

Meeting Date:

November 10, 2025

Request

Text Amendment to the Land Development Code relating to transfer of land for Planning Commission applications

Applicant

City of Hudson

Case Manager

Nick Sugar, City Planner

Contents

- ORD 25-168
- Redline ordinance with staff recommendations



Project Introduction:

City staff has prepared the following in response to the City Council request to consider an LDC amendment to regulate the transfer of land after Planning Commission approval of applications.

Council discussion has commenced over the following timeline:

- October 14, 2025 City Council Workshop: Proposed amendment was discussed with forwarding for the first meeting.
- October 21, 2025: City Council Meeting: First reading and referral to the Planning Commission.

Background

City Council has prepared the proposed Text Amendment to address the transfer of development projects to new developers/owners following Planning Commission approval. The Council Ordinance notes the following:

- *The representations, materials submitted by, and the testimony of the applicant and/or its representatives form a crucial foundation upon which the Planning Commission and the City Development Department render their decisions, and such representations, commitments, and plans should not change shortly after an applicant receives approval from the City.*
- *Completed developments should conform to the representations, materials submitted by, and the testimony of applicants and/or their representatives, otherwise the public health, safety and general welfare of the community is undermined and threatened.*
- *Reasonable regulations on the transfer of ownership after the approval of a project are necessary to balance the public health, safety, and general welfare of the community and a landowner's right to sell its property.*
- *It is in the best interest of the City and its residents to establish reasonable regulations on the transfer of property after approvals have been issued.*

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Proposed Amendment: Add Section 1206.07 regulating transfer of Conditional Use approvals. The full text is attached for reference. In summary, the text includes the following:

- Generally, Conditional Use approvals cannot be transferred during the year following the approval or prior to the completion of construction, whichever period is longer.
- Conditional use approvals are rendered void if a property is transferred to an unaffiliated owner.
- Applicants must disclose any potential purchasers of a property prior to a Conditional Use being approved.

Staff Recommendations: In coordination with the Solicitor's office, Staff has prepared a redline version of the text with recommendations. These recommendations include the following:

- Place the text within Section 1203.01- General Provision. This section is appropriate as it provides stipulations for applications, applicants, an applicant's authority to file applications, and extensions and time limits.
- Define "Approval".
- Revise the ordinances reference to Conditional Use approvals as it should also pertain to the following approvals:
 - Major Site Plan
 - Final Subdivision Plan
 - Final Planned Development Plan

To capture this within the proposed text, replace references with "Conditional Use" with "Planning Commission" and "Conditional Use Permit" with "zoning certificate". Staff suggests this text be studied further to exclude Map Amendments, Text Amendments, and recommendations to City Council as these do not result in final actions.

- Add titles to each subsection to guide the reader.
- Add references to developer

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).

- Whether or not the proposed amendment is in accordance with basic purpose and intent of the Land Development Code;

Staff Comment: The proposed amendment will protect Planning Commission decisions on land development and land use applications. These Planning Commission decisions execute the recommendations of the Comprehensive Plan.

- 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);

Staff Comment: See previous staff comment.

- 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;

Staff Comment: Staff notes approvals have been transferred since the Land Development Code was adopted. As stated in the City Council ordinance, the representations, materials submitted by, and the

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testimony of the applicant and/or its representatives form a crucial foundation upon which the Planning Commission and the City Development Department render their decisions, and such representations, commitments, and plans should not change shortly after an applicant receives approval from the City.

- d) Whether or not the amendment corrects an inequitable situation created by the Land Development Code, rather than merely grants special privileges;
Staff Comment: The amendment would not grant special privileges.
- e) Whether or not the amendment avoids unlawful exclusionary zoning;
Staff Comment: The proposed 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;
Staff Comment: Not applicable.
- 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);
Staff Comment: Not applicable.
- 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;
Staff Comment: The amendment would not affect the City's ability to provide adequate services, facilities, or programs.
- 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 Comment: The amendment would not affect a specific area, as it pertains to Planning Commission applications.

Staff notes the amendment would protect the decisions the Planning Commission makes, which are based in part on the representations, submitted materials, and testimony of applicants and/or their representatives.

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 October 21, 2025.

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, receive testimony at the public hearing, and then proceed with consideration of a formal recommendation to City Council.