



shall follow the longest time frame and approval process required from among the combined application types.

(f) *Application Processing Schedule*

The City Manager, after consulting with the Planning Commission and City Council, may from time to time promulgate a processing schedule for each type of application.

Each promulgated processing schedule shall include:

- (1) Dates of regular meetings of the reviewing bodies and decision-makers;
- (2) The deadline for receipt of a complete application for consideration of such application at a particular meeting;
- (3) The scheduling of staff reviewing and staff reports on complete applications;
- (4) All necessary steps in the application process (including hearings, decision meetings, and review by other bodies); and
- (5) The publication of required notices of hearings.
- (6) Mailed notice to adjacent property owners.

(g) *Permitted Scope of Action by Decision-Makers*

The body holding the hearing may take any action on the application that is consistent with the notice given, including approving the application, approving the application with reasonable conditions, or denying the application. The reviewing body may impose conditions on the application or allow amendments to the application if the effect of the conditions or amendments is:

- (1) To reduce the impact of the development; or
- (2) To reduce the amount of land area included in the application.

The review body may not approve a greater density of development, a more intensive use, or a more intensive zoning classification than what was indicated in the notice.

(h) *Continuation of Hearings*

A hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Chapter, provided that the continued hearing is set for a certain date and time.

(i) *Extension of Time Limits*

- (1) Any decision-making body shall have the discretion to extend the time periods set forth in this Chapter for review and final decision on a development application upon a finding that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly justify such extension of time. Only one such extension, up to a maximum of sixty (60) days, shall be granted.
- (2) Any other extension of the time periods for review and action specified in this Chapter may be extended only if the applicant agrees in writing to an extension of time.

(j) *Submittal Requirements*

A schedule of submittal requirements for each type of development application is set forth in Appendix A to this Code. The schedule of submittal requirements shall be reviewed annually and shall be adjusted by resolution, if necessary, by City Council.

**SECTION 1203.02 CORE DEVELOPMENT REVIEW PROCEDURE**

All development applications are subject to the following seven-step “core” approval procedure, unless variations or exceptions to the core procedure are expressly provided for in the particular development application requirements set forth in this Chapter.

<b>CORE DEVELOPMENT REVIEW PROCEDURE</b>	
Step 1	Pre-Application Conceptual Review
Step 2	Application
Step 3	Staff Review and Report
Step 4	Planning Commission Action or Recommendation
Step 5	City Council Review and Action
Step 6	AHBR Review and Action
Step 7	Zoning Certificate

- (a) *Step 1: Pre-Application Conceptual Review*
- (1) Purpose. The purposes of the pre-application conceptual review meeting are to provide an opportunity for the applicant and the City Manager to discuss the review process, the scope of appropriate submittal requirements, and compliance with this Code. Major potential problems can be identified before a formal application is submitted.
  - (2) Applicability. Pre-application conceptual review is mandatory for all applications relating to site plans except minor development, preliminary Planned Development plans, and preliminary subdivisions except for minor subdivisions. Pre-application conceptual review meetings for all other types of applications are voluntary. However, the City Manager may determine that some application submittal requirements are not necessary if the applicant attends a pre-application conceptual review meeting.
  - (3) Attendance. In addition to the City Manager, other City participants in the preapplication conceptual review meeting may include the Community Development Director, the City Community Development Staff, the City Engineer, representatives from City Safety Services and city utility providers, Design Subcommittee for Development in Districts 6 and 8, and representatives from the Summit County Department of Environmental Service, Summit Soil and Water Conservation District, and any other person or entity the City deems appropriate.

- (4) Request for Pre-Application Conceptual Review. To request a preapplication conceptual review meeting, the applicant shall submit a request on a form approved by the City Manager, together with any reasonable fee and materials that the City Manager deems necessary. The materials and form submitted for the preapplication conceptual review meeting shall not be considered a formal application for site plan, subdivision, or any other approval.
  - (5) Scheduling. The preapplication conceptual review meeting shall be scheduled within fourteen (14) days from the date of submission of the applicant's form and materials. If additional information is requested, the fourteen-day period may be extended by mutual agreement.
  - (6) Submittal Requirements. See Appendix A to this Code.
  - (7) Staff Review and Recommendations. Within ten (10) days after the pre-application conceptual review meeting, the City Manager shall provide to the applicant comments on the conceptual plan, including appropriate recommendations to inform and assist the applicant prior to preparing the components of the development application.
- (b) *Step 2: Application*  
Each development application shall be submitted to the City Manager and shall include the items in Appendix A that are identified as applicable to that development application.
- (c) *Step 3: Staff Review and Report*  
Within forty-five (45) days from the date that a submitted application is certified as complete pursuant to Section 1203.01(c) above, the City Manager shall refer the development application to the appropriate review agencies, review the development application, and prepare a staff report. The staff report shall incorporate the responses and comments from the reviewing agencies, shall report whether the development application complies with all applicable standards, and shall specify any areas of noncompliance. Conditions for approvals may be recommended to eliminate any areas of noncompliance or to mitigate any adverse effects of the development proposal. The staff report shall be mailed to the applicant and made available for public inspection and copying at least five (5) days prior to the first scheduled public meeting on the development application.
- (d) *Step 4: Planning Commission Action or Recommendation*  
(1) When Public Hearings Required. The following development applications are subject to Planning Commission review and shall be considered and acted upon only after a public hearing before the PC:
- Applications for Rezoning
  - Applications for Preliminary and Final Subdivision Plats
  - Applications for Concept Plan and Final Site Plan Review except development in Districts 6 and 8

- Applications for Conditional Uses
  - Applications for Planned Developments
  - Applications for Development Agreements
  - Proposed Amendments to Code or to the Comprehensive Plan
- (2) When Planning Commission Action is Required
- Applications for Concept Plan and Final Site Plan Review for development in Districts 6 and 8
- (3) Decisions. Within one-hundred twenty (120) days from the date that a submitted application is certified as complete pursuant to Section 1203.01(c) above, the PC shall consider the development application, the staff report, comment from any meeting, and the evidence from any public hearing, and then take final action. For applications on which the PC has final authority, the PC shall either approve, approve with conditions, or deny the development application based on its compliance with the appropriate review standards. For applications on which the PC has only authority to recommend action to the City Council, the PC shall recommend either approval, approval with conditions, or denial of the development application based on its compliance with the appropriate review standards.
- (4) Findings. All decisions of the PC shall be based on written findings of fact related to the relevant standards set forth in this Code.
- (5) Notification of PC's Action. The PC shall send written notice of its action on an application to the applicant and to the City Council within ten (10) days after such action.
- (e) *Step 5: City Council Review and Action*
- (1) When City Council Action Required. The following development and land use applications are subject to City Council review and shall be considered and acted upon only after a public hearing before the City Council:
- Applications for Planned Developments Preliminary Plan
  - Applications for Rezoning
  - Applications for Site Plans for Major Developments Called Up by City Council pursuant to Section 1203.09(g) of this Code
  - Proposed Amendments to Code Text/Comprehensive Plan
  - Approval of Development Agreements
- (2) Conduct of Public Hearings Before the City Council. All public hearings convened by the City Council to consider a development application or other land use action subject to this Code shall be conducted in accord with the rules and procedures adopted by the City Council to govern such actions.
- (3) Decisions. Within ninety (90) days from the date that the City Council receives the Planning Commission's recommendation on an application, the City Council shall consider the development application, the staff report, the PC's recommendation, and the evidence from any public hearing, and then take final action by either approving, approving with conditions, or denying

- the development or land use applications based on its compliance with the appropriate review standards.
- (4) Findings. All decisions of the City Council shall be based on written findings of fact related to the relevant standards set forth in this Code.
- (f) *Step 6: AHBR Review and Action*
- (1) When AHBR Review and Action Required.
- (A) Areas Other Than in the Historic District and Other Than Historic Landmarks. Architectural and Historic Board of Review (“AHBR”) review occurs after a proposed development has received site plan approval, except development in Districts 6 and 8. The following development applications are subject to AHBR review and shall be acted upon at AHBR’s regularly scheduled public meetings, or at a special meeting or public hearing if called:
- Applications for AHBR approval of new residential structures (including accessory structures), additions (including decks), alterations, and fences, except for minor residential improvements.
  - Applications for AHBR approval of new commercial structures, additions, alterations, and fences (except development in Districts 6 and 8).
  - Applications for AHBR approval of signs.
  - No permit shall be issued for the demolition of any building or structure located outside an historic district and not designated as an historic landmark until such proposed demolition is first reviewed by the AHBR to determine whether the building or structure has historic or architectural significance and to determine whether the applicant for such permit will voluntarily consent to the retention of such building or structure as appropriate. For purposes of this section, the terms ‘alteration’ and ‘remodeling’ do not include the term ‘demolition’. For purposes of this section, the term ‘demolition’ shall mean the act of completely tearing down or removing a building or structure.
- (2) Areas in the Historic District or Historic Landmarks. AHBR shall review all development within the Historic District and all development affecting a historic landmark that will affect the exterior architectural features of such structure or building. AHBR review shall occur before issuance of a zoning certificate for the development.
- (3) When AHBR Recommendations Required. The AHBR, as represented on the Design Sub-Committee for Development in Districts 6 and 8, shall recommend to the Planning Commission final action on all applications for development site plans in Districts 6 and 8. Such recommendation shall be either to approve, approve with conditions, or deny the application for such a development site plan based on its compliance with the use, development, and design standards set forth in this Code.

- (4) Conduct of Public Meetings/Hearings. The conduct of public meeting and hearings before the AHBR shall be governed by the rules and procedures adopted by the AHBR for this purpose.
- (5) Decisions
  - (A) Areas Other Than in the Historic District and Other Than Historic Landmarks. The AHBR shall take final action within thirty (30) days from the date that a submitted application is certified as complete pursuant to Section 1203.01(c), except that the AHBR shall have the discretion to table any application for no more than two consecutive scheduled meetings. The AHBR shall take final action by either approving, approving with conditions, or denying the development application based on its compliance with the architectural, design, and/or historic preservation standards set forth or referenced in this Code.
  - (B) Areas in the Historic District or Historic Landmarks. Within sixty (60) days from the date that the AHBR receives the Historic District Subcommittee's recommendation on an application for a certificate of appropriateness, the AHBR shall consider the application, the staff report, the subcommittee's recommendation, and evidence from any public hearing, and then take final action by either approving, approving with conditions, or denying the certificate of appropriateness application based on its compliance with the appropriate review standards.
- (6) Findings. All decisions of the AHBR shall be based on written findings of fact related to the relevant standards set forth or referenced in this Code.
- (7) Submittal Requirements. See Appendix A to this Code for submittal requirements for applications for AHBR reviews and approvals.
- (g) *Step 7: Certificate of Zoning Compliance*
  - (1) When Required. A certificate of zoning compliance (also referred to as a "zoning certificate") is a condition precedent to the commencement of any of the following types of development or land use activity within the City of Hudson:
    - (A) Residential development, including new single-family developments on single lots, accessory structures, additions, alterations, and fences.
    - (B) Industrial development.
    - (C) Commercial development, including accessory structures, additions, alterations, and fences.
    - (D) Grading, cutting, clearing or undertaking any other land disturbance activity.
    - (E) Occupy, use, or change the use or alter any structure or land.
    - (F) Erection, moving or replacement of signs.
  - (2) Application for Zoning Certificate--Conditions Precedent for Issuance. An application for a zoning certificate shall be submitted as part of the application for AHBR approval of residential or commercial development, or erection of signs. For developments in Districts 6 and 8, an application for

zoning certificate shall be submitted as part of the application package for PC and/or City Council approval of the site plan. A zoning certificate shall be issued only after the applicant has received the following approvals:

(A) Residential Development-Generally. Prior to issuance of a zoning certificate for residential development, including construction of a single-family dwelling on an individual lot, the applicant first shall have received all of the following:

- Final site plan approval;
- Final approval of any conditional uses or variances (when applicable);
- AHBR approval; and  
Residential allotments pursuant to Chapter 1211 of this Code.

(B) Residential Development - Minor Improvements. Prior to issuance of a zoning certificate for minor residential improvements, the applicant shall first have received all of the following:

- Final site plan approval;
- City Manager approval for architecture/design/historic preservation compliance;
- Applications involving PC or BZBA action shall be referred to AHBR.

(C) Commercial Development. Prior to issuance of a zoning certificate for commercial development, the applicant shall have received all of the following:

- Final site plan approval including review and approval pursuant to adopted design guidelines for development in Districts 6 and 8; and
- AHBR approval (including AHBR approval of any proposed signs).

Except that a zoning certificate to permit clearing and grading, and /or utility installation and related site work may be issued consistent with the final site plan approval in advance of the zoning certificate to permit building construction.

(D) Industrial Development. Prior to issuance of a zoning certificate for industrial development, the applicant shall have received all of the following:

- Final site plan approval, including review and approval pursuant to adopted design guidelines; and

Except that a zoning certificate to permit clearing and grading, and /or utility installation and related site work may be issued consistent with the final site plan approval in advance of the zoning certificate to permit building construction.

(E) Signs. Prior to issuance of a zoning certificate for signs, the applicant shall have received all of the following:

- Final approval of any variances or conditional use requirements (when applicable); and
- AHBR approval.

- (3) Issuance of Zoning Certificates. A zoning certificate shall be issued within seven (7) days after final action and approval by the AHBR for residential and commercial developments and for signs, after final action by the City Manager for minor residential improvements with notice to AHBR of action taken, and after final action and approval by the PC and/or City Council on a site plan application for developments in Districts 6 and 8.
  
- (4) Time Limit on Zoning Certificates. Unless construction is commenced within six (6) months of the date of issuance of a zoning certificate and completed within twenty-four (24) months of the date of issuance, such certificate shall then automatically lapse and be null and void. These time limits may be extended by the City upon a showing that there has been continuing construction activity on the site during the twenty-four (24) months of the date of issuance. Construction or improvement of a new or existing structure shall be deemed to have commenced upon completion of the in-ground permanent foundation, or if constructed utilizing slabs, piers, pilings, or pole construction, completion of the structural framework of the building constituting the authorized work under the permit.

(h) Summary Table—Core Development Review Process by Application Type

	<u>Step 1</u> Pre-Application Review	<u>Step 2</u> Application	<u>Step 3</u> Staff Review & Report	<u>Step 4</u> PC Action	<u>Step 5</u> City Council Action	<u>Step 6</u> AHBR Action	<u>Step 7</u> Zoning Certificate	<u>Comments</u>
Code Amendments-Text/Map	V	A	A	A-SR	A-SR	N/A	N/A	
PD-Preliminary Plan	M	A	A	A-SR	A	N/A	N/A	
PD-Final Plan	V	A	A	A-SR	N/A	N/A	N/A	
Conditional Uses	V	A	A	A-SR	N/A	N/A	A	
Nonconforming Uses/Structures/Lots	V	A	A	N/A	N/A	A-SR	A	BZBA Final Action-SR
Variances	V	A	A	N/A	N/A	N/A	N/A	BZBA Final Action-SR
Minor Modifications	V	A	A	N/A	N/A	N/A	N/A	City Mgr Final Action-SR
Concept and Final Site Plan Review	M-Major M-All Others Except Minor	A	A	A-SR	A-Major Only-SR	N/A	A	City Mgr Final Action on Minor-SR; PC call-up of Minor-SR; City Council call-up of Major-SR
Preliminary Subdivision	M	A	A	A	N/A	N/A	N/A	
Final Subdivision	V	A	A	A	N/A	N/A	N/A	
Development Agreements	V	A	A	A	A	N/A	N/A	
Architectural/Design Review/Cert of Appropriateness	V	A	A-SR	N/A	N/A	A	A	AHBR consent agenda for minor items

“V” = Voluntary “M” = Mandatory “A” = Applicable “N/A” = Not Applicable “SR” = Special Requirements (Refer to Text)

**Section 1203.03 Code Amendments**(a) *Initiation*

Applications for text or official zoning map amendments may be initiated by the following:

- (1) By motion of the Planning Commission;
- (2) By adoption of a resolution by City Council;
- (3) By application for a rezoning by one or more of the owners, holders of options to purchase, or lessees of the property for which the amendment or supplement is requested.

(b) *Private-Party Initiated Applications for Code Amendments (Rezoning)*

All applications for text or official zoning map amendments or supplements initiated pursuant to Subsection (a)(3) above, shall comply with the following requirements:

- (1) Site-specific development plan required. All applications seeking to amend this Code to allow a change from one zone district to a different zone district (e.g., a request to rezone from District 2 to a District 1 or a request to rezone from District 2 to District 10 or District 8), or seeking to amend this Code by changing the permitted uses in any zone district, shall be accompanied by a site-specific development plan.
- (2) Contents of site-specific development plan. At a minimum, a site-specific development plan shall include the following information:
  - (A) Uses proposed;
  - (B) Intensity or density of uses proposed;
  - (C) Location of public and private open space;
  - (D) Location of existing and proposed buildings on the site;
  - (E) Road, street, and pedestrian networks proposed;
  - (F) Existing or proposed utilities and public services for the development; and
  - (G) All other submittal requirements set forth in Appendix A to this Code for applications for a code amendment.
- (3) Exceptions. When a parcel held under single and common ownership is classified in this Code as falling into two or more different zone districts as of the effective date of this Ordinance, an application to rezone a portion or portions of that parcel so that the zone district classification is the same for the entire parcel may be allowed in the absence of a site-specific development plan.

(c) *Procedures for Approval*

- (1) PC or City Council initiated applications for text or official zoning map amendments shall follow the core development approval process set forth in Section 1203.02 of this Chapter, except for the following modifications:
  - (A) Before Step 4: City Council--First Reading. City Council shall initiate action by completing a first reading of the application, in ordinance form. The City Council shall then refer the application to the PC for the PC's formal consideration.
  - (B) Step 4: Planning Commission Action or Recommendation. 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 one-hundred, twenty (120) days from receipt of the City Council's referral.
- (C) Step 5: City Council Action. After the PC's public hearing and recommendation on the amendment application, the City Council shall hold a public hearing and take final action within twenty (20) 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 (5) members of the City Council.
- (2) Private-party initiated applications for text or official zoning map amendments shall follow the core development approval process set forth in Section 1203.02 of this Chapter, except for the following modifications:
- (A) Step 4: Planning Commission Action or Recommendation. PC action shall first consist of a preliminary review of the application at a public meeting of the PC. Within thirty (30) days from the date of the PC's public meeting, the applicant shall prepare a final site-specific development plan that incorporates any changes or modifications required or suggested by the PC at the preliminary review.
- (B) Step 5: City Council Action (and PC Public Hearing). City Council shall initiate action by completing a first reading of the applicant's final site-specific development plan and application, in ordinance form. The City Council shall then refer the final site-specific development plan and application back to the PC for the PC's formal consideration at a public hearing, with the PC making specific recommendations to the City Council, together with the text and map amendments pertaining thereto, within one hundred and twenty (120) days from receipt of the City Council's referral.
- (C) New Step 5-A: City Council Final Action. After the PC's public hearing and recommendation on the final site-specific development plan and application, the City Council shall hold a public hearing and take final action on the final site-specific development plan and application within twenty (20) 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 (5) members of the City Council.
- (d) *Standards for Review*  
All applications for text or zoning map amendments shall be reviewed by the PC and City Council for compliance with the standards and criteria set forth in Section 1204.01 of this Code.
- (e) *Public Examination of Documents*  
During the thirty (30) day period following the publication of notice of public hearing before the City Council, the text or a copy of the text of a proposed amendment, together with the maps or plans or copies thereof that form part of or are referred to in such amendment or supplement, and the maps, plans, and reports submitted by the Planning Commission (*See* subsection (b)(2) above.), shall be on file for public examination in the office of the Clerk of Council.

- (f) *Effective Date of Amendment*  
Amendments or supplements adopted by the City Council shall become effective under the provisions of the Charter of the City of Hudson.
- (g) *Zoning Map Amendments*  
When an amendment to this Code that changes the zoning of any area becomes effective, it shall be the duty of the City Manager to cause such change to be entered on the Official Zoning Map on file in the office of the Clerk of Council.
- (h) *Effect of Approvals and Lapse*  
(1) If an applicant fails to commence substantial construction or action with regard to the code amendment (rezoning) approval within one (1) year from the effective date of the amendment and to complete such construction or action within two (2) years of the effective date of the amendment, such site-specific development plan shall automatically lapse and become null and void. All of the land area included in the site-specific development plan shall automatically revert to the original zone district designation and be subject to all zoning and subdivision ordinances and regulations otherwise applicable.  
(2) During the period during which an approved site-specific development plan is effective, no subsequent change or amendment to this Code or any other governing ordinance or plan shall be applied to affect adversely the right of the applicant to proceed with any aspect of the approved development in accordance with the terms of such site-specific development plan approval.
- (i) *Minor Modifications of Approved Site-Specific Development Plan*  
Minor modifications of the final site-specific development plan may be authorized by the City Manger pursuant to Section 1203.08, "Minor Modifications," below.
- (j) *Amendments to an Approved Site-Specific Development Plan*  
Any change or modification to an approved site-specific development plan that does not qualify as a minor modification pursuant to subsection (i) above must be submitted as a new application for approval of a preliminary PD plan and follow the procedures set forth in Section 1203.04, "Planned Developments," of this Chapter.
- (k) *Applications for Zoning Certificates During Consideration of Application for Amendment to this Code*  
(1) Whenever an ordinance has been introduced in City Council that involves a change in zoning from a less restricted district to a more restricted district, or to set forth prohibited uses in any existing zone district, no zoning certificate shall be issued for a period not to exceed 180 days from the date of the introduction of such zoning amendment ordinance when such zoning certificate would authorize the construction of a building or the establishment of a use that would become nonconforming under the contemplated zoning amendment.  
(2) If such ordinance is not adopted within 180 days, the appropriate public entity is authorized to accept applications and issue zoning certificates regardless of the pendency of such amendment ordinance.
- (l) *Applications*  
Applications for amendments or supplements to this Code shall be submitted to the City Manager upon such forms as approved by the Planning Commission.

- (m) *Submittal Requirements*  
See Appendix A for submittal requirements for applications to amend or supplement this Code.

#### **SECTION 1203.04 PLANNED DEVELOPMENTS**

- (a) *Applicability*  
Planned Developments may be approved in any zone district in which the zone district regulations (*see* Chapter 1205) expressly permit such projects, subject to the standards set forth in Section 1204.02 of this Code, and the approval procedures set forth in this Section.
- (b) *Consolidation with Subdivision Approval*  
The applicant shall consolidate an application for Preliminary PD Plan approval with an application for preliminary subdivision plan approval, and shall consolidate an application for Final PD Plan approval with an application for final subdivision plat approval. Such consolidated application shall be submitted in a form that satisfies both the planned development requirements of this Code and the provisions, including submittal requirements, governing subdivisions. The time frame and approval process for the consolidated PD/subdivision application shall follow the time frame and approval process set forth in this section. An approved Final PD Plan shall be recorded as the final subdivision plat.
- (c) *Procedures for Approval of a Preliminary PD Plan*  
Planned Developments, similar to subdivisions, are first approved in preliminary form, and then approved in final form. Applications for approval of a Preliminary PD Plan shall follow the core development approval process set forth in Section 1203.02 of this Chapter, except for the following modifications:
- (1) Step 1: Pre-Application Conceptual Review Meeting. A pre-application conceptual review meeting shall be mandatory for all persons intending to submit an application for approval of a Preliminary PD Plan.
  - (2) Step 4: Planning Commission Action. The PC's role shall be to review all applications for Preliminary PD Plans and make a recommendation to the City Council to either approve, approve with conditions, or deny the application based on its compliance with the standards set forth in Section 1203.04(e) below. If the PC recommends approval of an application with conditions, before proceeding to Step 5, City Council Review and Action, the applicant shall resubmit to the PC a revised Preliminary PD Plan that reflects any changes or modifications required or suggested by the PC in its initial review. Within sixty (60) days of receipt of the revised Preliminary Planned Development plan, the PC shall complete its review and take action by recommending to the City Council that the application and PD Plan as revised either be approved with the prior conditions in place or denied.
- (d) *Procedures for Approval of a Final PD Plan*  
A Final PD Plan may cover the entire area covered by the Preliminary PD Plan, or it may include only a phase or phases of the Preliminary PD Plan. Applications for approval of a Final PD Plan shall follow the core development approval process set forth in Section 1203.02 of this Chapter.

(e) *Standards for Review*

All applications for Planned Developments shall demonstrate compliance with the requirements and review standards set forth in Section 1204.02 of this Code.

(f) *Effect of Approvals*(1) Effect of Approval of a Preliminary PD Plan.

(A) An approved Preliminary PD Plan shall be valid for a period of twelve (12) months from the date of the City Council's action.

(B) Application for approval of a Final PD Plan for all or any phase of the Preliminary PD Plan may be made at any time within the twelve-month period. An approved application for a Final PD Plan for any phase or portion of the Preliminary PD Plan shall extend the life of the Preliminary PD Plan for an additional twelve (12) month period from the date the Final PD plan is approved. If the original or any successive twelve (12) month period expires before a completed application for Final PD Plan approval is submitted, unless a different time frame is specified in the development agreement, the Preliminary PD Plan approval shall automatically lapse and be null and void and all of the area included in the preliminary plan for which final PD approval has not been given shall be subject to the zoning and subdivision regulations otherwise applicable to them.

(C) During the period an approved Preliminary PD plan is effective, no subsequent change or amendment to this Code or any other governing ordinance or plan shall be applied to affect adversely the right of the applicant to proceed with any aspect of the approved development in accordance with the terms of such Preliminary PD Plan approval, except that the applicant shall comply with those local laws and regulations adopted subsequent to the approval of such Preliminary PD Plan if the City Council determines, on the basis of written findings, that compliance is reasonably necessary to protect the public health, safety, or welfare.

(2) Effect of Approval of a Final PD Plan.

(A) An approved Final PD Plan shall be valid for a period of two (2) years from the date of the Planning Commission's action.

(B) During the period an approved Final PD Plan is effective, no subsequent change or amendment to this Code or any other governing ordinance or plan shall be applied to affect adversely the right of the applicant to proceed with any aspect of the approved development in accordance with the terms of such Final PD Plan approval, except that the applicant shall comply with those local laws and regulations adopted subsequent to the approval of such Final PD Plan if the City Council determines, on the basis of written findings, that compliance is reasonably necessary to protect the public health, safety, or welfare.

(C) Within the two-year period, the developer shall:

- (i) Record the Final PD Plan as the final subdivision plat; and
- (ii) Undertake substantial construction of at least the first phase of the PD development.

If these actions are not completed within the two-year time period, such Final PD Plan shall automatically lapse and become null and

void. All of the area included in such Final PD Plan shall be subject to the zoning and subdivision regulations otherwise applicable to them.

- (g) *Applications*  
Applications for Preliminary and Final Planned Development Plans shall be submitted to the City Manager upon such forms as approved by the City Manager.
- (h) *Submittal Requirements*  
See Appendix A for submittal requirements for applications for Preliminary and Final Planned Developments.
- (i) *Modifications of Final PD Development Plan*
  - (1) Minor modifications of the final PD development plan may be authorized by the City Manager as set forth in Section 1203.08, "Minor Modifications."
  - (2) Any change that does not qualify as a minor modification as set forth in Section 1203.08 shall be considered amendments and shall be processed in accordance with the procedure for approval of a Preliminary PD Plan.

#### **SECTION 1203.05 CONDITIONAL USES**

- (a) *Procedures for Approval of Conditional Uses*  
Applications for approval of a conditional use shall follow the core development approval process set forth in Section 1203.02 of this Chapter, except for the following modifications:
  - (1) Step 1: Pre-Application Conceptual Review. Pre-application conceptual review is strongly encouraged for all persons intending to submit an application for conditional use approval.
  - (2) Step 3: Staff Review and Report. Within thirty (30) days from the date that a submitted application is certified as complete pursuant to Section 1203.01(c) above, the City Manager shall refer the conditional use application to appropriate review agencies, review the conditional use application, and prepare the staff report.
  - (3) Step 4: Planning Commission Action. Within sixty (60) days from the date that the application is certified as complete pursuant to Section 1203.01(c) above, the PC shall take final action on an application for conditional use by either approving, approving with conditions, or denying such application.
- (b) *Standards for Review*  
All applications for a conditional use shall demonstrate compliance with all applicable criteria and standards set forth in Section 1206.02 of this Code.
- (c) *Lapse*
  - (1) Failure of an applicant to commence substantial construction or action with regard to the conditional use approval within one (1) year of receiving approval of the conditional use and to complete such construction or action within two (2) years of receiving approval of the conditional use shall automatically render the decision of the PC, or the BZBA on appeal, null and void.

- (2) If a legally established conditional use is abandoned, extinguished, or discontinued for a period of one (1) consecutive year or more, then the decision originally approving such conditional use shall automatically lapse and be null and void.
- (d) *Application*  
Applications for a conditional use shall be submitted to the City Manager upon such forms as approved by the City Manager.
- (e) *Submittal Requirements*  
See Appendix A for submittal requirements for an application for approval of a conditional use.

### **SECTION 1203.06 NONCONFORMING USES/STRUCTURES/LOTS**

- (a) *Procedures for Approval of Enlargement, Extension, Replacement, or Substitution of Nonconforming Uses/Structures/Lots*

Applications for approval of the enlargement, extension, replacement, or substitution of a nonconforming use/structure/lot shall follow the core development approval process set forth Section 1203.02 of this Chapter, except for the following modifications:

- (1) After Step 3 “Staff Review and Report”: Review and Action by the BZBA.  
The staff report on an application for approval of the enlargement, extension, replacement, or substitution of a nonconforming use/structure/lot shall be forwarded to the BZBA. The BZBA shall review the application and staff report and take final action by either approving, approving with conditions, or denying such application. The BZBA’s decision on the application shall be final. See Section 1202.03, for provisions relating to timing and notice for BZBA hearings.

No review or action by either the PC (Step 4) or the City Council (Step 5) is required on an application for the enlargement, extension, replacement, or substitution of a nonconforming use/structure/lot.

- (2) Step 6: AHBR Review and Action. AHBR review and recommendation or action subsequent to BZBA action on an application for the enlargement, extension, replacement, or substitution of a nonconforming use/structure/lot shall be required only if the approved application involves new construction or any alteration to the exterior architectural features of an existing structure(s).

- (b) *Standards for Review*  
An application for the enlargement, extension, replacement, or substitution of a nonconforming use/structure/lot shall demonstrate compliance with the applicable standards set forth in Section 1206.05 of this Code.
- (c) *Application*  
Applications for approval of the enlargement, extension, replacement, or substitution of a nonconforming use/structure/lot shall be submitted to the City Manager upon such forms as approved by the City Manager.

- (d) *Submittal Requirements*  
See Appendix A for submittal requirements for an application for the enlargement, extension, replacement, or substitution of a nonconforming use/structure/lot

**SECTION 1203.07 VARIANCES**

- (a) *Applicability*
- (1) The Board of Zoning and Building Appeals shall hear requests for variances where it is alleged that provisions of this Code inflict a practical difficulty upon the applicant.
  - (2) See Section 1203.08, "Minor Modifications," whereby, under the circumstances set forth therein, the City Manager shall have authority to approve minor modifications from specified provisions of this Code without review by the BZBA for a variance.
- (b) *Procedure for Approval of Variances*  
Applications for approval of variances shall follow the core development approval process set forth Section 1203.02 of this Chapter, except for the following modifications:
- (1) After Step 3 "Staff Review and Report": Review and Action by the BZBA.  
The staff report on an application for a variance shall be forwarded to the BZBA. At its sole discretion, the BZBA may refer the application to the PC for its review and recommendation. The BZBA shall review the application and staff report and take final action by either approving, approving with conditions, or denying such application. The BZBA's decision on the application shall be final. See Section 1202.03, for provisions relating to timing and notice for BZBA hearings.  
  
No review or action by either the PC (Step 4) or the City Council (Step 5) is required on an application for a variance.
- (c) *Standards for Review*  
All applications for variances shall demonstrate compliance with the standards and criteria set forth in Section 1204.03 of this Code.
- (d) *Requirement of Guarantee*  
In authorizing a variance with attached conditions, the BZBA shall require such evidence and guarantee or bond as it deems necessary to guarantee compliance with such attached conditions.
- (e) *Lapse*  
Failure of an applicant to commence substantial construction or action with regard to the variance approval within one (1) year of receiving approval of the variance and to complete such construction or action within two (2) years of receiving approval of the variance shall automatically render the decision of the BZBA null and void.
- (f) *Application*  
Applications for variances shall be submitted to the City Manager upon such forms as approved by the City Manager.

- (g) *Submittal Requirements*  
See Appendix A for submittal requirements for an application for variance.

### SECTION 1203.08 MINOR MODIFICATIONS

(a) *Applicability*

The City Manager shall have the authority to grant minor modifications to approved site plans, site-specific development plans, final PD plans, and final subdivision plats, and from specified development standards as set forth below:

- (1) Minor Modifications to Approved Site Plans. The City Manager may grant minor modifications and amendments to an approved site plan provided the City Manager finds that such modification advances the goals and purposes of this Code and results in more effective environmental or open space preservation or relieves practical difficulties in developing a site for reasonable economic use. In no circumstance, however, shall the City Manager approve a modification or amendment that results in:
  - (A) An increase in building height by greater than ten (10) percent; or
  - (B) An increase in the ratio of floor area to lot area, or impervious surface coverage, by greater than ten (10) percent as calculated on a total project basis.
  
- (2) Minor Modifications to Other Approved Plans/Plats. The City Manager may grant minor modifications and amendments to an approved site specific development plan, final PD plan, or final subdivision plat provided the City Manager finds that such modification advances the goals and purposes of this Code and results in more effective environmental or open space preservation or relieves practical difficulties in developing a site for reasonable economic use. In no circumstance, however, shall the City Manager approve a modification or amendment that results in:
  - (A) An increase in overall project density;
  - (B) An increase in the amount of impervious coverage or ratio of floor area to lot area;
  - (C) A decrease in lot size; or
  - (D) A change in permitted uses or mix of uses.
  
- (3) Minor Modifications from Zoning Development and Site Plan Standards. The City Manager may grant minor modifications up to a maximum of ten (10) percent from the following development and site plan standards, provided the City Manager finds that such modification advances the goals and purposes of this Code and either results in less visual impact or more effective environmental or open space preservation or relieves practical difficulties in developing a site for reasonable economic use:
  - (A) Minimum lot area requirements;
  - (B) Yard and building setback requirements;
  - (C) Structure height requirements;
  - (D) Driveway access standards;
  - (E) Tree/vegetation protection standards; or
  - (F) Stream corridor, riparian area, or wetland setback requirements;
  - (G) Landscape screening or planting area dimensions only in Districts 6 and 8.

- (4) In determining "practical difficulties," the City Manager shall consider and apply the factors set forth in Section 1204.03(a) of this Code.
  - (5) In granting such minor modifications, the City Manager may require conditions that will secure substantially the objectives of the standard so varied or modified and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties, including but not limited to additional landscaping or buffering.
- (b) *Procedure for Approval of Minor Modifications*
- (1) Within fourteen (14) days of the submittal of a complete application for approval of minor modifications, the City Manager shall either approve, approve with conditions, or deny the application. The City Manager shall consult, when appropriate, with other city agencies such as the City Engineer or City Community Development Staff prior to making his decision. All denials shall be in writing to the applicant, with the reasons for such denial specified.
  - (2) Minor modifications to an approved site plan or approved site specific development plan, final PD plan, or final subdivision plat shall be noted on a revised plan, which shall be plainly marked as "Amended," and submitted to the City Manager. The City Manager shall note the terms of the approved modification or amendment directly on the amended plan and affix his signature and the date of approval, and subsequently notify the Planning Commission of action taken. For amended final subdivision plats, the applicant shall thereafter record the amended plat with the County Recorder.
  - (3) The City Manager shall specify any approved minor modifications from development standards and the justifications for such modification on the pending development application for which the modifications were sought, set forth his written findings, and affix his signature and the date thereon.
- (c) *Application*  
Applications for minor modifications shall be submitted to the City Manager upon such forms as approved by the City Manager.
- (d) *Submittal Requirements*  
See Appendix A for submittal requirements for an application for minor modifications.

### **SECTION 1203.09 SITE PLAN REVIEW**

- (a) *Purposes*  
The purpose of the site plan review process is to ensure compliance with the zoning standards and provisions of this Code, while encouraging quality development in the City reflective of the goals, policies, and objectives found in the Comprehensive Plan.
- (b) *Applicability*
- (1) All development in the city, including construction of a single-family dwelling on an individual lot, shall be subject to the site plan review procedures set forth in this section. No development or construction activity, including tree/vegetation removal or grading, shall occur on property subject to this section until a site plan has been approved.

- (2) Site plans for minor developments, as defined in this section, may be finally approved by the City Manager in lieu of final action by the Planning Commission, except when such site plan is either transmitted to or called up by the PC, in which case the PC shall have final approval authority.
  - (3) Site plans for all other developments, including major developments, as the latter is defined in this section, shall be finally approved by the Planning Commission, except when such site plan is called up by the City Council, in which case the City Council shall have final approval authority
- (c) *Coordination with Conditional Use Approval*  
Applications for approval of a conditional use may be processed concurrently or joined with the application for site plan approval required herein. A joint application for site plan and conditional use approval shall be submitted in a form that satisfies the requirements of both this chapter and the conditional use provisions (*See Section 1203.01(e)* above).
- (d) *Minor Development Defined*  
“Minor development” means:
- (1) New construction of one single-family dwelling that will not require off-site construction of any new street or road; or
  - (2) New construction, including renovations, alterations, or expansions to an existing building, that involves an increase in existing building footprint, or impervious coverage of the site of ten (10) percent or less and is not greater than one-thousand (1,000) square feet or two-thousand (2,000) square feet in Districts 6 and 8; or
  - (3) Establishment or increase in outdoor restaurant seating of no more than twelve (12) seats; or
  - (4) Expansion of an existing parking lot of up to ten (10) parking spaces or up to ten percent of spaces, whichever is less.
- (e) *Major Development Defined*  
“Major development” means new construction, including renovations, alterations, or expansions of an existing building, that is:
- (1) Greater than or equal to the following gross floor areas:
    - (A) Office Uses: 50,000 square feet.
    - (B) Industrial Uses: 75,000 square feet.
    - (C) Commercial/Retail: 25,000 square feet; or
  - (2) Intended for occupancy by a combination of a principal residential use and one or more principal non-residential uses; or
  - (3) On a lot or parcel that contains fifty (50%) or more land area designated as falling within the two highest quality ecological integrity classifications for any of the individual metrics or composite as set forth in Appendix B to this Code.

(f) *Site Plan Approval Procedure for Minor Developments*

Applications for site plan approval for minor developments shall follow the core development approval process set forth Section 1203.02 of this Chapter, except for the following modifications:

- (1) After Step 3 “Staff Review and Report”: Action by the City Manager. Within sixty (60) days from the date that a submitted application is certified as complete pursuant to Section 1203.01(c) above, the City Manager shall take final action on applications for site plan approval for minor developments by either approving, approving with conditions, or denying such application based on its compliance with the standards set forth in Section 1204.04.
- (2) Authority to Transmit Minor Development Site Plan Application to the PC.
  - (A) Notwithstanding the authority of the City Manager to review and approve site plans for minor developments as set forth herein, the City Manager may transmit such application to the Planning Commission for review and final action if the City Manager determines that the development's complexity, projected impacts, or proximity to conflicting land uses merits such action.
  - (B) Within forty-five (45) days from receipt of the City Manager's transmittal of the minor development site plan application, the PC shall take final action by either approving, approving with conditions, or denying the application, based on the site plan's compliance with the standards set forth in Section 1203.09(i) below.
- (3) PC Authority to Call-Up Site Plan Applications for Minor Developments.
  - (C) Notwithstanding the authority of the City Manager to review and approve site plans for minor developments as set forth herein, the PC may call up such application for its review and final action if the PC, by a majority vote of its members, determines that the development's complexity, projected impacts, or proximity to conflicting land uses merits such action.
  - (D) Within forty-five (45) days from receipt of the minor development site plan application, the PC shall take final action by either approving, approving with conditions, or denying the application, based on the site plan's compliance with the standards set forth in Section 1203.09(i) below.
- (4) Step 6: AHBR Review and Action. At the applicant's option, an application for AHBR architecture and design review of a minor development may be filed for concurrent review with the application for site plan approval.

(g) *Site Plan Approval Procedures for All Other Developments*

Applications for site plan approval for all other developments, including major developments, shall follow the core development approval process set forth Section 1203.02 of this Chapter, except for the following modifications:

- (1) Step 1: Pre-Application Conceptual Review. Pre-application conceptual review shall be mandatory for all persons intending to submit an application for site plan approval for a major development.

- (2) Step 3: Staff Review and Report: Within five (5) days from the date that a submitted site plan application for a major development is certified as complete pursuant to Section 1203.01(c) above, the City Manager shall forward a copy of the complete application to the clerk of the City Council.
- (3) Step 4: Planning Commission Action. The PC's role shall be to review all applications for concept plan and final site plan approval, together with the staff report, and take final action either approving, approving with conditions, or denying the application based on its compliance with the standards set forth in Section 1204.04.

If the PC recommends approval with conditions for a final site plan, the applicant shall resubmit to the City Manager a revised site plan that reflects any changes or modifications required or suggested by the PC. Within 15 days of receipt of the revised site plan, the City Manager shall complete his review and either certify the revised site plan's compliance with the PC's conditions, which shall constitute final approval of the site plan, or he shall forward the revised site plan back to the PC with a recommendation that the PC deny the revised site plan on the ground of noncompliance with conditions. The PC shall act on the City Manager's recommendation that the revised site plan be denied at its next regularly scheduled public meeting.

Unless a zoning certificate is issued for any phase of construction within twelve (12) months of the date of Planning Commission approval, such approval shall then automatically lapse and be null and void. These time limits may be extended by the City Manager upon showing that there has been uninterrupted progress on resolution of outstanding issues during the twelve month period.

- (4) City Council Authority to Call Up Site Plan Applications for Major Developments.
  - (A) Notwithstanding the authority of the PC to review and approve site plans for major developments as set forth herein, the City Council may, after PC review and action, call up site plan applications for major developments for its review and final action if the City Council determines that the development's complexity, projected impacts, or proximity to conflicting land uses merits such action. Such determination shall be made either by a vote of four (4) or more of City Council members or by submittal of a letter to the Clerk of Council signed by four (4) or more City Council members.
  - (B) The City Council shall exercise its authority to call up site plan applications for major developments within fourteen (14) days after final action by the PC. The clerk of the City Council shall notify the PC and shall direct the City Manager to deliver the staff report directly to the City Council for its review.
  - (C) Within thirty (30) days from the date that it receives the staff report on the site plan application for a major development, the City Council shall take final action by either approving, approving with conditions, or denying the application, based on the site plan's compliance with the standards set forth in Section 1204.04.

- (h) *Standards for Review*  
All applications for site plans shall demonstrate compliance with the standards and criteria set forth in Section 1204.04 of this Code.
- (i) *Application*  
Applications for site plan approvals shall be submitted to the City Manager upon such forms as approved by the City Manager.
- (j) *Submittal Requirements*  
See Appendix A for submittal requirements for an application for site plans.

### SECTION 1203.10 SUBDIVISIONS

- (a) *Purposes*  
The purpose of the subdivision review process is to ensure compliance with the subdivision standards and provisions of this Code, while encouraging quality development in the City reflective of the goals, policies, and objectives found in the Comprehensive Plan.
- (b) *Applicability*
  - (1) All subdivisions shall be subject to the approval procedures set forth in this Section.
  - (2) Subdivision Plans for Optional Open Space Conservation Development in Districts 1 and 3 shall be given priority in the subdivision approval procedure, as set forth in subsection (d )(3) below.
  - (3) Minor subdivisions, as defined in Chapter 1213, may be finally approved by the City Manager, in consultation with the City Engineer, in lieu of final action by the Planning Commission.
- (c) *Procedures for Approval of a Minor Subdivision*  
Minor subdivisions are subject to an expedited review process in which no plat is required and the Planning Commission acts through the City Manager and City Engineer. Applications for minor subdivision approval shall follow the core development approval process set forth Section 1203.02 of this Chapter, except for the following modifications:
  - (1) After Step 3 "Staff Review and Report": Action by the City Manager.
    - (A) Within thirty (30) days from the date that a submitted application is certified as complete pursuant to Section 1203.01(c) above, the City Manager or City Engineer shall take final action on applications for minor subdivisions by either approving, approving with conditions, or denying such application based on its compliance with the standards set forth in Section 1204.05.
    - (B) Evidence of approval by the Planning Commission, acting through the City Manager or City Engineer, shall be indicated by a stamp or statement reading "Approved by the Planning Commission, City of Hudson, Ohio - No Plat Required." The plat of the minor subdivision which has been so stamped, dated, and signed by either the City Manager or City Engineer shall constitute final approval of the minor subdivision.
  - (2) Authority to Transmit Minor Subdivision Application to the PC.

- (A) Notwithstanding the authority of the City Manager to review and approve minor subdivision applications as set forth herein, the City Manager may transmit such application to the Planning Commission for review and final action if the City Manager determines that the development's complexity, projected impacts, or proximity to conflicting land uses merit such action.
  - (B) Within forty-five (45) days from receipt of the City Manager's transmittal of the minor subdivision application, the PC shall take final action by either approving, approving with conditions, or denying the application, based on the minor subdivision's compliance with the standards set forth in Section 1204.05.
- (d) *Procedure for Approval of Subdivisions (Except Minor Subdivisions)*  
Subdivisions in the City of Hudson are approved in three stages: first, a compatibility review is conducted with the Planning Commission, second, a preliminary subdivision plan is approved and, third, a final subdivision plat is approved and recorded. The Planning Commission is the entity with final approval authority for both preliminary and final subdivision plats.
- (1) Procedures for Approval of Preliminary Subdivision Plans.  
Applications for preliminary subdivision approval shall follow the core development approval process set forth in Section 1203.02 of this Chapter, except for the following modifications:
    - (A) Step 1: Pre-Application Conceptual Review. All persons intending to submit an application for preliminary subdivision approval shall attend a pre-application conceptual review meeting. In addition, the PC shall review the conceptual plan of the proposed subdivision and comment on it and its compatibility with existing adjacent development prior to the scheduling of a public hearing on a preliminary subdivision plan application. The applicant shall address comments received on the conceptual plan to supplement the application for preliminary subdivision approval.
    - (B) Step 4: Planning Commission Action. The PC shall take final action on a preliminary subdivision application by reviewing the application and all submitted plans and reports, and then either approving, approving with conditions, or denying the application based on its compliance with the standards set forth in Section 1203.10(e) below.
  - (2) Procedure for Approval of Final Subdivision Plats.  
Applications for final subdivision approval may only be filed following preliminary plan approval by the Planning Commission, including preliminary plans that have been approved, but have expired. Although final subdivision plats may be filed for expired preliminary plans, the preliminary plan must be reapproved. Applications for final subdivision approval shall follow the core development approval process set forth in Section 1203.02 of this Chapter, except for the following modifications:
    - (A) Step 4: Planning Commission Action. The PC shall take final action on a final subdivision application by reviewing the application and all submitted plans and reports, and then either approving, approving with conditions, or denying the application based on its compliance with the standards set forth in Section 1203.10(e) below. The PC shall take such final action within thirty (30) days from the date that the final subdivision application is certified as complete pursuant to Section 1203.01(c) above.

- (3) Procedure for Approval of Preliminary and Final Subdivision Plans for Optional Open Space Conservation Developments. Applications for preliminary and final subdivision plan approval for optional open space conservation developments in Districts 1 and 3 shall be given priority status in the approval process, including but not limited to advancing such applications on the PC's agenda for hearing at the earliest possible date after submittal of a complete application.
- (e) *Standards for Review*  
All applications for subdivisions shall demonstrate compliance with the standards and criteria set forth in Section 1204.05 of this Code.
- (f) *Effects of Approval*
- (1) Effect of Approval of a Minor Subdivision.
- (A) Within thirty (30) days of the City Manager's approval of the minor subdivision, the developer shall record the minor subdivision plan. If the minor subdivision plan is not recorded within this thirty (30) day time period, the approval shall automatically lapse and be null and void. A recorded minor subdivision plan shall be valid for a period of two (2) years from the date of the City Manager's final action.
- (B) During the period an approved minor subdivision plan is effective, no subsequent change or amendment to this Code or any other governing ordinance or plan shall be applied to affect adversely the right of the applicant to proceed with any aspect of the approved development in accordance with the terms of such minor subdivision plan approval, except that the applicant shall comply with those local laws and regulations adopted subsequent to the approval of such minor subdivision plan if the PC determines, on the basis of written findings, that compliance is reasonably necessary to protect the public health, safety, or welfare.
- (C) If additional lots are proposed to be created within three years of recording of a minor subdivision of a tract of land and the total of all lots recorded within said three years for that same tract of land would be greater than three lots, then the request to create additional lots shall be considered to be a request for a subdivision. (See definition of "Subdivision, minor".)
- (2) Effect of Approval of a Preliminary Subdivision Plan.
- (A) Within twelve (12) months from the date of the PC's final approval of a preliminary subdivision plan, the developer shall submit an application for final subdivision plat for either all or at least one phase of the proposed subdivision, and within eighteen (18) months shall record such final subdivision plat. A recorded final subdivision plat for any phase of the preliminary subdivision plan shall extend the life of the preliminary subdivision plan for an additional twelve (12)-month period from the date the final subdivision plat is recorded. If the original twelve (12) month period or any successive twelve (12) month period expires before a final subdivision plat is recorded, then the preliminary plan approval automatically lapses and becomes null and void.

- (B) During the period an approved preliminary subdivision plan is effective, no subsequent change or amendment to this Code or any other governing ordinance or plan shall be applied to affect adversely the right of the applicant to proceed with any aspect of the approved development in accordance with the terms of such preliminary subdivision plan approval, except that the applicant shall comply with those local laws and regulations adopted subsequent to the approval of such preliminary subdivision plan if the PC determines, on the basis of written findings, that compliance is reasonably necessary to protect the public health, safety, or welfare.
  - (C) If lots are created within three years of an approved or recorded minor subdivision and the total of all lots created with said three years is greater than three lots, then it shall be approved as a subdivision. See definition of "Subdivision, minor".
- (3) Effect of Approval of a Final Subdivision Plat.
- (A) Within ninety (90) days from the date of the PC's action on the final subdivision plat, the applicant shall meet all conditions of approval, if any, and certify and record the final subdivision plat as required by this Code.
  - (B) An approved and recorded final subdivision plat shall be valid for a period of two (2) years from the date of the PC's action on the final plan.
  - (C) During the period an approved final subdivision plat is effective, no subsequent change or amendment to this Code or any other governing ordinance or plan shall be applied to affect adversely the right of the applicant to proceed with any aspect of the approved development in accordance with the terms of such final subdivision plat approval, except that the applicant shall comply with those local laws and regulations adopted subsequent to the approval of such final subdivision if the PC determines, on the basis of written findings, that compliance is reasonably necessary to protect the public health, safety, or welfare.
- (g) *Application*  
Applications for final subdivision approval shall be submitted to the City Manager upon such forms as approved by the City Manager and City Engineer.
- (h) *Submittal Requirements*  
See Appendix A for submittal requirements for final subdivision applications.

## SECTION 1203.11 DEVELOPMENT AGREEMENTS

- (a) *Applicability*

Development agreements may be approved for residential or nonresidential projects proposed in any district, subject to the requirements and standards set forth in Chapter 1209 of this Code, and the approval procedures set forth in this Section.

- (b) *Consolidation with Rezoning, Subdivision, or Planned Development Approval*  
The applicant may consolidate an application for development agreement approval with an application for a rezoning, subdivision, or planned development approval. Such consolidated application shall be submitted in a form that satisfies both the rezoning, subdivision, or planned development requirements of this Code and the provisions, including submittal requirements, governing development agreements. The time frame and approval process for a consolidated application shall follow the time frame and approval process set forth in this section.
- (c) *Procedures for Approval of a Development Agreement*  
Applications for approval of a development agreement shall follow the core development approval process set forth in Section 1203.02 of this Chapter, except for the following modifications:
- (1) Step 4: Planning Commission Action. The PC shall hold a public hearing at which it shall review a proposed development agreement and application and make a recommendation to the City Council to either approve, approve with conditions, or deny the application based on its compliance with the standards set forth in Section 1203.11(d) below.
- If the PC recommends approval of an application with conditions, before proceeding to Step 5, City Council Review and Action, the applicant shall resubmit to the PC a revised development agreement that reflects any changes or modifications required or suggested by the PC in its initial review. Within sixty (60) days of receipt of the revised development agreement, the PC shall complete its review and take action by recommending to the City Council that the application and development agreement as revised either be approved with the prior conditions in place or denied.
- (2) Step 5: City Council Action. City Council shall initiate action by completing a first reading of the applicant's final development agreement and application, in ordinance form. Within thirty (30) days of the completed first reading, the City Council shall hold a public hearing and take final action on the development agreement and application, based on its compliance with the standards set forth in Section 1204.06, within twenty (20) days of said public hearing.
- (d) *Standards for Review*  
All applications for development agreements shall demonstrate compliance with the requirements set forth in Chapter 1209, and the review standards set forth in Section 1204.06 of this Code.
- (e) *Effect of Approval*
- (1) Recordation Required. No later than ten (10) days after the City and developer executes a development agreement, the Clerk of Council shall record with the Summit County recorder a copy of the agreement, which shall describe the land subject thereto. Any modification or subsequent

termination or cancellation of the agreement shall be recorded by the Clerk of Council no later than ten (10) days after such action.

- (2) Binding on Successors in Interest. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties of the development agreement.
- (3) Vesting. See Chapter 1209, Section 1209.04, "Governing Ordinances, Rules, Regulations, and Policies."

(f) *Applications*

Applications for development agreements shall be submitted to the City Manager upon such forms as approved by the City Manager.

(g) *Submittal Requirements*

See Appendix A for submittal requirements for applications for development agreements.

(h) *Modifications of Development Agreements*

All modifications of a development agreement are subject to Section 1209.08, "Modifications and Termination," and shall be processed in accordance with the same procedure for entering into a development agreement, as set forth in this section.

## SECTION 1203.12 CERTIFICATES OF APPROPRIATENESS

(a) *Applicability*

- (1) All development in a Historic District shall require a Certificate of Appropriateness from the Architectural and Historic Board of Review ("AHBR") pursuant to the procedures set forth in this section.
- (2) Any alteration, removal, moving, or demolition of a historic landmark that affects the exterior architectural features of any such structure or building shall require a Certificate of Appropriateness from the AHBR pursuant to the procedures set forth in this section.

(b) *Procedures for Approval of Certificates of Appropriateness*

Applications for approval of Certificates of Appropriateness shall follow the core development approval process set forth in Section 1203.02 of this Chapter, except for the following modifications:

- (1) After Step 2 "Application": Referral to the Historic District Subcommittee and Step 3: "Staff Review and Report".
  - (A) Within five (5) days from receipt of a complete application, the City Manager shall forward the application to the Historic District Subcommittee of the AHBR for the Subcommittee's review and recommendation. The staff shall undertake its review and shall draft its report in coordination with and support of the Subcommittee's review.
- (2) After Step 3 "Staff Review and Report": Review and Action by the AHBR (Step 6 of the Core Development Review Process).
  - (A) The staff report and Historic District Subcommittee recommendation on an application for a Certificate of Appropriateness shall be

forwarded to the whole AHBR for its consideration at the first regular or special meeting of the AHBR held after receipt by the Subcommittee of the application. The AHBR shall consider the application and take final action.

The AHBR shall review the application, Subcommittee recommendation, and staff report and take final action by either approving, approving with conditions, or denying such application based on its compliance with the standards set forth in Section 1204.07 below.

- (B) No review or action by either the PC (Step 4) or the City Council (Step 5) is required on an application for a Certificate of Appropriateness.
- (c) *Standards for Review*  
All applications for Certificates of Appropriateness shall demonstrate compliance with the standards and criteria set forth in Section 1204.07 of this Code.
- (d) *Application*  
Applications for Certificates of Appropriateness shall be submitted to the City Manager upon such forms as approved by the City Manager.
- (e) *Submittal Requirements*  
See Appendix A for submittal requirements for an application for a Certificate of Appropriateness.

**SECTION 1203.13    GENERAL NOTICE PROVISIONS**

- (a) *Notice of Public Hearings--Generally*
  - (1) Newspaper Notice. At least ten (10) days notice of scheduled public hearings before a reviewing agency or body shall be published in one or more newspapers of general circulation in the City of Hudson. The notice shall specify the time and place of the hearing, and the specific nature of the matter to be heard.
  - (2) Written Notice.  
Whenever a public hearing is required by a reviewing agency or body, the City shall be responsible for mailing written notice at least fifteen (15) days before the scheduled hearing to all of the following:
    - (A) The parties in interest;
    - (B) Tenants and owners of property adjacent to or directly across a street from the boundary and within 300' of the subject property or properties; and
    - (C) Others who have filed a timely request to receive notice. The written notice shall specify the time and place of the hearing, and the specific nature of the matter to be heard.

- (3) Posted Notice. Upon the receipt of any application to the Planning Commission or the Board of Zoning and Building Appeals which requires the action of or a public hearing before the Planning Commission or the Board of Zoning and Building Appeals, the City Manager shall cause a temporary sign to be placed on the property which is the subject of the application or contemplated action for the purpose of giving notice of a meeting or public hearing, which sign shall be placed no less than seven days before the respective meeting or public hearing on such matter.

*(b) Summary of Notice Requirements by Type of Action*

Type of Application	Public Hearing Required (Y/N)				Newspaper Notice Required (Y/N--# Days)	Written Notice to Parties in Interest and Adjacent Owners (Y/N--# Days)
	PC	City Council	BZBA	AHBR		
Code Text or Comp Plan Amendments	Y	Y	N	N	Y 10 DAYS **30 DAYS	N
Zoning Map Amendments	Y	Y	N	N	Y 10 DAYS **30 DAYS	*Y 15 DAYS
PDs (Preliminary & Final)	Y	Y	N	N	Y 10 DAYS	*Y 15 DAYS
Conditional Uses	Y	Y	Y	N	Y 10 DAYS	*Y 15 DAYS
Nonconforming Uses/Structures/Lots	N	N	Y	N	Y 10 DAYS	*Y 15 DAYS
Variances	N	N	Y	N	Y 10 DAYS	*Y 15 DAYS
Minor Modifications	N	N	N	N	N/A	N/A
Site Plan Review--Minor	N	N	N	N	N/A	N/A
Site Plan Review Districts 6 and 8	N	N	N	N	N/A	N/A
Site Plan Review--All Others	Y	Y	N	N	Y 10 DAYS	*Y 15 DAYS
Preliminary Subdivision	Y	N	N	N	Y 10 DAYS	*Y 15 DAYS
Final Subdivision	Y	N	N	N	Y 10 DAYS	*Y 15 DAYS
Development Agreements	Y	Y	N	N	Y 10 DAYS	*Y 15 DAYS
Architecture & Design Review	N	N	N	N	N/A	N/A
Certificate of Appropriateness	N	N	N	N	N/A	N/A

\*Posted notice on the property (7) days prior.

\*\*30 day public inspection period prior to Council hearing