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**CHAPTER 1202 ADMINISTRATIVE AND REVIEW ROLES**

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This chapter sets forth the roles and powers that various city agencies and bodies have in administering the City of Hudson's Land Development Code.

**SECTION 1202.01 THE MAYOR AND CITY COUNCIL**

As amended by the Charter of the City of Hudson from time to time, the powers and functions of the Mayor and City Council with respect to administering this Code are as follows:

- (a) *Amendments to Code--Text.* Convene public hearings to take testimony on this Code and future text amendments to it, after having referred amendment requests for review and comment to the Planning Commission, and then take action to adopt or rescind the original Code and any future amendments to it.
- (b) *Amendments to Code--Official Zoning Map.* Convene public hearings to take testimony on future amendments to the official zoning map, after having referred amendment requests for review and comment to the Planning Commission, and then take action to adopt or deny any future amendments to it.
- (c) *Appointments.* Appoint members of the Planning Commission ("PC"), Board of Zoning and Building Appeals ("BZBA"), the Architectural and Historic Board of Review ("AHBR"); make appointments to fill unexpired terms or members who have resigned, or to fill vacancies, or to reappoint members at the end of expired terms; remove members of the PC, BZBA, or AHBR after investigation and findings of malfeasance, misfeasance, or nonfeasance while in office.
- (d) *Planned Developments.* Hold public hearings, review, and take final action on proposed preliminary and final Planned Development applications after receipt of the PC's recommendations.
- (e) *Development Agreements.* Hold public hearings, review, and take final action on proposed development agreements after receipt of the PC's recommendations.
- (f) *Site Plans.* Hold public hearings, review, and take final action on proposed site plan applications for major developments that are called up for City Council final action.
- (g) *Appeals.* Hold public hearings, review, and take final action on appeals from the actions of the Planning Commission.
- (h) *Architectural Guidelines.* Adopt amendments, appendices, or supplements to the uniform architectural criteria.
- (i) *Annual Residential Development Allocation.* Hold public hearings, review, and take final action on the recommended annual residential development allocation pursuant to Chapter 1211 of this Code.
- (j) *Fees and Charges.* Establish a schedule of fees necessary to effectively administer and enforce the provisions of this Code.

(k) *Accept Land Donations*

## **SECTION 1202.02 PLANNING COMMISSION**

(a) *Powers and Functions*

As amended by the Charter of the City of Hudson from time to time, the powers and functions of the Planning Commission ("PC") with respect to administering this Code are as follows:

- (1) Conditional Uses. Hold public hearings, review, and take final action on proposed conditional use applications.
- (2) Subdivisions. Hold public hearings, review, and take final action on proposed preliminary and final subdivision plat applications.
- (3) Site Plans--Generally. Hold public hearings, review, and take final action on proposed site plans, except for minor development site plans (unless called up by the (PC) and except for major development site plans that are called up by the City Council.
- (4) Site Plans-Major Developments. Hold public hearings, review, and take final action on proposed site plans for major developments, unless the site plan application is called up by the City Council for its review.
- (5) Site Plans-Minor Developments. Review and take final action on proposed site plans for minor developments referred to the Commission from the City Manager or called up by the PC.
- (6) Site Plans-Non-Residential Development in Districts 6 and 8. As appointed to the Design Sub-Committee for Development in Districts 6 and 8, review site plans for proposed developments and make recommendations to the whole Commission.
- (7) Development Agreements. Review and make recommendations to the City Council on proposed development agreements.
- (8) Planned Developments. Review and make recommendations to the City Council on applications for preliminary and final Planned Developments.
- (9) Amendments to Code. Hold public hearings, review, and make recommendations to the City Council on proposed text or map amendments to this Code.
- (10) Annual Residential Development Allocation. Make recommendations to the City Council regarding an annual residential development allocation pursuant to Chapter 1211 of this Code.

- (11) Comprehensive Plan. Annually review and make any needed recommendations to the City Council for the timely modification or amendment of the Comprehensive Plan.
  - (12) Updates of Land Development Code and Official Zoning Map. Periodically review this Code and the Official Zoning Map to determine if they remain relevant in light of the Comprehensive Plan and in light of current development trends and planning concerns, and make recommendations to the City Council for any changes.
- (b) *Operations*
- (1) Membership.
    - (A) As amended by the Charter of the City of Hudson from time to time, the PC shall consist of seven (7) electors of the city, appointed by the City Council and not holding other public office, for a term of four (4) years. PC members shall serve without compensation.
    - (B) Each member shall have been a resident of the City of Hudson for a minimum of two (2) years preceding the appointment.
    - (C) No member of the PC shall serve for more than three (3) consecutive terms. In the event of a vacancy, the City Council shall appoint a qualified elector to complete the unexpired term.
    - (D) The City Manager shall serve as ex-officio Secretary of the Commission, but shall have no voting rights on any matter.
  - (2) Quorum.

Four (4) members of the PC shall constitute a quorum.
  - (3) Meetings, Hearings, and Rules.
    - (A) Conduct of Public Meetings/Hearings. The conduct of public meetings and hearings before the PC shall be governed by the Planning Commission Administrative Rules. If any provisions set forth in the PC Administrative Rules conflict with the provisions of this Code, the provisions of this Code shall apply.
    - (B) The Chairperson, or in the Chairperson's absence the acting Chairperson, has the authority to administer oaths and the Commission may compel the attendance of witnesses and evidence through the power of subpoena within the municipal boundaries of the City. The subpoena powers shall be exercised through procedures established by the Commission in its Administrative Rules.
  - (4) Decisions.
    - (A) Findings. All decisions of the PC shall be based on written findings of fact related to the relevant standards or criteria set forth in this Code.

**SECTION 1202.03 BOARD OF ZONING AND BUILDING APPEALS**(a) *Powers and Functions.*

As amended by the Charter of the City of Hudson from time to time, the powers and functions of the Board of Zoning and Building Appeals (“BZBA”) with respect to administering this Code are as follows:

- (1) Appeals. Hold public hearings, review, and take final action on appeals from actions of the Architecture and Historic Board of Review, Zoning Inspector, City Manager, Community Development Director, or other administrative official in interpreting this Code.
- (2) Variances. Hold public hearings, review, and take final action on applications for variances from the terms and provisions of this Code.
- (3) Conditional Uses. Hold public hearings, review, and take final action on appeals from the actions of the Planning Commission in denying or allowing a conditional use.
- (4) Nonconforming Uses/Structures/Lots. Hold public hearings, review, and take final action on applications for enlargement, extension, substitution, or replacement of a nonconforming use or structure.
- (5) Interpretation. Hold public hearings, review, and take final action on appeals from the City Manager’s action on disputes concerning, or requests for, interpretations of the Official Zoning Map.

(a) *Operations*(1) Membership

- (A) As amended by the Charter of the City of Hudson from time to time, the Board of Zoning and Building Appeals shall consist of five (5) electors of the City of Hudson, appointed by the City Council and not holding other public office.
- (B) Each member shall serve without compensation for a term of four (4) years. In the event of a vacancy, City Council shall appoint a qualified elector to complete the unexpired term.
- (C) Each member shall have been a resident of the City of Hudson for a minimum of two (2) years preceding the appointment.
- (D) Members shall serve no more than three (3) consecutive full terms.

(2) Quorum and Voting

Three (3) members of the BZBA shall constitute a quorum. The Board shall act by resolution, and the concurring votes of three members of the Board shall be necessary to reverse any order or determination of the Architecture and Historic Board of Review, Zoning Inspector, City Manager, Community Development Director, Planning Commission (in the appeal of a conditional use decision), or other administrative official in interpreting this Code, or to decide in favor of an applicant in any matter on which the Board has original jurisdiction under this Chapter or the Charter or to grant any variance from the requirements of this Code.

(3) Meetings and Rules

- (A) The BZBA shall organize and adopt rules for its own government in accordance with this Chapter.
- (B) Meetings of the BZBA shall be held at the call of the Chairman and at such other times as the Board may determine.
- (C) The Chairperson, or in the Chairperson's absence the acting Chairperson, has the authority to administer oaths and the Board may compel the attendance of witnesses and evidence through the power of subpoena within the municipal boundaries of the City. The power of subpoena shall be exercised through procedures established by the Board in its rules.
- (D) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Superintendent of Building Inspection, and shall be a public record.

(4) Filing of Appeals.

- (A) An appeal to the BZBA may be taken by any party-in-interest or by any officer of the City of Hudson affected by any decision of the Architecture and Historic Board of Review, Zoning Inspector, City Manager, Community Development Director, Planning Commission (in the appeal of a conditional use decision), or any decision in which the BZBA has original jurisdiction.
- (B) All appeals shall be filed with the BZBA within twenty (20) days after the decision by filing with the City Manager a notice of appeal specifying the grounds thereof.
- (C) The City Manager shall transmit a copy of the notice of appeal to the BZBA, together with all the documents and other materials constituting the record upon which the action appealed from was taken.

(5) Filing of Applications

An application, in cases in which the BZBA has original jurisdiction under the provisions of this Code or the Charter (such as variances), may be taken by any property owner, including a tenant, or by a government officer, department, division, bureau, board, or commission. Such application shall be filed with the City Manager, who shall transmit it to the BZBA.

(6) Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector or City Manager certifies to the BZBA, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would cause imminent peril to life or property. In such

case, proceedings shall not be stayed except by an order which may, on due cause

shown, be granted by the BZBA on application after notice to the Zoning Inspector or City Manager, or by order resulting from judicial proceedings.

(7) Hearings

At a public hearing convened by the BZBA, any person or party-in-interest may appear in person or may be represented by an attorney.

(8) Decisions

(A) The BZBA shall take final action on an appeal or application within thirty (30) days after the conclusion of the public hearing thereon.

(B) Findings. All decisions of the BZBA shall be based on written findings of fact related to the relevant standards or criteria set forth in this Code.

(C) A certified copy of the BZBA's decision shall be transmitted to the applicant or appellant and to the board, commission, or officer from whose decision an appeal was taken. Such decision shall be binding on such board, commission, or officer, and the terms and conditions of the BZBA action shall be incorporated into the approval, permit, or certificate, whenever an approval, permit, or certificate is authorized by the BZBA.

#### **SECTION 1202.04 ARCHITECTURAL AND HISTORIC BOARD OF REVIEW**

(a) *Powers and Functions*

As amended by the Charter of the City of Hudson from time to time, the powers and functions of the Architectural and Historic Board of Review ("AHBR") with respect to administering this Code are as follows:

(1) Architecture/Design Guidelines/Historic Preservation--Residential and Commercial Development. Review applications for new structures, additions, alterations, fences, and signs, except for minor residential improvements and all nonresidential development in Districts 6 and 8, and take final action relating to their compliance with all applicable architectural, design, and/or historic preservation guidelines and requirements. Review and take final action on applications for minor residential improvements referred to the Board from the City Manager.

(2) Architecture/Design/Historic Preservation Development in Districts 6 and 8. As appointed to the Design Sub-Committee for Development in Districts 6 and 8, review site plans for proposed developments and make recommendations to the Planning Commission.

(3) Historic Districts and Landmarks.

(A) Review applications for Certificates of Appropriateness and take final action relating to the construction, erection, alteration, removal, moving, or demolition of any historic landmark.

- (B) Recommend to the City Council the geographic boundaries of additions to or changes in the Historic District, and to recommend those buildings and structures which should be designated historic landmarks.
  - (C) Advise the Planning Commission, City Council, Building Inspector, other public agencies and property owners in matters involving structures and areas of historic and/or architectural significance, and, further, to assemble and make available information pertaining to funds, from both public and private sources, available for restoration, alteration and preservation.
  - (D) Propose from time to time to the Planning Commission and Council the designation or removal of designation of structures and/or areas for historic preservation under the provisions of this chapter.
  - (E) Make recommendations concerning the establishment of an appropriate system of markers for historic structures and areas and to advise owners or residents of historically and/or architecturally significant structures or areas on problems, techniques, and resources for historic preservation.
  - (F) Make recommendations concerning the preparation of maps, brochures, and descriptive material about the City's structures and areas of historic and/or architectural significance.
  - (G) Promote the public interest in the foregoing purposes by carrying on a public relations program.
- (4) Adoption of Architectural Guidelines. The Board may recommend to Council for adoption amendments, appendices, or supplements to Appendix D, Architectural Design Standards. When initiated by Council, Council shall upon adoption of such a resolution, certify the proposed amendment, appendix, or supplement to the Board for review and recommendation prior to adoption. The Board may, at any time, recommend to Council for consideration any amendment, appendix, or supplement it deems appropriate. Periodically, the Board shall study and review the uniform architectural criteria in light of circumstances then existing and may recommend to Council addenda, amendments, or updating, if any, that the Board deems appropriate. If the Board determines that no addenda, amendments, or updating is appropriate or necessary, it shall report that fact to Council.
- (b) *Operations*
- (1) Membership
    - (A) As amended by the Charter of the City of Hudson from time to time, the AHBR shall consist of seven (7) electors of the City of Hudson appointed by the City Council.
    - (B) Each member shall have been a resident of the City of Hudson for two (2) years preceding appointment.

- (C) Each member shall serve without compensation for a term of four (4) years. In the event of a vacancy, City Council shall appoint a qualified elector to complete the unexpired term.
  - (D) No member may serve more than three (3) consecutive terms.
  - (E) The whole of the AHBR shall designate at least three (3) members who shall constitute a subcommittee whose concern shall be the Historic District and/or historic landmarks. In addition, the Board may appoint such committees, ad hoc or standing, as may be appropriate to the conduct of its business.
- (2) Meetings and Rules
- (A) The AHBR shall at its first meeting in January of each year elect one of its members as Chairman, a second member as Vice-Chairman, and a third member as Secretary. The Board shall hold such meetings as it may determine, but not less than one in any calendar month.
  - (B) The elected Chairman, and in his absence the Vice-Chairman, shall be responsible for the proper administration of the Board's work and the elected Secretary shall keep, or cause to be kept, in the City's planning office, a complete and accurate record of all meetings and proceedings of the Board.
  - (C) All meetings of the Board shall be open to the public and four (4) members thereof shall constitute a quorum.
  - (D) A majority vote of the members present shall be required to take action.
  - (E) In order to better carry out the provisions of this chapter, the Board by formal motion shall adopt rules for the conduct of its business.
- (3) Advice of Consultant. When requested by official action of the AHBR, the City Manager is hereby authorized and directed to employ a qualified, licensed architect to consult with and assist the AHBR on any and all matters set forth in this Code. If the Historic District and/or historic landmarks are involved, such architect shall be a qualified restoration architect. Such consultation and assistance shall be strictly advisory and the AHBR shall not be bound by the architect's recommendation or opinion.

#### **SECTION 1202.05 DESIGN SUB-COMMITTEE FOR DEVELOPMENT IN DISTRICTS 6 AND 8**

(a) *Powers and Functions*

As amended by ordinance from time to time, the powers and functions of the Design Sub-Committee for Development in Districts 6 and 8 with respect to administering this Code are as follows:

- (1) Site Plans-- Developments in Districts 6 and 8. Review site plans for proposed developments in Districts 6 and 8 and report its comments and recommendations to the Planning Commission relating to such site plans' compliance with applicable design guidelines and requirements.

(b) *Operations*

- (1) Membership. The Design Sub-Committee for Development in Districts 6 and 8 shall be comprised of one (1) member and one (1) alternate appointed by the Chair of the Planning Commission and two (2) members and one (1) alternate appointed by the Chair of the Architectural and Historic Board of Review.
- (2) Meetings and Rules.
  - (A) The Design Sub-Committee for Development in Districts 6 and 8 shall organize and adopt rules for the conduct of its own meetings in accordance with this Code.
  - (B) All meetings of the Design Sub-Committee for Development in Districts 6 and 8 shall be chaired by a member of the Planning Commission.
  - (C) Meetings of the Design Sub-Committee for Development in Districts 6 and 8 shall be held at the call of the Chair of the Planning Commission and at such other times as the sub-committee may determine.
  - (D) The Community Development Director or his designee shall be available at all meetings of the Design Sub-Committee for Development in Districts 6 and 8.
- (3) Advice of Consultant. When requested by official action of the Design Sub-Committee for Development in Districts 6 and 8, the City Manager is hereby authorized and directed to employ a qualified, licensed architect to consult with and assist the Design Sub-Committee for Development in Districts 6 and 8 on any and all matters set forth in this Code. Such consultation and assistance shall be strictly advisory and the Design Sub-Committee for Development in Districts 6 and 8 shall not be bound by the architect's recommendation or opinion.

#### **SECTION 1202.06 CITY MANAGER**

As amended by the Charter of the City of Hudson from time to time, the powers and functions of the City Manager and his staff with respect to administering this Code are as follows:

- (a) *Site Plans--Generally.* Review and make recommendations to the Planning Commission on all applications for site plans.
- (b) *Site Plans-Minor Developments.* Review and take final action on site plan applications for minor developments, or as necessary refer such applications to the Planning Commission.
- (c) *Amendments to Code.* Review and make recommendations to the Planning Commission on all applications for private-party-initiated text or map amendments to this Code.

- (d) *Planned Developments.* Review and make recommendations to the Planning Commission on all applications for preliminary and final Planned Developments.
- (e) *Subdivisions.* Review and make recommendations to the Planning Commission on all applications for preliminary and final subdivisions.
- (f) *Conditional Uses.* Review and make recommendations to the Planning Commission on all applications for conditional uses.
- (g) *Minor Modifications.* Review and take final action on applications for minor modifications.
- (h) *Minor Subdivisions.* Review and take final action on applications for minor subdivisions.
- (i) *Annual Residential Development Allocation.* Conduct studies and make recommendations to the Planning Commission regarding an annual residential development allocation pursuant to Chapter 1211 of this Code.
- (j) *Architecture/Design/Historic Preservation Compliance-Generally.* Review and make recommendations to the Architectural and Historic Board of Review on applications for residential and commercial development relating to compliance with architectural/design and/or historic preservation guidelines and requirements.
- (k) *Architecture/Design/Historic Preservation Compliance - Minor Residential Improvements.* Review and take final action on zoning applications for minor residential improvements, or as necessary refer such applications to the AHBR.
- (l) *Change of Use.* Review and take final action on applications for change of non-residential occupancy of structures or land.
- (m) *Appointments.* Appoint authorized zoning enforcement officers for purposes of carrying out the duties and responsibilities for enforcement of this Code and of Part Fourteen of the City of Hudson Codified Ordinances.

**SECTION 1202.07 SUMMARY TABLE—ADMINISTRATIVE & REVIEW ROLES**

Type of Application or Review	MAYOR & CITY COUNCIL	PLANNING COMMISSION	BZBA	AHBR	DESIGN SUB-COMMITTEE FOR DEVELOPMENT IN DISTRICTS 6 AND 8	CITY MANAGER/STAFF
Code/Map Amendments	Final Action	Review/Recommendation	----	----		Review/Recommendation
PDS Preliminary	Final Action	Review/Recommendation	----	----		Review/Recommendation
PDs Final	---	Final Action	----	----		Review/Recommendation
Subdivisions	Appeals	Final Action	----	----		Review/Recommendation
Site Plans-Major Developments	<ul style="list-style-type: none"> <li>•Final Action on Called-Up Applications</li> <li>•Appeals</li> </ul>	Final Action (Unless City Council Calls Up)	----	----	Review/Recommendation on Site Plans in Districts 6 and 8	Review/Recommendation
Site Plans-Minor Developments	----	<ul style="list-style-type: none"> <li>•Final Action When Referred by City Manager or Called Up</li> <li>•Appeals</li> </ul>	----	----	---	Final Action Unless Referred to PC
Site Plans-All Other Developments	Appeals	Final Action	----	----	Review/Recommendation on Site Plans in Districts 6 and 8	Review/Recommendation
Conditional Uses	----	Final Action	Appeals	----		Review/Recommendation
Development Agreements	Final Action	Review/Recommendation	----	----		Review/Recommendation
Architecture//Design Review/Cert of Appropriateness	----	Final Action (Nonresidential in Districts 6 and 8)	Appeals on Certs of Appropriateness	Final Action except Districts 6 and 8		Review/Recommendation
Variances	----	----	Final Action	----		Review/Recommendation
Nonconforming Uses/Buildings/Lots	----	----	Final Action	----		Review/Recommendation
Interpretations	----	----	Appeals	----		Final Action-Use Classifications & Map Interpretations
Minor Modifications	----	----	----	----		Final Action