



COMMUNITY DEVELOPMENT • 1140 Terex Road • Hudson, Ohio 44236 • (330) 342-1790

## PLANNING COMMISSION

### CASE NO. 2024-1085

CITY OF HUDSON LAND DEVELOPMENT CODE TEXT AMENDMENT TO SECTIONS 1206.05(e)(1) “NONCONFORMING USES – ENLARGEMENT” AND SECTION 1206.05(e)(4)(B) “NONCONFORMING USES – DAMAGE OR DESTRUCTION” OF THE LAND DEVELOPMENT CODE.

### RECOMMENDATION

Based on the evidence and representations to the Commission by City staff at a public hearing of the Planning Commission held at the regular meeting of October 14, 2024, then continued to the regular meeting of November 18, 2024, then continued to the regular meeting of December 9, 2024, the Planning Commission finds the proposed text amendment to be in substantial compliance with the appropriate review standards of Section 1204.01, with the following findings:

1. The amendment is in accordance with the basic intent and purpose of the Land Development Code.
2. The amendment supports the Comprehensive Plan’s goal of strengthening existing residential neighborhoods.
3. The amendment would support residential properties that have remained in place since the Land Development Code and current zoning districts were established in 1999.
4. The amendment avoids unlawful exclusionary zoning.
5. The amendment does not affect the City’s ability to provide adequate services, facilities, or programs.

The Planning Commission recommends approval of the amendment as presented in Case #2024-1085 with the attached modifications.

Dated: December 10, 2024

CITY OF HUDSON  
PLANNING COMMISSION

*Sarah Norman*

---

Sarah Norman, Vice Chair (Acting Chair)

That Section 1206.05(e)(1) 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:

- (1) Enlargement. **Except as modified by paragraph (2) below, A**-nonconforming use may be enlarged, increased, or extended beyond the area it occupied as of the effective date of this Code, December 31, 1999, provided that the Board of Zoning and Building Appeals, pursuant to the procedure set forth in Section 1203.06, finds all of the following:
  - A. The enlargement will not interfere with the operation of conforming uses in the district or with circulation on adjacent public streets;
  - B. The enlargement will cause no greater adverse impacts on surrounding properties than did the original nonconforming use; and
  - C. Increases and enlargements do not exceed ~~twenty-five~~ **25** percent of the area that the nonconforming use occupied as of the effective date of this Code, or except as division (e)(1)D. of this section.
  - ~~D. Increases and enlargements do not exceed 150 percent of the area within the existing exterior walls of the building that the nonconforming use occupied and said use and building existed as of the effective date of this Code.~~
- (2) **Enlargement of residential uses. A nonconforming single-family dwelling or two-family residential use may be enlarged, increased, or extended beyond the area it occupied as of the effective date of this Code, December 31, 1999, without approval from the BZBA, provided the proposed expansion does not exceed an additional 50 percent of the existing area that the nonconforming use occupied as of the effective date of this Code. However, if the existing parcel associated with the use does not meet the minimum parcel size of the underlying zoning district, then the enlargement may exceed the 50 percent limitation without approval by the BZBA.**

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 ~~five~~ **50** 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 fire, earthquake~~

~~or other act of God, may be reconstructed so as not to exceed 110 percent of the gross floor area of the previous structure as used before such event of damage or destruction.~~ **A nonconforming single-family dwelling or two-family residential use that is damaged or destroyed by any means may be reconstructed up to, but not beyond 150 percent of the area it occupied as of the effective date of this Code, December 31, 1999, without approval from the BZBA. If the existing parcel associated with the non-conforming use does not meet the minimum parcel size of the underlying zoning district, then the reconstruction may exceed the 150 percent limitation without approval by the BZBA.** 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.