



MEMORANDUM

Date: 1-16-24
To: Honorable Board of County Commissioners
From: Jie Shao, AICP, MCP, Planner, Principal
Subject: Planning and Zoning Board's Recommendation

On January 8, 2024, A rezoning application (Application Number is Z-23-33-18) from Residential Single-family 3.5 (RSF-3.5) to Industrial General (IG) to correct an inconsistency between the Future Land Use Map designation of LII and the RSF-3.5 zoning was presented to the Planning and Zoning Board. The Planning and Zoning Board recommended approval of this application with a 4-0 vote. The Planning and Zoning Board also made a motion to recommend to the Board of County Commissioners that it:

- *Extend the inconsistency correction to the next adjacent parcel ending at the canal; and*
- *Waive the application fee for any applications which involve the correction of an inconsistency between the Future Land Use Map designation and Zoning district.*

Staff's response

All rezoning applications must include a legal description such as boundary survey for the subject property. However, in this case, a boundary survey for the recommended extension area was not provided. Therefore, staff cannot extend the inconsistency correction to the next parcel ending at the canal as desired by the Planning and Zoning Board.

As far as the Planning and Zoning Board's recommendation to waive the application fee, the following is the history of previous inconsistency corrections within the County:

Section 163.3202 Land Development Regulations, F.S. requires that *within 1 year after submission of its comprehensive plan or revised comprehensive plan for review pursuant to S. 163.3191, each county and each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.* In order to comply with this law, in 2005-2007, County planning staff-initiated applications to correct the County-wide inconsistencies between the Future Land Use Map designations and zoning districts. However, staff discontinued this project because there exist cases in which the zoning districts

are more intense than the Future Land Use Map designations. In these cases, the property owners requested that the County amend their Future Land Use Map designations to match the more intensive zoning. Staff had concerns related to the impacts of these changes on surrounding uses. The property owners' property rights were also a concern. Therefore, staff would like the property owners, themselves, to request such corrections and the County staff will review them on a case-by-case basis.

In addition, in this particular instance, the subject property is a part of the County's right-of-way, on which no development may occur. However, in the future, the owner would like to locate a driveway access via this property for industrial uses. The property has been zoned RSF-3.5 since at least 1980s. Rezoning the property to IG is necessary to allow for an access to future industrial uses immediately to the south of this right-of-way.

It is solely the Board of County Commissioners' decision to waive the application fee for any applications which involve the correction of an inconsistency between the Future Land Use Map designation and Zoning district.