

The Approval Criteria for a Rezoning shall be considered by the reviewing bodies (Section 3.5).

B. Conditional Rezoning

1) Intent

A conditional zoning district (aka "CZ") is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, permitted by right or special use, accompanied by a plan showing proof of concept, and typically including the spatial relation of uses and site elements.

2) Application requirements

- a) Except as provided herein, all applications to establish a conditional zoning district shall adhere to the regulations and procedures prescribed in this subsection in addition to the standard general use district rezoning process as described in this Section.
- b) Contents of Application – at a minimum, the following (and a description) shall be required for a conditional zoning district to be considered:
 - i) A list of all uses proposed for the district, which shall be of equal descriptiveness and in the same format and description as listed in the Table of Permitted Uses from this Ordinance.
 - ii) A list of all setbacks and dimensional standards for every proposed use, which shall be of equal descriptiveness and in the same format and description as listed in the Zoning District Dimensional Requirements, from this Ordinance.
 - iii) A sketch plan drawn to a suitable scale, with supporting information and text which specifies the location of the use or uses intended for the property and any development or dimensional standards to be approved as part of the establishment of the conditional rezoning district.
 - iv) The sketch plan shall include the following items:
 - a. Delineation of all Areas of Environmental Concern and Resource Conservation Areas including but not limited to federal jurisdictional wetlands.
 - b. For residential uses, the number of units, heights, and a generalized location.
 - c. For non-residential uses, the height, approximate footprint, and location of all structures.
 - d. Traffic generation calculations and/or Traffic Impact Analysis if required by this Ordinance, parking and circulation plans illustrating dimensions, intersections, and typical cross sections
 - e. All proposed setbacks, buffers, screening, and landscaping
 - f. Phasing
 - g. Signage
 - h. Outdoor lighting
 - i. Current zoning district designation and current land use status

streets, water, sewer, or other public utilities necessary to serve the proposed development.

- c) The petitioner shall consider and respond to any such conditions after the Planning Board meeting at least three (3) days prior to the staff report for the County Commission being published. If the applicant does not agree with the Planning Board or staff's recommendations of additional conditions, the applicant shall provide written evidence or opinion to support their objection.
 - d) If for any reason any condition for approval is found to be illegal or invalid or if the applicant or subsequent owner should fail to accept or fulfill any condition following approval, the approval of any site plan or preliminary plat for the district and the conditional rezoning shall be null and void and of no effect and proceedings shall be instituted by the Administrator to rezone the property to a context-appropriate general use district zoning classification. The Administrator will use appropriate judgement when recommending which properties (developed, undeveloped, vacant, half-built, existing non-conformities, etc.) be reassigned to which general use zoning districts. The rezoning may result in the creation of nonconformities, which shall be the responsibility of the property owner to rectify at such time as required by Article 10, Nonconformities.
- 5) Effect of Approval
- a) Once a conditional rezoning is approved, the development and use of the property shall be governed by the established standards for the district, the approved sketch plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.
 - b) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the district designation "CZ" and a unique, consecutive numerical identifier (for example, the fifteenth conditional zoning district established in the county would be labeled "CZ-15"). The unique identifier number will reference the approved ordinance and sketch plan that established the zoning district.
 - c) Since each CZ district represents a newly created zoning district, the approved sketch plan and district standards and conditions shall be maintained as an adopted appendix to this Ordinance.
 - d) The approved sketch plan may substitute for an approved master development plan if it is explicitly reviewed and approved as such during the petition for the CZ district.
 - e) No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan or preliminary plat (as appropriate) for the district.
 - f) Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of this Chapter and shall be subject to the same remedies and penalties as any such violation.
- 6) Alterations to Approval

- a) Except as provided in subsection 2 below, changes to an approved conditional zoning district or to the standards, uses, requirements, or conditions attached to the approved conditional zoning district shall be treated the same as amendments to this Ordinance or to the zoning maps and shall be processed as a Conditional Rezoning, unless possible to modify as an Administrative Adjustment.
 - i) The Administrator shall have the delegated authority to approve an Administrative Adjustment per Sec 3.11.
 - ii) The Administrator may decide to decline to exercise the delegated authority either because of uncertainty about approval of the change pursuant to the standard or because a rezoning petition for a public hearing and County Commission consideration is deemed appropriate under the circumstances. If the Administrator declines to exercise this authority, then the property owner may choose to amend the conditional zoning district by filing a new rezoning or land development request.
- 7) Review of Approval of a Conditional Zoning District
 - a) It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than three (3) years after the date of approval of the petition, the Administrator shall examine the progress made toward developing the property in accordance with the approved conditional zoning district and any standards, uses, requirements, or conditions attached to the approval.
 - g) If the Administrator determines that progress has not been made in accordance with the approved petition and conditions, the Administrator shall begin proceedings to rezone the property(ies) to its previous zoning classification or to another district(s), as appropriate.
 - h) The Administrator shall continue to monitor conditional zoning districts in this manner at least every 2 years, until they are determined to be substantially built-out (90% or more of units, square feet, or land built out).