

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)(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 with 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 ~~fifty~~ **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.

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