



MEMORANDUM

Department of Planning, Zoning & Building

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TO: Zoning Division
Interested Parties
FROM: Jon MacGillis, ASLA
Zoning Director
DATE: November 30, 2011
RE: Requirement for Rezoning until ULDC is amended on January 26, 2012

This memorandum will explain to both staff and interested parties how we will implement the code provision requiring a rezoning of prior Special Exceptions and Conditional Uses to a Planned Development District (PDD), until the Unified Land Development Code (ULDC) is adopted on January 26, 2012.

Staff will enforce current code provisions and procedures as follows:

- 1. Rezoning will be part of the applicant's request;
2. Notices will be paid for by the applicant since it is currently a requirement for a Development Order Amendment;
3. Fee for the rezoning is based on the "affected area" of the request, and not the overall acreage of the subject property. The "affected area" of the subject property is defined pursuant to Article 1; and,
4. Staff's review and analysis of the request(s) are based on the affected area, unless a rationale nexus can be established by staff that the requested amendment does extend beyond the affected area.

Background Information relative to ULDC Amendment:

The Unified Land Development Code (ULDC) was amended in August 2011 [Ordinance 2011-016]. Any requests for a Development Order Amendment to a prior approved Special Exception or Conditional Use for a Planned Development that is subject to the BCC's approval, shall be required to submit a concurrent rezoning application.

The intent of this amendment is to ensure that 1) these prior approvals are gradually rezoned to the proper PDD; 2) property development regulations and all applicable standards are correctly and consistently applied by staff and the public. The amended Code relevant to the rezoning is as follows:

Planned Development Districts

The following previous approvals shall correspond to the current districts indicated:

- a. Special exceptions for PUDs shall correspond to a PUD. [Relocated from Art. 3.E.2.A.2, Applicability (Related to PUDs)]
b. Special exceptions for large-scale community or regional shopping centers (30,000 square feet or 50,000 square feet of total floor area or more), Planned Commercial Developments (PCDs), Planned Neighborhood Commercial Developments (PNCs), Planned General Commercial

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*Developments (PGCDs), Planned Office Business Parks (POBPs) and Planned Industrial Developments (PIDs) shall correspond to a MUPD. [Relocated from Art. 3.E.3.A.2, Applicability (Related to MUPDs)]*

- c. Special exceptions for PIPDs shall correspond to a PIPD. [Relocated from Art. 3.E.2.A.2, Applicability (Related to PIPDs)]*
- d. Special exceptions for MHPDs shall correspond to a MHPD. [Relocated from Art. 3.E.2.A.2, Applicability (Related to MHPDs)]*
- e. Special exceptions for RVPDs shall correspond to a RVPD. [Relocated from Art. 3.E.2.A.2, Applicability (Related to RVPDs)]*
- f. Any of the above where approved as a conditional use approval as opposed to a special exception.*

**E. Exceptions for Prior Approvals**

*Any application for a Development Order that requires Public Hearing approval, excluding Status Reports, EAC, Class B Conditional Uses or Type II Variances, shall be accompanied by an application to rezone to a current Zoning district. Any application for a Development Order that does not exceed the threshold requiring rezoning shall comply with the applicable requirements of the corresponding district, except for any information permitted to be carried forward from a prior approval.*

However, after recent discussions between applicants and staff on the possible impact the adopted amendment will have on future applications, staff will be recommending further ULDC amendments in the 2011-02 Round. The proposed code language is as follows:

**E. Exemptions/Applicability Exceptions for Prior Approvals**

Any application for a Development Order that requires Public Hearing approval, excluding Status Reports, EAC, Class B Conditional Uses, ~~or~~ Type II Variances, and prior Special Exception or Conditional Use for ~~or DOA to a prior approval corresponding to a Planned Unit Development (PUD),~~ are not required to rezone. Other prior Special Exceptions for Planned Developments such as PCD, PCND, PGCD, POBP or PID, are encouraged but not required to rezone when submitting an application for amendment to the prior approval include a concurrent shall be accompanied by an application to rezone to a current Zoning district. Any application for a Development Order to any of the prior approvals listed herein that does not exceed the threshold requiring rezoning shall comply with the applicable requirements of the corresponding district, except for any information permitted to be carried forward from a prior approval. [Ord. 2011-016]

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- \* Double underlined indicates new text or previously stricken text to remain.  
~~Double Stricken~~ indicates text to be deleted.

.... Indicates language omitted to save space.

If you have any questions, please contact me at 561-233-5234.

JM/MMK/WH/jm

C: Barbara Alterman, Executive Director PZB  
Lenny Berger, Assistant County Attorney  
Robert Banks, Assistant County Attorney  
Zoning Division Staff- by email  
Zoning Director Interpretation File  
ZD Reading file