ORDINANCE NO. 24-105 OFFERED BY: MR. FOSTER

AN ORDINANCE AMENDING CHAPTER 1206.05 OF THE LAND DEVELOPMENT CODE RELEVANT TO NON-CONFORMING RESIDENTIAL USES.

WHEREAS, there are numerous non-conforming residential properties located within commercial/industrial zoning districts.; and

WHEREAS, in several locations across the City, residential was a use by right under prior Hudson Township zoning; however, the zoning was revised to commercial/light industrial zoning in approximately 1995; and

WHEREAS, 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; and

WHEREAS, the City has studied methods within the Land Development Code to strengthen the ability of residential property owners to maintain, expand, and resell their property.

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, Ohio, that:

Section 1. That Section 1206.05(e)(4)(B) of the Land Development Code of Hudson be amended and provide as follows, with additions in **bold** and deletions being ~~stricken~~:

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

(4) Damage or destruction.

A. Except as otherwise expressly permitted in division (e)(4)B. of this section, if any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than fifty percent of its fair market value prior to the destruction, such use shall not be restored except in conformance with this Code. The determination of such reduced value shall be made by the Board of Zoning and Building Appeal, which may, if necessary, consult with a City-appointed appraiser.

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 ~~110~~ **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.

Section 2. That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

Section 3. 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 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 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____ _____
Jeffrey L. Anzevino, Mayor

ATTEST:

_____
Aparna Wheeler, Clerk of Council

I certify that the foregoing Ordinance No. 24-105 was duly passed by the Council of said Municipality on _____, 2024.

_____
Aparna Wheeler, Clerk of Council