

LAND DEVELOPMENT CODE AMENDMENT

PETITION PL20210002604	SUMMARY OF AMENDMENT This amendment corrects scrivener’s errors and updates cross-references related to various Land Development Code (LDC) sections, including the Florida Building Code (FBC), the Florida Fire Prevention Code (FPC), the Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) Chapter and Rule citations.
ORIGIN Growth Management Department (GMD)	
HEARING DATES	LDC SECTION TO BE AMENDED
BCC TBD	1.07.00 LAWS ADOPTED BY REFERENCE
CCPC 12/16/2021	1.08.02 Definitions
DSAC 11/03/2021	2.03.07 Overlay Zoning Districts
DSAC-LDR 10/19/2021	4.02.03 Specific Standards for Location of Accessory Buildings and Structures
	4.02.22 Design Standards for GZO District
	5.05.04 Group Housing
	6.06.01 Street System Requirements
	10.01.02 Development Orders Required
	10.02.03 Requirements for Site Development, Site Improvement Plans and Amendments thereof

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approved

DSAC
Approved

CCPC
TBD

BACKGROUND

This LDC amendment corrects scrivener’s errors and updates various citations/references throughout the LDC. This staff-led effort required collaboration between Zoning and other disciplines in GMD, including Development Review, Building Plan Review and Inspection, as well as with staff with the Greater Naples and North Collier Fire Districts. Changes to LDC section 1.07.00 contain updates with corresponding updates to code citation and language in following sections. Other changes include updated code citations and the Goodland Zoning Overlay map, corrected language in LDC sections 1.08.02 and 6.06.01 and the reorganization of the table in 4.02.03 D. These changes are necessary to keep citations current, language appropriate, and maps and tables accurate. Research to relevant ordinances, statutes, and codes was applied for validity. This amendment corrects scrivener’s errors and updates various citations and references in the following LDC sections:

LDC section 1.07.00: Deletes the entries for the Building Construction Administrative, Plumbing, Mechanical, Gas, Swimming Pool, and National Electrical Codes. These have been incorporated into and replaced by the current FBC. The County Chief Building Official requested these changes. Current references to the FPC, as established by the most recent F.A.C. and F.S. are cited. Battalion Chief of Life Safety / Fire Marshal for North Collier Fire and Rescue District and Assistant Chief of Fire and Life Safety / Fire Marshal for Greater Naples Fire District approved these changes following a meeting held on November 17, 2020 regarding LDC consistency with fire prevention standards. The remaining subject matter for LDC section *Laws Adopted By Reference* will be addressed and updated in a future LDC amendment.

LDC section 1.08.02: The reference to minimum floor elevations for the “Building, zoned height of” should read the “Florida Building Code” and “Collier County Floodplain Management Ordinance” as adopted by Ordinance

2019-01. The word, “wooden” is deleted from the definition of a “camping cabin,” since camping cabins are not required to be a wooden structure.

LDC section 2.03.07 G.6.c.ii. and iii.: Code references are updated to be consistent with the code updates in LDC section 1.07.00 – FS191.008(4); there are multiple independent fire districts within the County and this language refers to the district having jurisdiction. The use of the hydrant(s) or supplemental apparatus is described.

LDC section 2.03.07 J.: The Goodland Zoning Overlay (GZO) District Map-1 is revised to remove any reference to the underlying zoning atlas map. The underlying zoning changes over time when the Board approves a rezoning petition which amends the zoning atlas map. The newly revised map delineates platted lots, major streets, the GZO District’s outer boundary and City of Marco Island jurisdictional limits. The development standards of the underlying zoning districts shall apply and are not affected by the new GZO Map.

LDC section 4.02.03 D.: For the table of dimensional standards for accessory buildings and structures in zoning districts other than rural agricultural and estates districts, the Side and Rear yard Setback columns are reversed at the request of staff reviewers for easier reading. In the table’s “Accessory/Building Structure” column for “Waterfront Lots and Golf Course Lots,” 18 separation lines are removed to clarify the dimensional standards apply to “Waterfront Lots and Golf Course Lots”.

LDC section 4.02.22 B.: A clause was added to clarify, noting the dimensional standards in the GZO District are applicable to non-commercial zoning districts.

LDC section 5.05.04 E., E.1.c.i.a)i), E.1.c.ii.b), and E.4.: For Group Housing, the F.A.C. rule for “Emergency Environmental Control Plans” reference is Chapter 59A-36.025.

LDC section 6.06.01 N. The word “principals” should read “principles.” This section is referring to the fundamental ideas of which engineering is based upon.

LDC section 10.01.02 C.1.f., C.2.a., and C.3.a.: The wording has been modified for consistency with the previously stated above changes in LDC section 1.07.00.

LDC section 10.02.03 A.5.b.i.: The amendment deletes the reference to Ordinance no. 2001-57 because it has been repealed by Ordinance 2004-31 which re-established the Collier County Utilities Standard and Procedures.

LDC section 10.02.03 A.5.c.viii.: The Florida “Uniform Firesafety Standards for Educational Facilities” has been updated by F.A.C. rule Chapter 69A-58.

LDC section 10.02.03 F.4.: Staff review and recommendations for site plans with deviations for redevelopment projects are evaluated by factors set forth in LDC section 10.02.03 F.7 *Standards for approval.* and not in LDC section 10.02.03 F.8 *Timeframe* limits.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts associated with this amendment.

GMP CONSISTENCY

The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.

EXHIBITS: None

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1 Amend the LDC as follows:

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3 **1.07.00 LAWS ADOPTED BY REFERENCE**

4
5 The following Collier County ordinances and laws, as amended or superseded, are hereby
6 incorporated into this LDC by reference as if fully set forth and recited herein. Repeal or
7 amendment of these ordinances, or adoption of successor ordinances, shall not be subject to
8 procedures otherwise required for adoption of amendments to this LDC, except as otherwise
9 required by general law.

10

Subject	Ordinance Number
Building Construction Administrative Code	2002-01 [Code of Laws Ch. 22, Art. II]
Florida Building Code <u>2004 as adopted by 61G20-1.001, Florida Administrative Code (F.A.C.);</u> including the following technical codes: <ul style="list-style-type: none">• Plumbing• Mechanical• Fuel Gas	2002-01 [Code of Laws §§ 22-106, 22-107] <u>2020-48 [Code of Laws Ch. 22, Art. II]</u>
Plumbing Code	[Code §§ 22-106, 22-108]
Mechanical Code	[Code §§ 22-106, 22-109]
Gas Code	[Code §§ 22-106, 22-110]
Swimming Pool Code	[Code ch. 22, art. IV, div. 3]
The National Electrical Code NFPA 70-1999	[Code ch. 22, art. IV, div. 2]
Florida Fire Prevention Code – <u>Florida Statutes 633.202 and 69A, F.A.C.</u> <ul style="list-style-type: none">• Chapter 4A-60 <u>69A-60</u>, F.A.C.• National Fire Protection Association (NFPA) 1 with modification by Ch. 4A-60.003 <u>69A-60.003</u>, F.A.C.• National Fire Protection Association (NFPA) 101 with modification by Ch. 4A-60.004 <u>69A-60.004</u>, F.A.C.• <u>Referenced</u> Publications added to NFPA 1 and NFPA 101 by 4A-60.005 <u>69A-60.005</u>, F.A.C.• <u>NFPA 1141: Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas – as referenced in 69A-60.005, F.A.C.</u>• <u>NFPA 1142: Standard on Water Supplies for Suburban and Rural Fire Fighting – as referenced in 69A-60.005, F.A.C.</u>	2002-49 [Code of Laws Ch. 58, Art. II]

<ul style="list-style-type: none"> • <u>NFPA 1144: Standard for Reducing Structure Ignition Hazards from Wildland Fire – as referenced in 69A-60.005, F.A.C.</u> • <u>NFPA 501A: Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities – as referenced in 69A-60.005, F.A.C.</u> • Local Amendments Ord. # 2002-49 • <u>Local policies or code amendments as adopted by the Fire District having jurisdiction per F.S.191.008 (4).</u> 	
Coastal Building Zone (Wind)	87-20 [Code ch. 22, art. IX] 2002-1
Utility Standards	88-76 [Code ch. 134, art. III] 89-23 89-32 2001-57
Public Right-of-Way Standards	82-91 [Code ch. 110, art. II] 89-26 93-64
Seawall Construction	85-2 [Code ch. 22, art. IX] 85-26 86-5
Water Policy	74-50 [Code ch. 90, art. II] 90-10 2001-27
Collier County Streetscape Master Plan (CCSMP)	97-25

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1.08.02 Definitions

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8 Building, zoned height of: The vertical distance from the first finished floor to the highest
9 point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof and
10 to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. Where
11 minimum floor elevations have been established by law or permit requirements, the
12 building height shall be measured from such required minimum floor elevations. (See
13 section 4.02.01, Exclusions from height limits, and off-street parking within a building.)
14 Required minimum floor elevations shall be in conformance with ~~the Collier County~~
15 ~~Administrative Construction Code (see County adopted FBC Section 104.2.1.2. Additional~~
16 ~~Requirements, 8., as set forth in Code of Laws § 22-26)~~ the Florida Building Code and
17 Collier County Floodplain Management Ordinance and, if necessary, FDEP requirements
18 for minimum habitable first-floor structural support. Rooftop recreational space and

1 accessory facilities are also exempted from the limitations established for measuring the
2 height of buildings. See Figure 3.

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4 *Camping cabin:* A ~~wooden~~ structure designed as a detached, temporary living unit for
5 recreation or vacation purposes.
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9 **2.03.07 Overlay Districts**

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12 G. Immokalee Urban Overlay District. To create the Immokalee Urban Overlay District with
13 distinct subdistricts for the purpose of establishing development criteria suitable for the
14 unique land use needs of the Immokalee Community. The boundaries of the Immokalee
15 Urban Overlay District are delineated on the maps below.
16 * * * * *

17 6. *Nonconforming Mobile Home Site Overlay Subdistrict.* Establishment of special
18 conditions for these properties which by virtue of actions preceding the adoption
19 of Ordinance No. 91-102, on October 30, 1991, were deemed to be nonconforming
20 as a result of inconsistencies with the land development code, and are located
21 within the Immokalee Urban Boundary as depicted on the Immokalee Area Master
22 Plan.
23 * * * * *

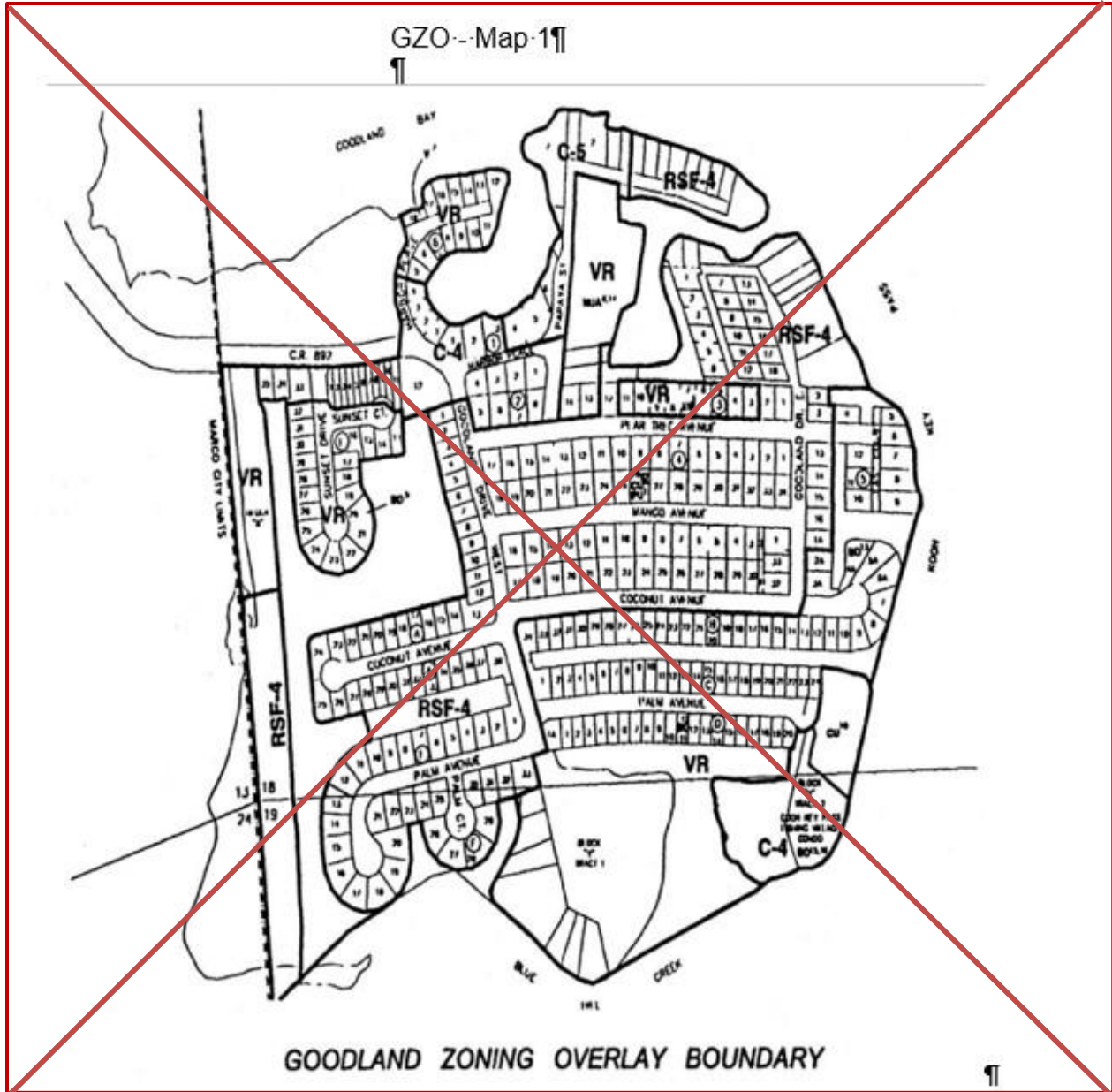
24 c. Criteria for review. The following criteria shall apply to the existing
25 conditions site improvement plan approval process and shall be reviewed
26 by the County Manager or designee.
27 * * * * *

28 ii. The ~~District Fire Official~~ Fire District having jurisdiction shall provide
29 written confirmation that either ~~an~~ the existing fire hydrant(s) or a
30 supplemental apparatus, provided by the Fire District, ~~is adequate~~
31 can supply the required fire flow needed for fire protection.

32 iii. ~~National Fire Codes, 501A-11, Chapter 6, 6.1.1 Site Plan (6.1.1~~
33 ~~through 6.1.2).~~ NFPA 501A: Standard for Fire Safety Criteria for
34 Manufactured Home Installations, Sites, and Communities as
35 referenced in FAC 69A-60.005.
36 * * * * *

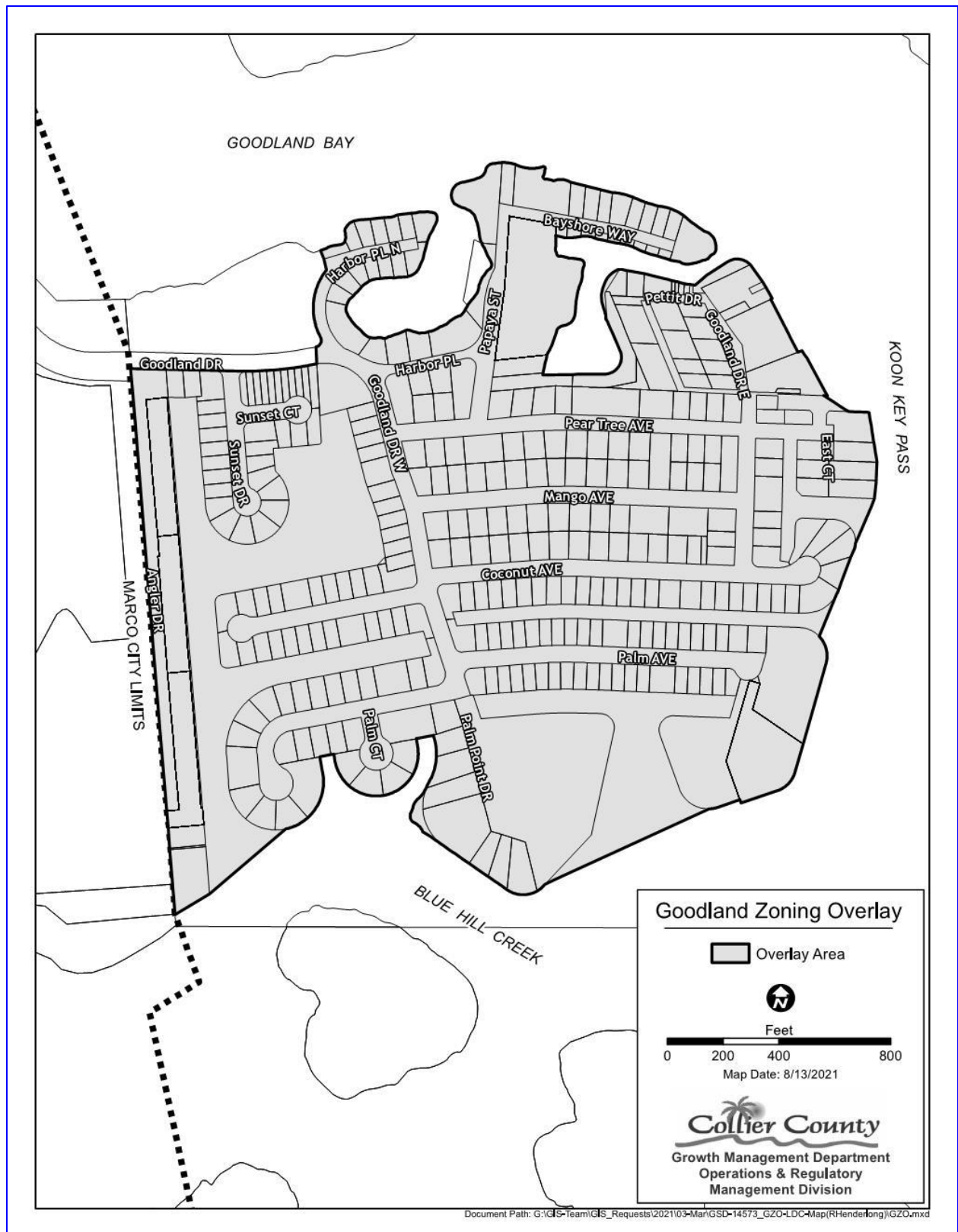
37 J. Goodland Zoning Overlay (GZO). To create design guidelines and development standards
38 that will assure the orderly and appropriate development in the unincorporated area
39 generally known as Goodland. The Goodland Zoning Overlay district (GZO) is intended to
40 provide regulation and direction under which the growth and development of Goodland
41 can occur with assurance that the tropical fishing village and small town environment of
42 Goodland is protected and preserved, and that development and/or redevelopment reflect
43 the unique residential and commercial characteristics of the community. The boundaries
44 of the Goodland Zoning Overlay district are delineated on Map 1 below.
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GZO – Map 1



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2 **4.02.03 Specific Standards for Location of Accessory Buildings and Structures**

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5 D. Table of dimensional standards for accessory buildings and structures in zoning districts
6 other than Rural Agricultural (A) and Estates (E):
7

Location	Accessory Building/Structure	Setbacks			
		Front	Rear <u>Side</u>	Side <u>Rear</u>	Structure to Structure (If Detached)
Non-Waterfront Lots and Non-Golf Course Lots	Attached porch	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	N/A
	Carports (commercial, industrial, and multi-family) ¹	SPS	SPS	SPS	10 feet
	Carports (one- and two-family)	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	10 feet
	Chickee, barbecue areas	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	10 feet
	One-story and multi-story parking structures	SPS	SPS	SPS	1/1 ² with a minimum of 10 feet
	Parking garage (one- and two-family)	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	10 feet
	Permanent emergency generators ¹	Not permitted in front of building	10 feet <u>SPS</u>	SPS <u>10 feet</u>	N/A
	Satellite dish antennas	Not permitted in front of building	15 feet <u>SPS</u>	SPS <u>15 Feet</u>	10 feet
	Swimming pool and/or screen enclosure (one- and two-family)	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	None
	Swimming pool (multi-family and commercial)	SPS	20 feet <u>15 feet</u>	15 feet <u>20 feet</u>	None

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	Tennis courts (one- and two-family)	SPS	15 feet <u>SPS</u>	SPS <u>15 Feet</u>	10 feet
	Tennis courts (multi-family, and commercial)	SPS	20 feet <u>15 feet</u>	15 feet <u>20 feet</u>	20 feet
	Trellises, arbors, and similar structures that do not exceed the maximum fence height in LDC section 5.03.02	None	None	None	None
	Trellises, arbors, and similar structures that exceed the maximum fence height in LDC section 5.03.02	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	None
	Unlisted accessory	SPS	SPS	SPS	10 feet
	Utility buildings	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	10 feet
Waterfront Lots and Golf Course Lots ³	Attached porch where floor or deck of porch are: <ul style="list-style-type: none"> In Isles of Capri: Seven feet in height or less above the top of seawall with a maximum of four feet of stem wall exposure In all other areas: Four feet in height or less above top of seawall or top of bank 	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	SPS
	Attached porch where floor or deck of porch are: <ul style="list-style-type: none"> In Isles of Capri: More than seven feet in height above the top of seawall or with more than four feet of stem wall exposure In all other areas: More than four feet in height above top of seawall or top of bank 	SPS	20 feet <u>SPS</u>	SPS <u>20 feet</u>	SPS

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Boat slips and ramps (private)	N/A	N/A <u>7.5 feet</u>	7.5 feet <u>N/A</u>	N/A
Boathouses and boat shelters (private)	SPS	N/A <u>See LDC sections 5.03.06 E and F</u>	See LDC sections 5.03.06 E and F <u>N/A</u>	10 feet
Carports (commercial, industrial, and multi-family) ¹	SPS	SPS	SPS	10 feet
Carports (one- and two-family)	SPS	SPS	SPS	10 feet
Chickee, barbecue areas	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	10 feet
Davits, hoists, and lifts	N/A	N/A <u>See LDC sections 5.03.06 E and F</u>	See LDC sections 5.03.06 E and F <u>N/A</u>	None
Docks, decks, and mooring pilings	N/A	N/A <u>See LDC sections 5.03.06 E and F</u>	See LDC sections 5.03.06 E and F <u>N/A</u>	N/A
Golf clubhouse and maintenance buildings ⁴	50 feet	50 feet	50 feet	N/A
One-story and multi-story parking structures	SPS	SPS	SPS	1/1 ² with a minimum of 10 feet
Parking garage (one- and two-family)	SPS	SPS	SPS	10 feet
Permanent emergency generators ¹	Not permitted in front of building	10 feet <u>SPS</u>	SPS <u>10 feet</u>	N/A
Satellite dish antennas	Not permitted in front of building	15 feet <u>SPS</u>	SPS <u>15 Feet</u>	10 feet

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Swimming pool and/or screen enclosure (one- and two-family) where swimming pool decks are: <ul style="list-style-type: none"> In Isles of Capri: Seven feet in height or less above the top of seawall with a maximum of four feet of stem wall exposure In all other areas: Four feet in height or less above top of seawall or top of bank 	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	None
Swimming pool and/or screen enclosure (one- and two-family) where swimming pool decks are: <ul style="list-style-type: none"> In Isles of Capri: More than seven feet in height above the top of seawall or with more than four feet of stem wall exposure In all other areas: More than four feet in height above top of seawall or top of bank 	SPS	20 feet <u>SPS</u>	SPS <u>20 Feet</u>	None
Swimming pool (multi-family and commercial)	SPS	20 feet <u>15 feet</u>	15 feet <u>20 feet</u>	None
Tennis courts (private) (one- and two-family)	SPS	15 feet <u>SPS</u>	SPS <u>15 feet</u>	10 feet
Tennis courts (multi-family and commercial)	SPS	35 feet <u>SPS</u>	SPS <u>35 feet</u>	20 feet
Trellises, arbors, and similar structures that do not exceed the maximum fence height in LDC section 5.03.02	None	None	None	None

Trellises, arbors, and similar structures that exceed the maximum fence height in LDC section 5.03.02	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	None
Unlisted accessory	SPS	SPS	SPS	10 feet
Utility buildings	SPS	SPS <u>10 feet</u>	10 feet <u>SPS</u>	10 feet

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4.02.22 Design Standards for GZO District

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B. Dimensional ~~S~~standards applicable to non-commercial zoning districts.
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5.05.04 Group Housing

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E. Emergency Environmental Control Plans. In accordance with Rules ~~58A-5.036~~ 59A-36.025 and 59A-4.1265, F.A.C., as amended, Emergency Environmental Control Plans for assisted living facilities and nursing homes, as defined by §§ 400 and 429 F.S., shall be submitted as a supplement to its Comprehensive Emergency Management Plan, to the Bureau of Emergency Services - Emergency Management Division.
1. The Emergency Environmental Control Plans shall include the following information, in addition to the requirements identified in Rules ~~58A-5.036~~ 59A-36.025 and 59A-4.1265, F.A.C., as amended:
* * * * *
c. Permanent emergency generator or alternate power sources. Assisted living facilities or nursing homes, as defined by §§ 400 and 429 F.S., shall install permanent emergency generators or an alternate power source to ensure ambient air temperatures will be maintained at or below 81 degrees Fahrenheit for a minimum of 96 hours in the event of the loss of primary electrical power.
i. If a permanent emergency generator is used the following shall be required:
a) Permanent emergency generator specifications.
i) Permanent emergency generators and the associated fuel supply shall be sized to ensure compliance with §§ ~~58A-5.036~~ 59A-36.025 F.A.C., as amended, for assisted living facilities and 59A-4.1265 F.A.C., as amended, for nursing homes.
* * * * *
b) Regular testing and inspections required. Permanent emergency generators shall be tested under load as

required by §§ ~~58A-5.036~~ 59A-36.025 F.A.C., as amended, for assisted living facilities and 59A-4.1265 F.A.C., as amended, for nursing homes, and by manufacturer's specifications, and be inspected a minimum of once per year. Each facility shall keep a written statement on site attesting to the regular maintenance, third-party testing and inspection of the generator and fuel system by a service organization authorized by the manufacturer.

ii. Submittal Requirements.

b) Calculations demonstrating adequacy of fuel supply to comply with §§ ~~58A-5.036~~ 59A-36.025 F.A.C., as amended, for assisted living facilities and 59A-4.1265 F.A.C., as amended, for nursing homes.

4. Notification of Plan submittal shall be in accordance with Rules ~~58A-5.036~~ 59A-36.025 and 59A-4.1265, F.A.C., as amended.

6.06.01 Street System Requirements

N. The minimum right-of-way widths to be utilized shall be as follows and, where applicable, shall be classified by the cross-sections contained in Appendix B, and will be directly related to traffic volume as indicated in the definition of each street contained herein and, where applicable, clarified by the cross-sections contained in Appendix B. Private street right-of-way widths and design may be determined on a case-by-case basis in accordance with Chapter 10. In the event that the applicant does not apply for a preliminary subdivision plat, the applicants engineer may request that the County Manager or his designee approve an alternate private right-of-way cross-section. The request shall be in writing and accompanied with documentation and justification for the alternate section based on sound engineering ~~principals~~ principles and practices.

10.01.02 Development Orders Required

C. Early Construction Authorization (ECA). An ECA permit may grant the applicant a conditional building permit prior to development order approval subject to the criteria, limitations, and procedure established in this section.

1. The ECA may be approved by the County Manager or designee if the following criteria are met:

f. The portion of work to be authorized for the permit has been approved by the ~~Office of the Fire Code Official and under the Florida Fire Prevention Code~~ the Fire District having jurisdiction and in accordance with the Florida Fire Prevention Code.

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2 2. Limitations on construction activity.

3 a. The ECA permit allows approved construction to commence up to the first

4 building code inspection. Construction may continue following phased or

5 complete building permit approval by the Collier County Building

6 Department and ~~Office of the Fire Code Official~~ the Fire District having

7 jurisdiction. All construction is subject to the time limitations identified in the

8 Florida Building Code, Permit intent, section 105.4.1.

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10 3. Procedure.

11 a. The ECA permit application shall be reviewed by the Collier County

12 Planning and Zoning Department, the Building Department and the ~~Office~~

13 ~~of the Fire Official~~ the Fire District having jurisdiction through a combined

14 submission process.

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18 **10.02.03 Requirements for Site Development, Site Improvement Plans and Amendments**

19 **thereof**

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21 A. *Generally*

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23 5. *School Board Review Exemption.*

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25 b. The expedited site plan for school board review, as referenced in section

26 10.02.03 A.3.a. of the Land Development Code, will consist of the following

27 areas of review:

28 i. Collier County Utilities Standards and Procedures, Ordinance No.

29 ~~01-57~~ 04-31, as may be amended. In accordance with this

30 Ordinance, the following requirements must be met:

31 * * * * *

32 c. School board review ("SBR") process. The SBR for School Board projects

33 shall be reviewed under the following expedited process:

34 * * * * *

35 viii. Should the School Board place temporary or portable classrooms

36 on a site, the School Board will supply additional data to the ~~Fire~~

37 ~~Code Office~~ Fire District having jurisdiction for review pursuant to

38 Rule ~~4A-58~~ 69A-58, Florida Administrative Code. In addition, the

39 School Board will supply the Public Utilities Division with additional

40 data on temporary and portable classroom facilities relative to

41 concurrency issues related to water and sewer capacity and to the

42 proper sizing of water meters and grease traps. No other reviews

43 will be required for temporary or portable classroom facilities.

44 * * * * *

45 F. *Site plan with deviations for redevelopment projects.*

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47 4. *Staff review and recommendation.* Based upon evaluation of the factors set forth

48 in LDC section ~~10.02.03.F.8~~ 10.02.03 F.7. County Staff shall prepare a report

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1 containing their review findings and a recommendation of approval, approval with
2 conditions, or denial.
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