

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE
REGARDING THE TRANSFER OF LAND WHERE A CONDITIONAL USE
PERMIT HAS BEEN RECENTLY ISSUED.**

WHEREAS, Conditional Use applications and permits are governed separately under the Land Development Code to balance the need for regulatory consistency with the need for flexibility; and

WHEREAS, Conditional Use Permits and other approvals allow the City to approve specific land uses that are not ordinarily permitted in a particular zoning district, provided the use meets certain conditions and will not negatively impact the surrounding community; and

WHEREAS, the Planning Commission and the City Community Development Department spend countless hours working with Conditional Use and other applicants and heavily rely on the representations, materials submitted by, and the testimony of the applicant and/or its representatives and their reputation, experience in the community, and expertise; and

WHEREAS, the representations, materials submitted by, and the testimony of the applicant and/or its representatives form a crucial foundation upon which the Planning Commission and the City Development Department render their decisions, and such representations, commitments, and plans should not change shortly after an applicant receives approval from the City; and

WHEREAS, completed developments should conform to the representations, materials submitted by, and the testimony of Conditional Use and other applicants and/or their representatives, otherwise the public health, safety, and general welfare of the community is undermined and threatened; and

WHEREAS, reasonable regulations on the transfer of ownership after Planning Commission approvals are necessary to balance the public health, safety, and general welfare of the community and a landowner's right to sell its property; and

WHEREAS, it is in the best interest of the City and its residents to establish reasonable regulations on the transfer of property after Conditional Use approvals have been issued.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hudson, Summit County, Ohio, that:

Section 1. That Section 1203.01(k) of the Codified Ordinances of Hudson be established and provide as follows:

(k) Transfer of Planning Commission Approval

1. Construction conformity: Where a Planning Commission approval has been given, all new construction must be consistent with the plans and representations submitted by an applicant to the Planning Commission and the Community Development Department in order to obtain a zoning certificate.

As used in this Subsection (k), “approval” shall mean final approval by the Planning Commission or, in the event of an appeal, the final order of any reviewing body or court.

2. Prohibition on approval transfer: Unless the process in this section is followed, Planning Commission approval cannot be transferred to a subsequent landowner or developer at any time: (1) during the year immediately following the approval; or, (2) prior to the completion of compliant construction, whichever period is longer.
3. Revocation of approval: Planning Commission approval is immediately rendered void and revoked as a matter of law if a property is transferred to an unaffiliated owner or developer other than the entity originally represented to be the developer at the time of approval where a zoning certificate has been issued under this code and at least one of the following has not occurred:

A. twelve months have not passed since the last approval was issued;

B. construction has not been completed; or

C. the process in subsection 4 has not been completed.

As used in this subsection (k), “unaffiliated owner” shall be a person or entity that did not appear as part of the initial application and public hearing before the Planning Commission. An unaffiliated owner is not a person or entity that had a majority of ownership interest in the original owner which received approval and has the same or substantially similar ownership interest in the entity to which the property is being transferred.

4. Transfer application and process: Planning Commission approvals may be transferred to a subsequent landowner prior to the issuance of all final inspections and approvals the Planning Commission and the Community Development Department so long as the prospective owner has submitted an application and appeared at a hearing before the Planning Commission wherein the prospective new owner / applicant expressly agrees to abide by all prior conditions and plans approved by the Planning Commission. In the event any prospective purchaser seeks to modify the development, conditions, and/or plans, it must affirmatively identify any changes in the development. The applicant must also post a performance bond in the amount of no less than 110% of the project’s estimated improvements.

5. Prohibited transfers: Transfer applications under subsection 4 above cannot be filed if any of the following apply:

- A. at least 50% of the originally projected construction costs have been incurred in furtherance of the development described in the Planning Commission approval;
- B. if the purchasing party refuses to abide by all initial terms and conditions attached to the Planning Commission approval ;
- C. if the applicant intended to sell the property and did not disclose this prior to the issuance of the Planning Commission approval ;
- D. if the purchasing party was known to the applicant and was not disclosed to the Planning Commission prior to the issuance of the Planning Commission approval ; or
- E. if the Planning Commission approval was obtained as a result of fraud, deception, or any other improper method.

Section 2. That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

Jeffrey L. Anzevino, Mayor

ATTEST:

Aparna Wheeler, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality
on _____, 2025.

Aparna Wheeler, Clerk of Council