

CHAPTER 1204**GENERAL REVIEW STANDARDS****SECTION 1204.01 CODE AMENDMENTS**

All applications for text or zoning map amendments shall be reviewed by the PC and City Council for compliance with the following standards:

- (a) The site-specific development plan, which the proposed amendment to this Code would allow, is compatible and consistent with the policies and intent of the Comprehensive Plan and with existing growth and development patterns in the city;
- (b) The site-specific development plan complies with all applicable standards for review of planned developments as set forth in Section 1204.02 below;
- (c) The site-specific development plan complies with all applicable requirements set forth in Chapter 1207, "Zoning Development and Site Plan Standards," of this Code, except to the extent modifications, variances, or waivers have been expressly allowed;
- (d) The site-specific development plan would not have the potential to reduce the level of ecological integrity from the existing level to a lesser level as shown on any of the individual metrics or the undeveloped composite set forth in Appendix B to this Code;
- (e) The City shall have the ability to provide adequate services, facilities, or programs that might be required if the application were approved; and
- (f) The amendment is necessary to address changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected.

SECTION 1204.02 PLANNED DEVELOPMENTS

- (a) *Purpose*

Within specified zone districts, planned developments are intended to encourage flexibility, innovation, and creativity in site and development design by allowing the mixing of permitted uses and/or modification or variation from otherwise applicable zone district and development standards. Planned developments containing only residential uses are permitted in Districts 1 and 3, planned developments mixing residential and commercial uses are allowed in District 5 (the Village Core). Commercial planned developments are allowed in Districts 5, 6 (office only), 8, and 10, while industrial planned developments are permitted only in Districts 6 and 8. In return for maximum flexibility in site design and development, planned developments are expected to deliver exceptional quality products that preserve critical environmental resources, provide above-average open space amenities, incorporate creative design in the layout of buildings, open space, and circulation, assure compatibility with surrounding land uses and neighborhood character, and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.
- (b) *Standards for Review of a Preliminary PD Plan*

An application for approval of a Preliminary PD Plan, together with submitted plans and reports, shall be reviewed for their conformance with the following standards:

- (1) The proposed PD shall be consistent with and implement the planning goals, policies, and objectives as contained in this Code and in the Comprehensive Plan;
- (2) The proposed PD shall contain uses that are expressly permitted either by-right or as conditional uses in the zone district in which the PD is located or as modified according to (b)(3) below, but such uses may be mixed within the planned development or within the same structure located in the PD;
- (3) The proposed PD shall comply with the density or lot coverage ratio requirements set forth for the zone district in which the PD is located, except to the extent that a bonus has been expressly allowed pursuant to subsection (c) below;
- (4) The proposed PD shall comply with the subdivision development and design standards as set forth in Chapter 1208 of this Code, except to the extent modifications, variances, or waivers have been expressly allowed pursuant to paragraph (7) below;
- (5) Adverse impacts on adjacent properties, including but not limited to traffic, noise, and visual impacts, shall be mitigated to the maximum extent feasible;
- (6) The planned development shall be integrated with adjacent development through street connections, sidewalks, trails, and similar features;
- (7) All district, development, and subdivision standards set forth in Chapters 1205, 1207 (such as lot size, floor area ratio, structure height, etc.), and 1208, except those specified in subsection (b)(8) below, may be modified or varied upon a finding that the proposed PD incorporates creative site design such that it represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards, including but not limited to improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or choice of living and housing environments;
- (8) The proposed PD shall comply with the following requirements, which shall not be modified or varied except as expressly set forth below or as permitted by Section 1203.08, "Minor Modifications":
 - (A) Minimum Area Requirement. All Planned Developments shall have a minimum size of 5 acres.
 - (B) Setbacks from Adjoining Residential Uses. All Planned Developments shall comply with any applicable zone district standards that require minimum setbacks from adjoining residential uses or properties.

- (C) Transportation/Circulation/Pedestrian Linkage. All Planned Developments shall comply with the transportation, circulation, and pedestrian linkage standards set forth in Section 1207.13 of this Code, and such provisions shall not be modified or varied in any way unless adequate compensating mitigation measures are included in the PD plan.
 - (D) Adequate Public Facilities. All Planned Developments shall comply with the adequate public facilities standards set forth in Section 1207.11 of this Code.
 - (E) Environmental Protection Standards. All Planned Developments shall comply with the provisions set forth in the following sections and such provisions shall not be modified or varied in any way unless compensating mitigation measures are included in the PD plan:
 - (A) Section 1207.03, "Wetlands/Stream Corridor Protection."
 - (B) Section 1207.07, "Stormwater Management/Drainage/Erosion Control."
 - (C) Section 1207.02, "Tree and Vegetation Protection."
 - (D) Section 1207.10, "Performance Standards."
 - (F) Architectural and Design Standards. All Planned Developments shall comply with the city's architectural and design standards, including but not limited to industrial design standards.
 - (G) Minimum Open Space Requirements. At a minimum, a Planned Development shall set aside the following amounts of land area as open space for either private, public, or combined private and public use:
 - (A) Industrial or Business Park Planned Developments: 30% of the site's total gross area.
 - (B) Other Commercial Planned Developments: 40% of the site's total gross area, except in District 5 where underlying zone district requirements shall control.
 - (C) Mixed-Use Planned Developments: See the underlying District 5 zone district requirements.
- (c) *Density Bonuses*
- Upon satisfaction of all applicable standards and requirements, and at the City's sole discretion, bonuses in density, floor area maximum or floor-area-to-lot-area ratios of no greater than twenty-five (25) percent may be granted to a proposed PD based upon incorporation within the PD of any of the following:
- (1) Landscaping in excess of the minimum requirements set forth in this Code;
 - (2) Preservation of historical structures;
 - (3) Provision of specified public benefits/amenities (e.g., a day care center or community center);
 - (4) Dedication of permanent open space, including trails or trail access, beyond what would be roughly proportional to the demand for such open space or trails/trail access generated by the proposed PD;

- (5) Preservation of critical and sensitive environmental areas in excess of the minimum requirements set forth in this Code, including preservation of key wetlands and significant stands, sizes, or unusual species of trees; or
 - (6) Other exceptional site and/or building designs as determined by the PC.
- (d) *Standards for Review for a Final PD Plan.*
A Final PD Plan application, together with all submitted plans and reports, shall be reviewed and evaluated to determine their compliance with the following standard:
- (1) The Final PD Plan conforms in all respects with the approved preliminary PD plan and incorporates all recommended changes, modifications, and conditions attached to approval of the preliminary plan.

SECTION 1204.03 VARIANCES

Variations from the terms of this Code shall not be granted by the BZBA unless the application for variance demonstrates the following:

- (a) Exceptional or unusual conditions exist that are not common to other areas similarly situated and practical difficulty may result from strict compliance with any of the zoning standards, provided that such relief will not have the effect of nullifying or impairing the intent and purpose of these standards. In determining "practical difficulty," the BZBA shall consider the following factors:
 - (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - (2) Whether the variance is substantial;
 - (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
 - (4) Whether the variance would adversely affect the delivery of governmental services such as water and sewer;
 - (5) Whether the applicant purchased the property with knowledge of the requirement;
 - (6) Whether the applicant's predicament can be obviated feasibly through some method other than a variance; and
 - (7) Whether the spirit and intent behind the requirement would be observed and substantial justice done by granting the variance.
- (b) No variance shall be granted if the submitted conditions or circumstances affecting the applicant's property are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

- (c) No variance shall be granted if doing so will have the potential to reduce the level of ecological integrity from the existing level to a lesser level as shown on any of the individual metrics or the undeveloped composite set forth in Appendix B to this Code, unless substantially mitigated.
- (d) No variance shall be granted reducing the size of lots contained in an existing or proposed subdivision if it will result in an increase in the number of lots beyond the number otherwise permitted for the total subdivision, pursuant to the applicable zone District regulations.
- (e) If authorized, a variance shall represent the least deviation from the regulations that will afford relief.
- (f) In granting such variances, the BZBA may require such conditions as will, in its independent judgment, secure substantially the objectives of the standard so varied or modified.
- (g) Under no circumstances shall the BZBA grant a variance to allow a use not permitted, or a use expressly or by implication prohibited under the terms of this Code for the zone district containing the property for which the variance is sought.
- (h) No variance shall be granted to the maximum allowed building footprint area of each District's "Property Development/Design Standards" in Chapter 1205 of this Code."

SECTION 1204.04 SITE PLANS

All reviewing agencies, the City Manager, the Planning Commission, and the City Council shall review site plan applications, and all submitted plans and reports, and evaluate them to determine their compliance with the following standards:

- (a) The development shall be consistent with the purposes and intent of this Code, and with the policies, goals, and objectives of any applicable community plan, including the City of Hudson Comprehensive Plan, as amended from time to time.
 - (1) The development complies with the use regulations as set forth in Chapter 1206 of this Code.
 - (2) The development complies with all applicable requirements set forth in Chapter 1207, "Zoning Development and Site Plan Standards," of this Code, except to the extent modifications, variances, or waivers have been expressly allowed.
 - (3) The development complies with all applicable federal, state, or county development regulations, standards, and requirements, or plans, including but not limited to wetlands, water quality, and wastewater regulations.
 - (4) The proposed development shall avoid or minimize land disturbance and grading and preserve the original contours and other natural topographical features of the site to the maximum extent feasible and shall incorporate measures to minimize soil erosion during all construction phases.

- (5) The development must protect and enhance historic structures, sites, and archeological features designated by federal, state, and local agencies, and the applicant shall commit, to the maximum extent feasible, to protecting and enhancing any such structures, sites, and features eligible for designation discovered during the development process.
- (b) At the option of the applicant and prior to final site plan review by the Planning Commission, or by City Council when the application is for a major development that is called up by Council, the applicant may request in writing to obtain concept plan review and approval. The Planning Commission, or City Council, shall review the submittals as required for concept plan review in Appendix A of this Code and evaluate them to determine their preliminary compliance with the standards set forth in subsection (a)(1)-(6) above, subject to final site plan review and approval.
- (c) The purpose of the concept plan approval procedure is: (1) to afford the applicant an opportunity to receive guidance of the Planning Commission, or Council when the application is for a major development that is called up by Council, on the major features of the site design for the development plan prior to the submission of engineering details for the project; and (2) to obtain a decision on the concept plan by the Planning Commission or City Council, conditioned upon review and satisfaction of the requirements for final site plan review by the Planning Commission or City Council. Approval of a concept plan does not constitute a final decision on the site plan application since the plan may require revisions based upon a review of the submissions for final site plan approval by the Planning Commission or City Council.

SECTION 1204.05 SUBDIVISIONS

- (a) *Standards for Review of a Minor Subdivision Plan.*
The Community Development Director and City Engineer shall review all applications for minor subdivisions and evaluate them to determine their compliance with the following standards:
 - (1) The subdivision shall be consistent with the purposes and intent of this Code, and with the policies, goals, and objectives of any applicable community plan, including the City of Hudson Comprehensive Plan, as amended from time to time.
 - (2) The subdivision complies with the subdivision development and design standards as set forth in Chapter 1208 of this Code, except to the extent modifications, variances, or waivers have been expressly allowed.
 - (3) The subdivision is found to be compatible with residential development within one thousand (1,000) feet of the proposed subdivision's boundaries or can be made compatible with conditions to mitigate the impact of the subdivision.
 - (4) The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and wetlands,

protects critical wildlife habitat, fosters efficient, orderly lot configuration and otherwise accomplishes the purposes and intent of this Code. Applicants shall refer to the zoning development standards set forth in Chapter 1205 and 1207 and shall consider them in the layout of the subdivision in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible. Where not specifically required, clustering of lots within a subdivision is encouraged to meet the requirements of this provision.

- (5) The subdivision complies with all applicable development regulations, standards, and requirements, or plans, including but not limited to wetlands, water quality, erosion control, and wastewater regulations of the federal or state governments and other relevant jurisdictions.

(b) *Standards for Review of a Preliminary Subdivision Plan.*

All reviewing agencies and decision-making bodies shall review a preliminary subdivision plan application, together with all submitted plans and reports, and evaluate them to determine their compliance with the following standards:

- (1) The subdivision shall be consistent with the purposes and intent of this Code, and with the policies, goals, and objectives of any applicable community plan, including the City of Hudson Comprehensive Plan, as amended from time to time.
- (2) The subdivision complies with the subdivision development and design standards as set forth in Chapter 1208 of this Code, except to the extent modifications, variances, or waivers have been expressly allowed.
- (3) The subdivision is found to be compatible with residential development within one thousand (1,000) feet of the proposed subdivision's boundaries or can be made compatible with conditions to mitigate the impact of the subdivision.
- (4) The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and wetlands, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this Code. Applicants shall refer to the zoning development standards set forth in Chapter 1207 and shall consider them in the layout of the subdivision in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible. Where not specifically required, clustering of lots within a subdivision is encouraged to meet the requirements of this provision.
- (5) The subdivision complies with all applicable development regulations, standards, and requirements, or plans, including but not limited to wetlands,

water quality, erosion control, and wastewater regulations of the federal or state governments and other relevant jurisdictions.

- (c) *Standards for Review of a Final Subdivision Plat.*
All reviewing agencies and decision-making bodies shall review a final subdivision plat application, together with all submitted plans and reports, and evaluate them to determine their compliance with the following standard:
- (1) The final subdivision plat conform in all respects with the approved preliminary plan and incorporates all recommended changes, modifications, and conditions attached to approval of the preliminary plan.
 - (2) Plans and specifications for improvements connected with development of the subdivision comply with the subdivision development and design standards as set forth in Chapter 1208 of this Code, and any other relevant city, county, state, or federal regulations, except to the extent modifications, variances, or waivers have been expressly allowed.
 - (3) The subdivider has either installed all required improvements or has executed a Final Subdivision Improvement Agreement and posted required bonds pursuant to Section 1208.15(a).

SECTION 1204.06 DEVELOPMENT AGREEMENTS

The Planning Commission and the City Council shall review development agreement applications and evaluate them to determine their compliance with the following standards:

- (a) The development agreement shall be consistent with the purposes and intent of this Code, and with the policies, goals, and objectives of any applicable community plan, including the City of Hudson Comprehensive Plan, as amended from time to time.
- (b) The development agreement complies with the requirements set forth in Chapter 1209, "Development Agreements."
- (c) The development agreement complies with the use regulations as set forth in Chapters 1205 and 1206 of this Code.
- (d) The development agreement complies with all applicable requirements set forth in Chapter 1207, "Zoning Development and Site Plan Standards," of this Code, except to the extent modifications, variances, or waivers have been expressly allowed.
- (e) The financial benefits of the development agreement to the City outweigh its costs.
- (f) The development agreement and developer provide adequate assurances to the City that the development will go forward as planned in return for any vesting of property rights beyond what may otherwise be allowed by Ohio law.
- (g) The development agreement complies with all applicable federal, state, or county development regulations, standards, and requirements, or plans, including but not limited to wetlands, water quality, and wastewater regulations.

SECTION 1204.07 CERTIFICATES OF APPROPRIATENESS

The AHBR shall review applications for Certificates of Appropriateness and evaluate them to determine their compliance with the following standards:

- (a) The proposed change will not adversely affect or destroy any significant historic or architectural feature of the structure.
- (b) The proposed change is neither inappropriate or inconsistent with the spirit and purpose of the City's historic preservation laws and it will not adversely affect or destroy the general historic and architectural significance of the Historic District.
- (c) With respect to a proposed demolition, preservation is not economically feasible for the applicant and/or the denial of such Certificate would result in practical difficulty or unnecessary hardship that would deprive the applicant of all reasonable use of the land or building involved.
- (d) The proposed change complies with the historic district/landmark architectural and design standards set forth in Section 1207.18(a) of this Ordinance and Appendix D.