

Meeting Date:

October 14, 2024

Request

Text Amendment to the Land Development Code relating to Non-conforming residential uses

Applicant

City of Hudson

Case Manager

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- ORD 24-104
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Project Introduction:

City staff has prepared the following in response to the City Council request to consider LDC amendments to provide additional accommodation to existing residential properties located within District 6 and 8.

24-104

Land Development Code Amendment to require uses within D6 and D8 that are adjacent to residentially used properties to increase setbacks to match the setbacks required when such uses are adjacent to residentially zoned properties.

24-105

Land Development Code Amendment to provide greater ability of existing non-conforming residential properties to rebuild or expand an existing dwelling on an existing parcel.

Background

There are numerous non-conforming residential properties located within commercial/industrial zoning districts. These uses are concentrated in District 8 along portions of S Darrow Rd, Hudson Dr, Seasons Rd, Sullivan Road, and Martin Drive. In these locations, residential was a use by right under the Hudson Township zoning; however, was revised to commercial/light industrial zoning in approximately 1995. The intent of the zoning is to allow the pre-existing residential uses while permitting the area to transition to commercial/industrial uses over time. Over the previous 30 years, new commercial/industrial development has occurred in these areas; however, numerous residential homes are still present.

City staff has received a request from Council President Foster to study methods within the LDC to strengthen the ability of these residential property owners to maintain, expand, and resell their property. City Council discussed this at their workshop session on February 13, 2024 and August 6, 2024. Based on those discussions, City Council has proposed the following amendments. At City Council's request, these two items have been prepared as separate amendments:

1205.09 and 1205.11 Setbacks: The base setback for District 6 and District 8 uses (commercial/industrial) is 50 ft front and 25 ft side and rear. A residential zoned property (such as an abutting D3 area) receives twice the protection of a residentially used property (such as a non-conforming residential use on D8). The proposed amendment would establish the higher tier of setback for both residential zoned and used property.

All buildings and structures, shall be located at least 100 feet from the lot line of any adjacent residentially zoned **or used** property.

All materials, and vehicles, whether such vehicle is parked or stored, shall be located at least fifty feet from the lot line of any adjacent residentially zoned **or used** property.

1206.03 Non-Conforming Use Standards: The amendment would provide expanded abilities for non-conforming residential properties the ability to rebuild or expand.

1. Reason for deconstruction/removal: under the current regulation, a residential structure can only be rebuilt due to fire, earthquake or act of God. The amendment would allow reconstruction for any reason. This would allow for a house to be demolished with a new one built on the same parcel. This text would not allow the subdivision of land to create new residential parcels.
2. Precent expansion: Under the current regulation a structure can only be rebuilt with an expansion of 10% to accommodate for minor changes in design and codes. The amendment would allow for the reconstruction of a single-family house with greater ability to expand.

1206.05 NONCONFORMING USES/STRUCTURES/LOTS

(e) Nonconforming Uses. Nonconforming uses shall be subject to the following standards:

(4) Damage or destruction.

B. A structure devoted solely to a nonconforming single-family dwelling or two-family residential use that is damaged or destroyed by **any means** by ~~fire, earthquake or other act of God,~~ may be reconstructed so as not to exceed ~~440~~ **150** percent of the gross floor area of the previous structure as used before such event of damage or destruction. All reconstruction of the structure must be completed within two years following the event of damage or destruction, shall not increase the degree of nonconformance or noncompliance existing prior to such damage or destruction, and shall otherwise be in conformance with this Code.

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).

- a) Whether or not the proposed amendment is in accordance with the basic intent and purpose of the Land Development Code;
- b) Whether or not the proposed amendment furthers the long-range planning goals of the City (as outlined in the City's Comprehensive Plan's goals and objectives);
- c) Whether or not conditions within the City have changed since the Land Development Code was last adopted/amended, or there was a mistake in the Land Development Code, that justifies the amendment;

- d) Whether or not the amendment corrects an inequitable situation created by the Land Development Code, rather than merely grants special privileges;
- e) Whether or not the amendment avoids unlawful exclusionary zoning;
- f) With respect to zoning map amendments, whether the proposed zoning map amendment is consistent with the zoning classifications of the surrounding land;
- g) With respect to zoning map amendments, whether all of the new requirements attendant to the proposed zoning classification can be complied with on the subject parcel(s);
- h) Does the amendment affect the City's ability to provide adequate services, facilities, or programs that might be required if the application were approved; and
- i) Whether or not the amendment is necessary to address changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected.

Staff notes the proposed amendments align with the intent of the LDC and the Comprehensive Plan. The Comprehensive Plan identifies the importance of the city’s existing residential neighborhoods and states an overall objective to *strengthen existing residential neighborhoods*.

Section 1201.03 of the Land Development Code states the purpose and intent of the code. These include *conserve and stabilize property values through the most appropriate uses of land in relation to one another*; and nonresidential development that *minimizes objectionable noise, glare, odor, traffic and other impacts of such development, especially when adjacent to residential uses or to the historic village core*;

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 September 3, 2024.

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. Staff requests the Planning Commission advance separate motions on the two LDC amendments.