

Meeting Date:

June 9, 2025

Request

Text Amendment to the Land Development Code to amend certain administrative appeal processes within the city.

Applicant

City of Hudson

Case Manager

Greg Hannan

Contents

- ORD 25-85
- Proposed amendment bold and strike through draft



Project Introduction:

The City of Hudson is interested in redefining and clarifying its internal administrative appeal processes. The current process and Codified Ordinances do not specify a standard of review for appeals, and this legislation will clarify boards or commissions' obligation to render findings of fact and will establish a presumption in favor of the lower body's determination.

Council discussion has commenced over the following timeline:

- May 13, 2025 City Council Workshop: Proposed amendment was discussed with forwarding for the first reading.
- May 20, 2025 City Council Meeting: First reading and referral to the Planning Commission.

Background

In the past, the City of Hudson has faced several internal administrative appeals from various board and commission determinations. Based on this recent experience, it is recommended that a clearer process be developed and that a specific standard of review be established for those matters that come before the Board of Zoning and Building Appeals as well as City Council. As such, it is proposed that all appealed decisions be afforded a presumption of validity and a rule that in order for that decision to be overturned, it must be found unreasonable in that it was arbitrary, capricious, or unconscionable.

Also absent from the current code is a reviewing body's ability to remand a case for the issuance of more detailed findings of fact in the event that the reviewing body determines the decision on appeal lacks the necessary findings. This remand authority will improve the quality of review, streamline the process, and support this legislation's intent of granting a lower body's determination a presumption of validity and correctness.

Considerations

District Standards (Section 1204.01) Zoning Map and Text Amendments

All applications for text or zoning map amendments shall be reviewed by the PC and City Council for compliance with the nine standards set forth within Section 1204.01 of the Land Development Code (LDC).

- Whether or not the proposed amendment is in accordance with the basic intent and purpose of the Land Development Code;
Staff Comment: The proposed amendment would provide clarity and efficiency to the appeal process; therefore, the proposed amendment would be in accordance with Section 1201.01 Purpose and Intent.

- b) Whether or not the proposed amendment furthers the long-range planning goals of the City (as outlined in the City's Comprehensive Plan's goals and objectives);
Staff Comment: The proposed amendment is not specifically addressed in the Comprehensive Plan; however, would allow staff and the Boards to more efficiently carry out its goals and recommendations.
- c) Whether or not conditions within the City have changed since the Land Development Code was last adopted/amended, or there was a mistake in the Land Development Code, that justifies the amendment;
Staff Comment: Staff notes, generally, a higher number of appeals have been requested in recent years.
- d) Whether or not the amendment corrects an inequitable situation created by the Land Development Code, rather than merely grants special privileges;
Staff Comment: The amendment would create a clearer process for applicants, staff, and the Boards.
- e) Whether or not the amendment avoids unlawful exclusionary zoning;
Staff Comment: The amendment avoids unlawful exclusionary zoning.
- f) With respect to zoning map amendments, whether the proposed zoning map amendment is consistent with the zoning classifications of the surrounding land;
Staff Comment: Not Applicable
- g) With respect to zoning map amendments, whether all of the new requirements attendant to the proposed zoning classification can be complied with on the subject parcel(s);
Staff Comment: Not Applicable
- h) Does the amendment affect the City's ability to provide adequate services, facilities, or programs that might be required if the application were approved; and
Staff Comment: The amendment would increase board and staff efficiency by establishing a clearer process.
- i) Whether or not the amendment is necessary to address changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected.
Staff Comment: The intent of the amendment is to clarify an established policy (appeals). Staff notes the amendment is not limited to one particular area. Any appeal would fall under the newly established standards.

Required PC Action

The PC shall conduct a public hearing, make specific recommendations to the City Council, and transmit the application to the City Council, together with the text and map amendments pertaining thereto, within 120 days from the date of initiation of the application for text or official zoning map amendments. The initiation of the application was commenced with City Councils referral on May 20, 2025.

The City Council shall hold a public hearing and take final action within twenty days of said public hearing. An amendment before the City Council for consideration shall take effect only if passed or approved by not less than five members of the City Council.

Recommendation

Staff recommends the Commission review the proposed text amendments. The Commission should receive testimony at the public hearing then proceed with consideration of a formal recommendation to City Council with the incorporation of the attached recommended modification to the amendment.