

1203.01 General Provisions

(k) Transfer of Planning Commission Approval

1. Construction conformity: Where a ~~Conditional Use 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 ~~said Conditional Use Permit~~ 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, ~~Conditional Use 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: ~~Conditional Use 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 time of approval where a ~~Conditional Use Permit 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 (d) 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: ~~Conditional Use 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: ~~Conditional Use~~ Transfer of applications under subsection (4) above cannot be filed if any of the following apply: ~~approvals shall not be transferred as provided in subsection (b) 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 ~~Conditional Use Permit~~ Planning Commission approval;
 - (B) if the purchasing party refuses to abide by all initial terms and conditions attached to the ~~Conditional Use Permit~~ Planning Commission approval;
 - (C) if the applicant intended to sell the property and did not disclose this prior to the issuance of ~~a Conditional Use Permit~~ 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 ~~Conditional Use Permit~~ Planning Commission approval; or
 - (E) if the ~~Conditional Use Permit~~ Planning Commission approval was obtained as a result of fraud, deception, or any other improper method.