

30 July 2021

MEMORANDUM

To: Mayor Shubert and Members of City Council
Jane Howington, City Manager

From: Matt Vazzana, City Solicitor

Subj: Background and Procedure Regarding Pending Res. No. 21-46

I. Background.

In November 2020, the Hudson voters approved a collection of amendments to the City's Charter. A portion of the approved Charter amendments concerned matters that impact the City's Land Development Code (hereinafter, the "LDC"). To avoid any conflicts between the LDC and Charter, the City initiated Res. No. 21-46 which amends the LDC to be consistent with the terms of the recently amended Charter. Specifically, Res. No. 21-46 amends the text of the LDC concerning the following:

- (1) the composition and terms of the Planning Commission, Board of Zoning and Building Appeals, and the Architectural and Historic Board of Review; and
- (2) removes regulations which permit the development of land with a maximum net density to increase without changing the text of the regulation or the zoning map; and
- (3) clarifies that six affirmative votes are necessary to pass an amendment to the LDC that would permit an increase in maximum net density in any zoning district for any dwelling type.

II. Procedure for Review and Adoption.

Although the LDC amendments proposed via Res. No. 21-46 are in direct response to previously approved Charter amendments, the procedure for the review and adoption is the same as any other City-initiated LDC amendment. The process begins with a first reading of the legislation before Council. After first reading, the proposed LDC amendment legislation is referred to the Planning Commission for both a public hearing and a recommendation back to Council. Upon receipt of Planning Commission's recommendation, Council holds their own public hearing on the proposed LDC amendments. Thereafter, Council may take action to approve the proposed LDC amendments upon the third reading of the legislation authorizing the same. Importantly, LDC amendments only take effect if approved by not less than five members of Council.

For reference, on August 3, 2021, Res. No. 21-46 will have its second reading and public hearing before Council. PC's recommendation concerning Res. No. 21-46 (as well as a draft of Res. No. 21-46 incorporating PC's recommendation) is attached to the August 3, 2021 Council Agenda.