



COMMUNITY DEVELOPMENT • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1790

DATE: September 7, 2016

TO: City of Hudson Planning Commission for September 12, 2016 Meeting

FROM: Greg Hannan, City Planner
Mark Richardson, Community Development Director

SUBJECT: LDC Text Amendment – Ordinance No. 16-57
Implementing the 2015 Charter Amendments

PC Case No: 2016-10

Project Introduction

The proposed Land Development Code text amendment is submitted to implement changes to the City Charter which were part of the charter amendments placed on the November 2015 ballot (Issue 39) and approved by voters. The proposed amendments were presented to City Council on April 5, 2016 for first reading and referred to Planning Commission (PC) for a public hearing. Staff introduced the amendment at the April 11, 2016 meeting.

At the May 9 public hearing City Manager Jane Howington explained that the proposed amendments could be expanded to provide more certainty for applicants in less time, while still maintaining Hudson's standards. There was consensus among PC members that staff should proceed with additional amendments. The case was continued then to give staff time to prepare the amendments. Added to the amendments related to the Charter were amendments to address concerns in the historic district that increases to impervious surface coverage contribute to runoff and drainage problems. PC discussed and continued the case at the June, July, and August meetings.

At the August meeting there was general agreement on the framework of the amendment; however, PC asked Council to extend the deadline for their recommendation through the October meeting. Council granted this request at its August 16, 2016 meeting. Also since the August meeting the Chairs and Vice Chairs of PC and the Architectural Board of Review jointly reviewed the amendments with staff at a meeting September 1. They agree to several changes that are reflected and highlighted in Draft Ordinance 16-57, Revised.

The following information is attached to this report.

1. Comparison of Minor, Basic (General), and Major Developments
2. Draft Ordinance 16-57, Revised

Previously issued staff reports with attachments are available for review on line:

(<http://www.hudson.oh.us/815/Planning-Commission-Agendas-Minutes-Vide>).

Recommendation

Staff recommends that the Planning Commission recommends that Council adopt Ordinance 16-57 “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” according to the revisions attached to the Planning Commission staff report dated September 7, 2016.

Comparison of Minor, Basic (General), and Major Developments

(all square footages are expressed in gross square feet)

	Existing		Original Proposal (Apr/May)		Current Proposal	
RESIDENTIAL						
Fences, decks	Minor		Minor		Minor	
Site work only	Minor		Minor		Minor	
Demolitions	Basic		Basic		Minor < 50 yrs old Basic 50+ yrs old	
Alterations	Minor Basic	Minor Alterations Major Alterations	Minor Basic	Minor Alterations Major Alterations	Minor All Alterations	
Accessory Structures	Minor	<120	Minor	<120	Minor	<250
	Basic	≥ 120	Basic	≥120	Basic	250 - 2K/20%
Additions	Minor	None	Minor	<120	Minor	<250
	Basic	All	Basic	≥120	Basic	250 – 2K/20%
Single Fam Detached	Basic		Basic		Basic	
Historic District	Basic		Basic		Basic	
NONRESIDENTIAL						
Fences	Basic		Minor		Minor	
Site work only	Basic		Basic		Minor	
Signs	Minor	None	Minor	D6/8 only	Minor	D6/8 only
	Basic	All	Basic	All Dists. except 6/8	Basic	All except D6/8
Demolitions	Basic		Minor		Minor <50 yrs old Basic 50+ yrs old	
Alterations	Minor	None	Minor	Minor Alterations Except All in D6/8	Minor	All, except public realm outside D6/8
	Basic	All	Basic	Major Alterations	Basic	Public realm outside D6/8
Accessory Structures And Additions	Minor	None	Minor	None	Minor	< 250 except 20% D6/8
	Basic	< 1K/10% except < 2K/10% D6/8	Basic	< 1K/10% except < 2K/10% D6/8	Basic	250 – 2K/20% None D6/8
	Major	≥ 1K/10% except ≥ 2K/10% D6/8 2K	Major	≥ 1K/10% except ≥ 2K/10% D6/8	Major	≥2K/20% except 20% D6/8
New Buildings	Basic	< 1K/10% except < 2K/10% D6/8	Basic	< 1K/10% except < 2K/10% D6/8 2K	Basic	None
	Major	≥ 1K/10% except ≥ 2K/10% D6/8	Major	≥ 1K/10% except ≥ 2K/10% D6/8	Major	All

Approving Bodies for Development

	Site Plan Approval		Design Approval		
Development	Administrative	PC	Administrative	AHBR	PC
Minor Development	X		X		
Basic Development	X			X	
Major Development		X		X	D6/8

- Alteration: Change to appearance of an existing building without added floor area
- Addition: Added floor area to an existing building
- Accessory or: New stand-alone building
- New Building

AN ORDINANCE AMENDING CHAPTERS 1201, "GENERAL PROVISIONS," 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 1201, 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 1201, “General Provisions,” of the Land Development Code, be amended in part to read as follows:

“CHAPTER 1201 – GENERAL PROVISIONS

* * *

Section 1201.04 Applicability and Jurisdiction

The provision of this land development code shall apply to:

- (a) All land and land development within the incorporated areas of the City of Hudson; and
- (b) Use of all structures and land within the incorporated areas of the City of Hudson; and
- (c) All structures and land owned by the city or by city agencies, departments, districts, or utilities, except that the city or city agency, department, district, or utility may be exempt from the provisions of this code ~~when an emergency exists such that it is impossible to submit to the normal procedures and requirements of this land development code and quick and instant action is necessary to secure the public health, safety, or welfare.~~ The City Council shall ratify such exemption after-the-fact at its next regularly scheduled public meeting, and shall base its ratification on specified findings of fact ~~related to the emergency involved.~~

* * *

Section 1201.07 Rules of Measurement

* * *

- (c) *Setbacks – Building and Structure Setbacks from Lot Line*
Setbacks shall be measured as the distance between the nearest lot line and the furthestmost projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in this section. (See Figure 2.)

1. Features Allowed Within Setbacks:

- A. Driveways, patios, parking lots, and sidewalks provided that the edge of a ~~driveway~~ such structures shall be set back at least three (3) feet from an adjacent property line.
- B. Steps to the principal entrance and necessary landings, together with railings no more than three (3) feet in height, and associated roofs, provided they do not extend more than six (6) feet into the required yard setback;
- C. Trees, vegetation, or other features of natural growth;
- D. Fences or walls subject to height restrictions set forth in this Code;
- E. Chimneys not more than eight (8) feet in width, bay windows, balconies on second and third floor levels, buttresses, piers, pilasters, outdoor access ways to basement areas protected by railings at least two feet six inches (2'6") high on two sides, and roof overhangs may project no more than three (3) feet into a required yard;
- F. Cornices, canopies, eaves, or other similar architectural features may extend no more than two (2) feet, six (6) inches into a required yard;
- G. Fire escapes and handicap ramps, together with associated roof provided they project no more than thirty (30) percent of the required yard setback dimensions;
- H. Utility lines, wires, and associated structures such as power poles; and
- I. Signs if permitted by the sign regulations of this Code.

* * *

Section 2. Chapter 1201, "General Provisions," 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 1202, "Administrative and Review Roles," of the Land Development Code, be amended in part to read as follows:

"CHAPTER 1202 – ADMINISTRATIVE AND REVIEW ROLES

Section 1201.01 The Mayor and City Council

* * *

- ~~(f) — *Site Plans.* Hold public hearings, review and take final action on proposed site plan applications for major developments that are called up for City Council final action.~~

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:

* * *

- (3) ~~Site Plans – Generally. Hold public hearings, 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.~~
- (4) Site Plans - Major Developments. Hold public hearings, review, and take final action on proposed site plans for major developments, ~~unless the site plan application is called up by the City Council for its review.~~
- (5) Site Plans - Minor and Basic Developments. Review and take final action on proposed site plans for minor and basic developments referred to the Commission from the City Manager ~~or called up by the PC.~~
- (6) ~~Site Plans – Design Review 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 major non-residential developments and make recommendations to the ~~whole~~ Planning Commission. Take final action on zoning certificates for major non-residential development.

* * *

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~~ development 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 development ~~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 major nonresidential developments and make recommendations to the Planning Commission.

* * *

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 – Development in Districts 6 and 8. Review ~~site-plans for the design of buildings and other structures except for minor improvements,~~ for proposed major 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:

- (a) *Site Plans—~~Generally~~ Major Developments.* Review and make recommendations to the Planning Commission on all applications for site plans for major development.
 - (b) *Site Plans—Minor and Basic Developments.* Review and take final action on site plan applications for minor and basic developments, or as necessary refer such applications to the Planning Commission.
- * * *
- (j) *Architecture/Design/Historic Preservation Compliance-Generally.* Review and make recommendations to the Architectural and Historic Board of Review on applications for basic and major residential and commercial development except for development in Districts 6 and 8 relating to compliance with architectural/design and/or historic preservation guidelines and requirements. Review and make recommendations to the Design Subcommittee for Development in Districts 6 and 8 on applications for major development in Districts 6 and 8 relating to compliance with industrial building design standards.
 - (k) *Architecture/Design/Historic Preservation Compliance – Minor Development Residential Improvements.* Review and take final action on zoning applications for minor development residential improvements, or as necessary refer such applications to the AHBR.

* * *

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 <u>on Called Up Applications</u> Appeals	Final Action (Unless City Council Calls Up)	----	----	Review/Recommendation <u>on Site Plans Design of Structures in Districts 6/8</u>	Review/Recommendation
Site Plans-Minor Developments	<u>Appeals</u>	Final Action When Referred by City Manager or Called Up Appeals	<u>Appeals</u>	----	---	Final Action Unless Referred to PC
Site Plans- All Other Basic Developments	Appeals	Final Action <u>when referred by City Manager</u>	<u>Appeals</u>	----	Review/Recommendation <u>on Site Plans Design of Structures in Districts 6/8</u>	Review/Recommendation <u>Final action unless referred to PC</u>
Conditional Uses	----	Final Action	Appeals	----		Review/Recommendation
Development Agreements	Final Action	Review/Recommendation	----	----		Review/Recommendation
Architecture//Design Review/Cert of Appropriateness <u>Major Development</u>	----	Final Action (Nonresidential in Districts 6 and 8)	Appeals on Certs of Appropriateness	Final Action except Districts 6/8	----	Review/Recommendation
<u>Architecture//Design Review Basic Development</u>	----	----	<u>Appeals</u>	<u>Final Action</u>	----	<u>Review/Recommendation</u>
<u>Architecture/Design Review Minor Development</u>	----	----	<u>Appeals</u>	<u>Final Action When Referred by City Manager</u>	----	<u>Final Action</u>
Architecture/Design Review Districts 6/8 Major Developments	Appeals	Final Action	----	----	Review/Recommendation	Review/Recommendation

<u>Architecture//Design Review 6/8 Basic Minor</u>	<u>Appeals</u>	<u>Final Action When Referred by City Manager</u>	----	----	----	<u>Final Action</u>
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

* * *

Section 4. 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 5. 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

* * *

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.

* * *

(d) *Step 4: Planning Commission Action or Recommendation*

(1) When Public Hearings Required. The following development applications are subject to Planning Commission review and shall be considered and acted upon only after a public hearing before the PC.

- Applications for Rezoning
- Applications for Preliminary and Final Subdivision Plats, except in Districts 6 and 8.
- Applications for Concept Plan and Final Site Plan Review for Major Developments and those referred to Planning Commission by the City Manager.
- Application for Conditional Uses
- Applications for Planned Developments
- Applications for Development Agreements
- Proposed Amendments to Code or to the Comprehensive Plan

(2) When Only Planning Commission Action is Required Without Public Hearing.

- Applications for Concept Plan and Final Site Plan Review for major development in Districts 6 and 8.

- Applications for Preliminary and Final Subdivision Plats in Districts 6 and 8.
- (e) *Step 5: City Council Review and Action*
- (1) When City Council Action Required. The following development and land use applications are subject to City Council review and shall be considered and acted upon only after a public hearing before the City Council:
- Applications for Planned Developments Preliminary Plan
 - Applications for Rezonings
 - ~~Applications for Site Plans for Mayor Developments Called Up by City Council pursuant to Section 1203.09(g) of this Code.~~
 - Proposed Amendments to Code Text/Comprehensive Plan
 - Approval of Development Agreements
- (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.

- Applications for basic and major developments outside of Districts 6 and 8.
 - Applications for minor and basic development referred to AHBR by the City Manager.
- (2B) 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.
- (32) 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 major 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.

* * *

(g) *Step 7: Certificate of Zoning Compliance*

- (1) When Required. A certificate of zoning compliance (also referred to as a Zoning Certificate) 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, above ground, including new single-family developments on single lots, accessory structures, additions, alterations, demolitions, and fences.
 - (B) Surface structures such as patios, athletic courts, and driveways in District 4 and Open Space Conservation Subdivisions only.
 - ~~(BC)~~ Industrial development.
 - ~~(CD)~~ Commercial development, including accessory structures, additions, alterations, demolitions, and fences.
 - ~~(DE)~~ Grading, cutting, clearing or ~~undertaking~~ any other land disturbance activity.
 - ~~(EF)~~ Occupy, use, or change the use or alter any structure or land.
 - ~~(FG)~~ 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 design~~ approval of residential or commercial development, or erection of signs. For major 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; and
- Final approval of any conditional uses or variances (when applicable); and
- ~~AHBR~~ Final design approval; and
- Satisfaction of any conditions of approval; and
- Residential allotments pursuant to Chapter 1211 of this Code for new residential dwellings.

~~(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 – <u>Major Development</u>	M-Major M-All Others Except Minor	A	A	A-SR	A-Major Only-SR <u>N/A</u>	N/A	A	City Mgr Final Action on Minor-SR; PC call-up of Minor-SR; City Council call-up of Major-SR
Site Plan Review – <u>Minor and Basic Development</u>	<u>M</u>	<u>A</u>	<u>A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>A</u>	<u>City Mgr may refer</u>
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 – <u>Major Development</u>	V <u>M</u>	A	A-SR	N/A	N/A	A	A	AHBR consent agenda for minor items
<u>Architectural/Design Review – Districts 6/8</u>	<u>M</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>N/A</u>	<u>N/A</u>	<u>A</u>	

<u>Architectural/Design Review – Basic Development</u>	<u>V</u>	<u>A</u>	<u>A</u>	<u>N/A</u>	<u>N/A</u>	<u>A</u>	<u>A</u>	
<u>Architectural/Design Review - Minor Development Improvements</u>	<u>N/A</u> <u>V</u>	<u>A</u>	<u>A-SR</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>A</u>	City Mgr may refer

* * *

Section 1203.09 Site Plan Review

(a) *Step 1: Pre-Application Conceptual Review*

Purpose. The purpose of the site plan review process is to ensure compliance with the zoning standards and provisions of this Code, while encouraging quality development in the City reflective of the goals, policies, and objectives found in the Comprehensive Plan

(b) *Applicability*

1. All development in the city, including construction of a single-family dwelling on an individual lot, shall be subject to the site plan review procedures set forth in this section. No development or construction activity, including tree/vegetation removal or grading, shall occur on property subject to this section until a site plan has been approved.
2. Site plans for minor and basic developments, as defined in this section, may be finally approved by the City Manager in lieu of final action by the Planning Commission, except when such site plan is ~~either~~ transmitted to ~~or called up by~~ the PC, in which case the PC shall have final approval authority.
3. Site plans for all other developments, including major developments, as the latter is defined in this section, shall be finally approved by the Planning Commission, ~~except when such site plan is called up by the City Council, in which case the City Council shall have final approval authority.~~

(c) *Coordination with Conditional Use Approval*

Applications for approval of a conditional use may be processed concurrently or joined with the application for site plan approval required herein. A joint application for site plan and conditional use approval shall be submitted in a form that satisfies the requirements of both this chapter and the conditional use provisions. (See Section 1203.01(e) above.)

(d) *Minor Development Defined*

“Minor development” means:

1. ~~New construction of one single family dwelling that will not require off-site construction of any new street or road; or~~
2. ~~New construction, including renovations, alterations, or expansions to an existing building, that involves an increase in existing building footprint, or impervious coverage of the site of ten (10) percent or less and is not greater than one thousand (1,000) square feet, or two thousand (2,000) square feet in Districts 6 or 8; or~~

3. ~~Establishment or increase in outdoor restaurant seating of no more than twelve (12) seats; or~~
4. ~~Expansion of an existing parking lot of up to ten (10) parking spaces or up to ten percent of spaces, whichever is less.~~
1. Small residential or nonresidential projects including fences, decks, site work, alterations except nonresidential alterations that face the public realm, demolitions of structures less than fifty (50) years old, and accessory structures and additions of less than 250 gross square feet; or
2. Developments in District 6 and 8 that involve an increase in the existing building footprint of ten (10) percent or less, except new buildings.
3. Developments in the Historic District are not minor developments.

(e) Basic Development Defined

“Basic development” means new construction including expansions of an existing building that is:

1. Residential projects including new single family detached houses, and accessory structures and additions greater than 250 gross square feet and less than 2,000 gross square feet or that involve an increase in the existing building footprint of twenty (20) percent or less; or
2. Nonresidential projects including accessory structures and additions greater than 250 gross square feet and less than 2,000 gross square feet or that involve an increase in the existing building footprint of twenty (20) percent or less, demolitions of structures fifty (50) years old or older, signs, and alterations that face the public realm.
3. All development within the Historic District.

(ef) Major Development Defined.

“Major development” means new construction; including ~~renovations, alterations, or~~ expansions of an existing building, that is:

1. Development that is greater than 2,000 gross square feet or that involves an increase in the existing building footprint of twenty (20) percent or more, except in Districts 6 and 8; or ~~Greater than or equal to the following gross floor areas:~~
 - A. ~~Office Uses: 50,000 square feet.~~
 - B. ~~Industrial Uses: 75,000 square feet.~~
 - C. ~~Commercial/Retail: 25,000 square feet; or~~
2. Development in Districts 6 and 8 that involves an increase in the existing building footprint of ten (10) percent or more. ~~Intended for occupancy by a combination of a principal residential use and one or more principal non-residential uses; or~~
3. ~~On a lot or parcel that contains fifty percent (50%) or more land area designated as falling within the two highest quality ecological integrity classifications for any of the individual metrics or composite as set forth in Appendix B to this Code.~~

(fg) Site Plan Approval Procedure for Minor and Basic Developments

Applications for site plan approval for minor and basic developments shall follow the core development approval process set forth in Section 1203.02 of this Chapter, except for the following modifications:

- (1) After Step 3 “Staff Review and Report”: Action by the City Manager.
Within sixty (60) days from the date that a submitted application is certified as complete pursuant to Section 1203.10(c) above, the City Manager shall take final action on applications for site plan approval for minor and basic developments by either approving, approving with conditions, or denying such application based on its compliance with the standards set forth in Section 1204.04.
- (2) Authority to Transmit Minor and Basic Development Site Plan Application to the PC.
 - (A) Notwithstanding the authority of the City Manager to review and approve site plans for minor and basic developments as set forth herein, the City Manager may transmit such application to the Planning Commission for review and final action if the City Manager determines that the development’s complexity, projected impacts, or proximity to conflicting land uses merits such action.
 - (B) Within forty-five (45) days from receipt of the City Manager’s transmittal of the minor and basic development site plan application, the PC shall take final action by either approving, approving with conditions, or denying the application, based on the site plan’s compliance with the standards set forth in Section 1203.09(i) below.
- ~~(3) PC Authority to Call Up Site Plan Applications for Minor Developments.~~
 - ~~(A) Notwithstanding the authority of the City Manager to review and approve site plans for minor developments as set forth herein, the PC may call up such application for its review and final action if the PC, by a majority vote of its members, determines that the development’s complexity, projected impacts, or proximity to conflicting land uses merits such action.~~
 - ~~(B) Within forty five (45) days from receipt of the minor development site plan application, the PC shall take final action by either approving, approving with conditions, or denying the application, based on the site plan’s compliance with the standards set forth in Section 1203.09(ij) below.~~
- ~~(4)~~(3) Step 6: AHBR Design Review and Action. At the applicant’s option, an application for ~~AHBR~~ architecture and design review of ~~a minor~~ development may be filed for concurrent review with the application for site plan approval.
- (gh) Site Plan Approval Procedures for All Other Major Developments
Applications for site plan approval for ~~all other major~~ developments, ~~including major developments~~, shall follow the core development approval process set forth in Section 1203.02 of this Chapter, except for the following modifications:
 - (1) Step 1: Pre-Application Conceptual Review. Pre-application conceptual review shall be mandatory for all persons intending to submit an application for site plan approval for a major development.
 - ~~(2) Staff Review and Report: Within five (5) days from the date that a submitted site plan application for a major development is certified as~~

~~complete pursuant to Section 1203.01(e) above, the City Manager shall forward a copy of the complete application to the clerk of the City Council.~~

- (32) Step 32: Planning Commission Action. The PC's role shall be to review all applications for concept plan and final site plan approval, together with the staff report, and take final action either approving, approving with conditions, or denying the application based on its compliance with the standards set forth in Section 1204.04.

If the PC recommends approval with conditions for a final site plan, the applicant shall resubmit to the City Manager a revised site plan that reflects any changes or modifications required or suggested by the PC. Within 15 days of receipt of the revised site plan, the City Manager shall complete his review and either certify the revised site plan's compliance with the PC's conditions, which shall constitute final approval of the site plan, or he shall forward the revised site plan back to the PC with a recommendation that the PC deny the revised site plan on the ground of noncompliance with conditions. The PC shall act on the City Manager's recommendation that the revised site be denied at its next regularly scheduled public meeting.

Unless a zoning certificate is issued for any phase of construction within twelve (12) months of the date of Planning Commission approval, such approval shall then automatically lapse and be null and void. These time limits may be extended by the City Manager upon showing that there has been uninterrupted progress on resolution of outstanding issues during the twelve month period.

- (4) ~~City Council Authority to Call Up Site Plan Application for Major Developments.~~

A. ~~Notwithstanding the authority of the PC to review and approve site plans for major developments as set forth herein, the City Council may, after PC review and action, call up site plan applications for major developments for its review and final action if the City Council determines that the development's complexity, projected impacts, or proximity to conflicting land uses merits such action. Such determination shall be made either by a vote of four (4) or more of City Council members or by submittal of a letter to the Clerk of Council signed by four (4) or more City Council members.~~

B. ~~The City Council shall exercise its authority to call up site plan applications for major developments within fourteen (14) days after final action by the PC. The clerk of the City Council shall notify the PC and shall direct the City Manager to deliver the staff report directly to the City Council for its review.~~

C. ~~Within thirty (30) days from the date that it receives the staff report on the site plan application for a major development, the City~~

~~Council shall take final action by either approving, approving with conditions, or denying the application, based on the site plan's compliance with the standards set forth in Section 1204.04.~~

(~~hi~~) *Standards for Review*

All applications for site plans shall demonstrate compliance with the standards and criteria set forth in Section 1204.04 of this Code.

(~~ij~~) *Application*

Applications for site plan approvals shall be submitted to the City Manager upon such forms as approved by the City Manager.

(~~jk~~) *Submittal Requirements*

See Appendix A for submittal requirements for an application for site plans.

* * *

Section 1203.13 General Notice Provisions

(a) *Notice of Public Hearings-Generally*

(1) Newspaper Notice.

At least ten (10) days notice of scheduled public hearings before a reviewing agency or body shall be published in one or more newspapers of general circulation in the City of Hudson. The notice shall specify the time and place of the hearing, and the specific nature of the matter to be heard.

(2) Written Notice.

Whenever a public hearing is required by a reviewing agency or body, the City shall be responsible for mailing written notice at least fifteen (15) days before the scheduled hearing to all of the following:

(A) The parties in interest;

(B) Tenants and owners of property adjacent to or directly across a street from the boundary within 300' of the subject property or properties; and

(C) Others who have filed a timely request to receive notice. The written notice shall specify the time and place of the hearing, and the specific nature of the matter to be heard.

(3) Posted Notice.

(A) Upon the receipt of any application to the Planning Commission or the Board of Zoning and Building Appeals which requires the action of or a public hearing before the Planning Commission or the Board of Zoning and Building Appeals, either the City Manager shall cause a temporary sign to be placed on the property which is the subject of the application or contemplated action for the purpose of giving notice of a meeting or public hearing, which sign shall be placed no less than seven days before the respective meeting or public hearing on the matter.

(B) Upon the receipt of any application for a zoning certificate that will result in an impervious surface coverage of 40% - 60% of a lot in District 4 or in an Open Space Conservation Subdivision, the City Manager shall cause a temporary sign to be placed on the property which is the subject of the application or contemplated

action for the purpose of giving notice of the impending improvement and/or a meeting, which sign shall be placed no less than five days before the meeting on such matter, or if there is no meeting required, within three days of application.

(b) *Summary of Notice Requirements by Type of Action*

Type of Application	Public Hearing Required (Y/N)				Newspaper Notice Required (Y/N-# Days)	Written Notice to Parties in Interest and Adjacent Owners (Y/N-# Days)
	PC	City Council	BZBA	AHBR		
Code Text or Comp Plan Amendments	Y	Y	N	N	Y 10 days **30 days	N
Zoning Map Amendments	Y	Y	N	N	Y 10 days **30 days	*Y 15 days
PDs (Preliminary and Final)	Y	Y	N	N	Y 10 days	*Y 15 days
Conditional Uses	Y	Y	N	N	Y 10 days	*Y 15 days
Nonconforming Uses/Structures/Lots	N	N	Y	Y	Y 10 days	*Y 15 days
Variances	N	N	Y	N	Y 10 days	*Y 15 days
Minor Modifications	N	N	N	N	N/A	N/A
Site Plan Review – Minor and Basic Development	N	N	N	N	N/A	N/A
Site Plan Review Districts 6 and 8	N	N	N	N	N/A	N/A
Site Plan Review – All Others Major Development	Y	N	N	N	Y 10 Days	*Y 15 Days
Preliminary Subdivision	Y	N	N	N	Y 10 Days	*Y 15 days
Preliminary Subdivision Districts 6 and 8	N	N	N	N	N/A	N/A
Final Subdivision	Y	N	N	N	Y 10 days	*Y 15 Days
Final Subdivision Districts 6 and 8	N	N	N	N	N/A	N/A
Development Agreements	Y	Y	N	N	Y 10 Days	*Y 15 Days

Architecture & Design Review	N	N	N	N	N/A	N/A
Certificate of Appropriateness	N	N	N	N	N/A	N/A

*Posted notice on the property seven (7) days prior

**30 day public inspection period prior to Council hearing”

Section 6. 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 7. 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

* * *

(e) *Property Development/Design Standards*

* * *

(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.

* * *

Section 1205.11 District 8 – Industrial/Business Park

* * *

(e) *Property Development/Design Standards*

* * *

(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 8. 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 9. 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

Section 1207.01 Maximum Impervious Surface

(a) *Maximum Impervious Surface Coverage*

(1) Single-Family Residential Uses. The maximum impervious surface coverage for ~~an individual single family detached use within Zoning Districts 1, 2, 3, or 10~~ any residential property, including parking areas

and accessory buildings and structures, shall not exceed 40% of the total gross area of the underlying lot or lots, as determined by the Community Development Department, unless storm water management, existing conditions, or other techniques approved by the City Engineer to control storm water and runoff are employed, but in no case shall the impervious surface coverage exceed 60% of the total gross area of the underlying lot or lots. A survey of the property may be required to verify the impervious surface coverage of the property.

(2) ~~All Other Residential Uses. The maximum impervious surface coverage of an individual single-family use within Zoning District 4 or within an Open Space Conservation Subdivision, and all other types of residential uses (e.g., townhomes, multi-family), including parking areas and accessory buildings and structures, shall not exceed 60% of the total gross area of the underlying lot or lots.~~

(32) Planned Developments. The maximum impervious surface coverage, including parking area and accessory buildings and structures, shall be determined on a case-by-case basis based on the criteria set forth in subsection (b) below.

(43) All Other Non-Residential Uses. The maximum impervious surface coverage for commercial, industrial, and institutional uses shall be determined on a case-by-case basis based on the criteria set forth in subsection (b) below, but in no case shall the maximum impervious surface coverage exceed 60% of the total gross area of the underlying lot or lots, except for the following:

A. The impervious surface coverage in District 5 for commercial/retail buildings may not exceed 80% and for single-family attached, townhomes, and multi-family residential may not exceed 75%.

B. The impervious surface coverage in the District 7 Overlay may not exceed 50%.

C. The impervious surface coverage for development in Districts 6 and 8 may not exceed 75%.

* * *

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

* * *

(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.

* * *"

Section 10. 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 11. 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 nonresidential 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.~~

~~* * *~~

~~Section 12. 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 13. 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 14. 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