional).
4. Bank and Other Financial Institution's special conditions have been removed from Permitted Use.
5. Commercial Nurseries has been removed as a Conditional Use and is no longer permitted in the District.
6. Day Care Center Child or Adult has been removed as a Conditional Use and is no longer a permitted use.
7. Lodging has been removed as a Conditional Use and is no longer a permitted use.
8. Office, Business or Professional is now a Permitted Use (was Conditional).
9. Planned Development is now a Special Permit Use.
10. Restaurants' permitted use special conditions have been removed.
11. Retail Uses is no longer a Permitted Use (was permitted with conditions).
12. Retail with Outdoor Sales and Storage is now a Conditional Use it was not previously permitted in the District.
13. Services/Business special conditions have been removed from the permitted use.
14. Resource Recovery Operations is now a Conditional Use (was permitted with conditions).
15. Continuing Care Retirement Community has been removed as a Conditional Use and is no longer permitted in the District.
16. Public (Non-Commercial Facilities for Composting) is now a conditional use (was not permitted)
17. Transportation Facilities without Repairs (Bus Terminal, Depot, etc) is now a Permitted Use where it was previously not permitted.
18. Removed separate regulations for Non-Residential use adjacent to residentially used property.
19. Added 25' side and rear setbacks for Storage Areas. Was not addressed in previous code.
20. Added 25' maximum height of accessory structure. Was not addressed in previous code.

Proposed District 7: B-3 Business/Commercial Corridor

- *The area encompassing the proposed District 7: B-3 Business/Commercial Corridor is comprised of District 7: Outer Village Commercial Corridor, District 7: Office Overlay Zone, and D9: Darrowville Commercial Corridor)*
- *This new district is intended to fulfill the vision for a mixed-use corridor extending south down SR. 91 where future missed-use development is permitted while the historical significance of the area is retained.*
- *Furthermore, the three districts currently encompassing the area that the proposed district will occupy are similar and, because of this, should be regulated in a consistent fashion.*

| | | Single Family Attached | Townhome | Multi-Family | Mixed Use Dwellings | Non-Residential |
|--|------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|--|
| Development Standards | Density | 8 units per acre | 20 units per acre | 30 units per acre | N/A | N/A |
| | Minimum Lot Size | N/A | N/A | N/A | N/A | N/A |
| | Lot Width | 48' | 48' | 100' | 75' | 100' |
| | Lot Depth | N/A | N/A | N/A | N/A | N/A |
| Building Setbacks (Principal) | Front | 50' | 50' | 50' | 25' | 25' |
| | Side | 15' | 15' | 15' | 15' | 15'; 30' when adjacent to residential zone |
| | Rear | 30' | 30' | 30' | 30' | 30'; 75' adjacent to residential zoned property. |
| Building Setbacks (Detached Accessory) | Front | N/A | N/A | N/A | N/A | N/A |
| | Side | 5'; for detached garage: 8' | 5'; for detached garage: 8' | 5'; for detached garage: 8' | 5'; for detached garage: 8' | 15'; for detached garage: 8' |
| | Rear | 5'; for detached garage: 8' | 5'; for detached garage: 8' | 5'; for detached garage: 8' | 5'; for detached garage: 8' | 15'; for detached garage: 8' |
| Dwelling units per structure | | 4 | 4 | 10 | N/A | N/A |

| | | | | | |
|---|------------------------------|------------------------------|------------------------------|--|--|
| Distance between buildings | 20' | 20' | 20' | 20' | 25' |
| Driveway Setbacks | 3' | 3' | 3' | 3' | 3' |
| Parking Setbacks | 10' | 10' | 10' | 10'; 50' when adjacent to residential zone** | 25'; 50' when adjacent to residential zone** |
| Max. Building Height (Principal) | 35' | 35' | 35' | 40' | 45' |
| Max. Building Height (Accessory) | 16'; 25' for detached garage | 16'; 25' for detached garage | 16'; 25' for detached garage | 16'; 25' for detached garage | 16'; 25' for detached garage |
| Maximum Floor area to lot area ratio/Maximum building footprint* | | | | | .50 to 1.0 district 7 District 9 Retail and services .35 to 1.0 Offices 50 to 1.0 |

The following changes have been proposed for the former District 7, District 7-Overlay, and District 9:

1. This is a new district replacing former District 7: Outer Village Commercial Corridor, District 7: Office Overlay Zone and District 9: Darrowville Commercial Corridor.
2. There is no lot minimum. Former lot minimums were 2.5 acres for District 7 and 1 acre for District 9 non-residential uses.
3. Minimum lot width for non-residential is now 100'. Former minimums were 250' in for District 7 and 200' for District 9.
4. There is no minimum lot depth. Former lot depth minimums were 400' for District 7 and none specified for District 9 non-residential uses.
5. Minimum front yard setback for principal buildings (non-residential) is 25'. Former front yard setbacks were 30' for District 7 and 20' for District 9.
6. Minimum side yard setback for principal buildings (non-residential) is 15'. Former side yard setback was 10' for District 9.
7. Minimum rear yard setback to residentially zoned property is now 75'. Former rear yard setback was 50' in District 7 and 100' in District 9.
8. Added side and rear yard setbacks for non-residential detached garages to 8'.
9. Minimum distance between buildings of 15' for historic structures has been removed.

e. ***Streamlining, Modernization and Simplification of the LDC***

The following revisions are being suggested to streamline, simplify and modernize the LDC:

- Well/Septic Continuing Variance Issue – Revisions to adequate public facilities chapter to allow those lots that do not have public water/sewer service to use well/septic until public water/sewer is available at their property. No longer need to seek a variance.
- Revised LDC Amendment Process
- Revisions to Notice Requirements:
 - Reduced written notice from 15 days to 10 days
 - Removed reference to Council hearing for Conditional Use permits from notice table – incorrect.
 - 10-day newspaper notice converted to 10-day website notice.
 - Newspaper notice retained for Code Text and Comp Plan Amendments and Zoning Map Amendments.
- Revised “density, net” definition to no longer exclude all easement areas from the net density calculation. As revised, it is only those easements that classify as an access easement that are excluded.
- Wetland Regulation Revisions:
 - District 6 and 8:
 - Category II and III wetland setback converted to a flat 50-foot setback. This matches the City-wide regulation wetland setback regulations.
 - Added “associated drives” of bridges to the wetland setback applicability exceptions (City-wide, including District 6 and 8).
- Added “if applicable” to the conditions precedent for issuance of a zoning certificate relative to the Growth Management Residential Allotment System.
- Added further detail with respect to the process for measuring noise emanating from a property in the LDC performance standards
- Limited time for construction noise to legally occur on Sundays from 9:00 am to 5:00 pm. Previously, it was any time after 9:00 am.

- Designated City Engineer as the administrator of the supplemental storm water regulations in the LDC
- Temporary use section – permitting authority given solely to CM. No longer split with City Council.
 - Added “Art, Craft, And Book Sales and similar uses” to Temporary Use Section for Districts 4 and 5 to accommodate the varied outdoor uses that take place in the City of Hudson
 - Within Special Development Standards, changed outdoor sales approval from City Council to City Manager.
- Removed Municipal Civil Infraction Violation process.
 - Use newly revised criminal misdemeanor enforcement.
- Removed section allowing BZBA to send variance applications to the Planning Commission for review and recommendation.
- Reduced time for lapse to occur on completion of substantial construction or action with respect to newly received conditional use permit from two years to 18 months.
- Reduced time lapse to occur on commencement and completion of substantial construction or action with respect to a newly received variance to six months and one year, respectively. Previous: one year and two years.
- Clarified process whereby a holder of a zoning certificate applies for an extension.
- Removed BZBA as body to hear appeals of denials by the Planning Commission to grant/deny conditional use approvals.
- Removed City Council as body to hear appeals from decisions of the Planning Commission.
- Added reference to engineering standards (Chapter 1419) to transportation, circulation and pedestrian linkage.
 - Designated City Engineer as administrator of this section in conjunction with the standards contained in Chapter 1419.
- Revised City Manager’s authority to grant minor modifications from 10% to 15%.
- Landscaping Regulations:

- Removed the option for adjacent parcels to enter into contract for a single bufferyard astride the property lines.
- Raised parking lot size requirement for mandatory interior landscaping of islands from 6,000 SF to 10,000 SF
- For purposes of screening, expanded “earth berms” to include “earth berms *and/or elevated grades*”
 - Also increased setback for 18 inch-plus earth berms to 15 feet (from 10 feet) from any property line or right of way
- Added ability, through hazardous waste and materials performance standard section, for City to regulate location of portable toilet and/or restroom facilities within developments.
- BZBA Minutes now kept by the CD Department not the Superintendent of Building Inspection.
- Added the ability for the City Manager to designate someone to act as Secretary to the Planning Commission in her stead.
- Raised the penalties for violations of the LDC from Minor Misdemeanor (\$100 fine) to a tiered penalty system whereby the first violation is a Misdemeanor of the Third Degree (\$500 fine; 60 days imprisonment) and subsequent violations are a Misdemeanor of the First Degree (\$1000 fine, 6 months’ imprisonment).
- Added drive through service facilities as an accessory use
 - Limited to banks/financial institutions, drive-through restaurants, and retail pharmacy and drug stores in the B-3 District (former Districts 7 and 9)
 - Special conditions added to regulate use
- Added reference to conformance to the City of Hudson pedestrian and cycling plan of current adoption for residential, commercial, and industrial subdivisions (In Transportation/Circulation Standards)
- Added crematory services of household pets as an accessory use to veterinary facility/small animal clinic.
 - With the specific condition that the crematory facility be located a minimum of 200 feet from any residential zoned district or use; and
 - Only permitted in District 8 – I-1 District

- Raised maximum accessory building/structure size from 1000 SF to 1200 SF.
- Added a fourth accessory building/structure for lots between 2.51 acres and 4.99 acres. For lots greater than 4.99 acres, a fifth accessory building/structure is permitted.
- Revised definition of grading to exclude activity that is neither within 5 feet of a property line nor less than 3 cubic yards of material.
- Revised the definition of “Historic District” to include the updated versions of the National Register of Historic Places.
- Clarified the definition of “Impervious Coverage” by adding reference to the water table.
- Clarified definition of “ordinary high water mark” by adding “as determined by the City of Hudson Engineer.”
- Removed Route 303 Western Gateway language from District 6
- Removed requirement of larger setbacks from railroads with respect to industrial, commercial, and residential development.
- Revisions to the Subdivision Regulations:
 - As part of a developer’s application, must submit proposed HOA documents for review and approval by the City Solicitor’s Office prior to recording of the plat.
 - Removed superfluous reference to what the normal range of inspection costs should be. City Engineer determines cost.
 - Changed form preparation from the responsibility of the Planning Commission to the City Manager.
 - Added language requiring the developer to place and design all street signs in conformance with the Ohio Manual of Uniform Traffic Control Devices and as directed by the City Engineer.
 - Removed the requirement for land to be set aside for private open space.
 - Removed section suggesting that lots developed along railroads should have extra depth.
- Revised the telecommunications facilities chapter to include updated application review timeframes that are consistent with the law.

f. ***Housing Variety***

The findings of Phase I and the Comp Plan suggest that the future of Hudson involves the creation of varied housing stock within the City. Data compiled during Phase I also suggest that the users and administrators of the current LDC want to see a LDC that places a premium on streamlining and simplifying development rules and regulations. To this end, the updated draft LDC is presented with both of the overlay districts and the open space conservation subdivision regulations removed. While these sections were removed, development may still be designed to conform to the aforementioned sections – through the planned development process. Notably, in the updated LDC, by using the planned development process (as opposed to the existing open space subdivision regulations, for example) both the City and the developer will not be limited by a specific Code section in designing their application. In other words, the City and developer can work together to craft development within the confines of the base district regulations that makes use of all available tools and is able to factor in specific site conditions as opposed to conforming to a “one size fits all” regulation that is geared towards pushing one type of development.

Furthermore, to address the Comp Plan and Phase I’s recommendation that the City create a regulatory environment that fosters creative housing development, the LDC’s existing planned development section was revised. The revisions provide flexibility for City Staff and Leadership to tackle new development in a controlled and cooperative way. The revisions include:

- Raised maximum available density bonus from 25% to 125%
- Removed minimum development parcel size
- Development is limited only by underlying permitted and conditional uses allowed in the district
- Added language to deal with PD that span multiple zoning districts to allow the developer and City to:
 - Use the zoning district with the least restrictive residential density calculations as the controlling density allowance; and
 - Use all collective uses available in each of the zone districts throughout the entire PD

- Added/refined the approval metrics for PDs:
 - Size and shape are sufficient for the proposed PD
 - Smoke, odors, glare and emissions
 - If your final PD plan is only a portion of the Preliminary PD plan, then you must show that the phase/portion is sufficient to stand alone.
 - City Council may require the developer to file performance bonds for public utilities and essential elements in case the PD is later abandoned by the developer.
 - Changed Preliminary PD approval prior to final PD approval from 12 months to 24 months
 - Added a one-year extension procedure for Planning Commission to grant for Final PD plans.

g. Reorganization

The complaint heard most often during Phase 1 was that the LDC was too confusing to navigate and/or locate regulations. To address this, the LDC was broken down into its component pieces and reassembled in a more logical manner. Notable reorganizations include:

- The district regulations and the district-use table have been grouped together in the same section to allow the user to quickly flip back and forth between permitted uses and district land development regulations.
- The standards for review and the review process have been grouped together for the various land development approval processes (e.g. the variance standard is included with the variance process).
- Commonly used regulations have been given their own section within the LDC for quick identification like signs, landscaping, parking, and subdivisions.
- Five sections were removed from the LDC:
 - Appendix B – Index of Ecological Integrity (IEI) Individual Metric and Composite Scores
 - Appendix C – Recommended Planting List and Planting Specifications
 - Chapter 1210 – Beneficial Use Determination
 - Chapter 1207.08 – Utilities

V. **Procedure for Adoption**

a. ***Process***

Pursuant to the Codified Ordinances of the City of Hudson, text and map amendments to the LDC must follow the following procedure:

- City Council initiates the application by completing a first reading of the application in ordinance form and then automatically refers said application to the Planning Commission for review and recommendation;
- Within 120 days from the date of receipt of City Council's referral, the Planning Commission shall hold a public hearing, study the suggested text and map revisions, and, then, transmit the application back to City Council with Planning Commission's recommendations;
- City Council shall then study the suggested text and map revisions along with Planning Commission's recommendations. City Council shall also hold their own public hearing. Within 20 days of holding said public hearing, City Council shall take final action. The suggested text and map revisions shall only take effect if passed by not less than 5 members of Council.
- Note: there is a thirty (30) day public inspection period following notice of City Council's public hearing where the public is available to inspect the proposed LDC revisions.

b. ***Standard of Review***

Pursuant to the LDC, all text and map amendments are reviewed by both the Planning Commission and City Council for compliance with the following standards:

- 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;
- The site-specific development plan complies with all applicable standards for review of planned developments as set forth in Section 1204.02 below;
- 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;

- 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;
- The City shall have the ability to provide adequate services, facilities, or programs that might be required if the application were approved; and
- The amendment is necessary to address changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected.

Because the proposed revisions apply City-wide and are not related to a specific parcel or smaller portion of the City, both Planning Commission and City Council should also review the proposed revisions for consistency with the goals and recommendations of the Comp Plan and the data collected during the Phase 1 outreach.