



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

DATE: January 25, 2024
TO: Mayor Anzevino and Members of City Council
FROM: Thom Sheridan, City Manager, Greg Hannan, Community Development Director
RE: Land Development Code – Non-conforming residential uses

Within the city there are numerous non-conforming residential properties located within commercial/industrial zoning districts. These uses are concentrated in District 8 along portions of S Darrow Rd, Hudson Dr, Seasons Rd, and Sullivan Road. In these locations, residential was a use by right under the Hudson Township zoning; however, was revised to commercial/light industrial zoning in approximately 1995. 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. Over the previous 30 years new commercial/industrial development has occurred in these areas; however, numerous residential homes are still present.

City staff has received a request from Council President Foster to study methods within the LDC to strengthen the ability of these residential property owners to maintain, expand, and resell their property. An amendment to the LDC could be considered to further support existing residences.

Amendment options:

1. Portions of these areas could be reverted to District 2 Rural Residential zoning. This option would give stronger protection to residential property; however, could hinder future industrial development along these arterial/collector corridors, could lead to additional subdivisions in these areas, and could conflict with the existing commercial/industrial uses which incorporate the majority of these areas.
2. Allow residential as a use by right or a conditional use within D8. This use would move current residences into conforming status; however, could lead to increased pressure for larger scale residential development and create use/buffer/setback conflicts with the increased mix of both commercial/industrial and residential uses in the same district.
3. Create greater flexibility within the current Non-conforming use standards:

Prior to 2011, a non-conforming use could not be re-established if discontinued for any reason including fire, earthquake, or other act of God. In 2010-2011, mortgage lenders were starting to no longer provide financing to non-conforming single family dwellings due to concerns over the inability to rebuild. ORD 2011-65 was adopted in response to allow the rebuild of the existing structure damaged by a natural disaster/fire with the allowance of some minor expansion (110%) due the difficulty to rebuild at exactly the same square footage.

Proposed Amendment: A few key items which could be amended to provided additional flexibility to current non-conforming single family property owners:

1. Reason for deconstruction/removal: under the current regulation, the structure can only be rebuilt due to fire, earthquake or act of God. This could be amended to allow reconstruction for any reason. This would allow for a house to be demolished with a new one built on the same parcel. This text would not allow the subdivision of land to create new residential parcels.
2. Precent expansion: Under the current regulation a structure can only be rebuilt with a minor expansion of 10% to accommodate for minor changes in design and codes. This text could be revised to allow for the reconstruction of a single-family house with great ability to expand. 1206.05(e)(1)(D) already allows a current owner of an existing structure to complete up to a 50% addition to their home. This 50% threshold could be added to the expansion allowance on a full rebuild.

The below amendment provides the ability to demolish and replace the structure (not limited to act of god) and gives more flexibility to sell the land as a new owner may wish to demo and built new-construction on the existing lot (no subdivision permitted). This amendment could; however, hinder additional commercial/industrial development as properties may not transition to conforming uses due to the ability to rebuild.

1206.05(e)(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 ~~fire, earthquake or other act of God,~~ may be reconstructed so as not to exceed ~~440~~ **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.*