

ORDINANCE 2018-\_\_\_\_

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRS); PROVIDING FOR AMENDMENTS TO CHAPTER 911, ZONING; BY AMENDING SECTIONS 911.06, AGRICULTURAL AND RURAL DISTRICTS; SECTION 911.07, SINGLE-FAMILY RESIDENTIAL DISTRICTS; SECTION 911.08, MULTIPLE-FAMILY RESIDENTIAL DISTRICTS; 911.13, SPECIAL DISTRICTS; AND CHAPTER 971, REGULATIONS FOR SPECIFIC LAND USES BY AMENDING SUBSECTION 971.28(5), PLACES OF WORSHIP; AND PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; CODIFICATION; SEVERABILITY; AND EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT THE INDIAN RIVER COUNTY LAND DEVELOPMENT REGULATIONS (LDRS) CHAPTER 911, ZONING, AND CHAPTER 971, REGULATIONS FOR SPECIFIC LAND USES BE AMENDED AS FOLLOWS:

SECTION #1:

**Amend LDR Section 911.06(4), Uses; as follows:**

(4) *Uses.* Uses in the agricultural and rural districts are classified as permitted uses, administrative permit uses and special exception uses.

Site plan review shall be required for the construction, alteration and use of all structures and buildings except single-family dwellings and permitted agricultural uses.

No residential development in agriculturally designated areas shall occur unless such development is approved as a planned development and meets the requirements of section 911.14; the following activities shall be exempt from this requirement:

- (a) Construction of a single-family dwelling unit on a tract or parcel existing on October 1, 1990.
- (b) Division of a tract or parcel into two (2) lots, each meeting or exceeding the minimum lot size of the agricultural zoning district and meeting the lot split criteria of section 913.06(3); any subsequent split of such property shall require approval in accordance with subdivision ordinance Chapter 913 requirements or planned development requirements.
- (c) Division of a tract into parcels of at least forty (40) acres in size.
- (d) Division of a tract via a subdivision plat or affidavit of exemption approved in accordance with subdivision ordinance Chapter 913 requirements.

	District				
Uses	A-1	A-2	A-3	RFD	RS-1
<i>Agricultural</i>					
General farming	P	P	P	-	-
Dairy farming	A	A	A	-	-

**Bold Underline:** Additions to Ordinance

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Livestock and poultry raising	P	P	P	-	-
Stables (noncommercial)	P	P	P	A	A
Stable (commercial)	P	P	P	-	-
Sludge spreading	A	A	A	-	-
Tree farms	P	P	P	-	-
Kennel and animal boarding places					
Commercial	A	A	A	-	-
Noncommercial	P	P	P	P	A
Fruit and vegetable juice extractions and packing houses	A	A	A	-	-
Small animal specialty farms	A	A	A	-	-
Tenant dwelling	S	S	S	-	-
Residential migrant housing facility	S	S	S		
Nursery and greenhouses					
Noncommercial	P	P	P	A	A
Commercial (cultivation, wholesaling, and off-site landscaping services allowed; no retail sales allowed on-site)	P	P	P	-	-
Agricultural businesses, excluding wholesaling and processing	S	S	S	-	-
Agricultural industries	S	S	S	-	-
Fish farms and water dependent plant and/or animal production	A	A	A	-	-
Agricultural research facilities	A	A	A	-	-
Aquaculture	A	A	A	A	A
Fruit spreading (subject to subsection 917.06(15))	P	P	P	-	-
<i>Residential</i>					
Accessory single-family dwelling unit	A	A	A	A	A
Single-family dwelling	P	P	P	P	P
Mobile homes	A	A	A	-	-
Accessory housing for night watchman	A	A	A	-	-
Guest cottage or servant's quarters	A	A	A	A	A
Single-family docks and private observation/fishing piers on vacant lots	A	A	A	A	A

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Bed and breakfast	A	A	A	-	-
<i>Institutional</i>					
Child or adult care facilities	A	A	A	A	S
Foster care facilities	P	P	P	P	P
Cemeteries	S	S	S	S	S
Places of worship	<del><u>S</u></del>	<del><u>S</u></del>	<del><u>S</u></del>	<del><u>S</u></del>	<del><u>S</u></del>
Group home (level I)	A	A	A	A	A
Group home (level II and III)	S	S	S	-	-
<i>Community Service</i>					
Emergency services	P	P	P	P	P
Educational centers, including primary and secondary schools	S	S	S	S	S
Correctional institutions	S	S	S	-	-
Cultural and civic facilities	S	S	S	S	S
Governmental administrative building	S	S	S	S	S
Colleges and universities	S	-	-	S	S
Civic and social membership organizations (M-1 and M-2 areas only)	S	-	-	-	-
<i>Recreation</i>					
Country clubs	A	A	A	S	S
Golf courses	A	A	A	S	S
Public parks and playgrounds	A	A	A	A	A
Major sports and recreation areas and facilities	S	S	S	-	-
Dude ranch	S	S	S	-	-
Retreats and camps	S	S	S	S	S
Commercial hunting and fishing lodges	S	S	S	-	-
Off-road vehicle tracts (commercial and noncommercial)	S	S	S	-	
<i>Commercial</i>					
Fruit and vegetable stands	A	A	A	-	-
Veterinary clinic or animal hospital	A	A	A	-	-
Driving ranges	S	S	S	-	-
Fruit, vegetable and nursery retail sales	S	S	S	-	-

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<i>Transportation and Utilities</i>					
Airports and airstrips	S	S	S	S	-
Communications towers (wireless facilities including cell towers)	A/S <sup>2</sup>	A/S <sup>2</sup>	A/S <sup>2</sup>	A <sup>2</sup>	A <sup>2</sup>
Communications towers (non-wireless facilities including TV and radio broadcast towers)					
Amateur radio (accessory use)					
Less than 80 feet	P	P	P	P	P
80 feet or taller (see 971.44(4) for special criteria)	S	S	S	S	S
Commercial					
Up to 70 feet:					
Camouflaged	P	P	P	P	P
Non-camouflaged	P	P	P	-	-
70 feet to 150 feet:					
Camouflaged	A	A	A	A	A
Monopole (minimum of 2 users)	A	A	A	-	-
Not camouflaged and not monopole	A/S*	A/S*	A/S*	-	-
Over 150 feet:					
All tower types (see 971.44(1) for special criteria)	-	S	S	-	-
Utility					
Public and private utilities, limited	A	A	A	S	S
Public and private utilities, heavy	S	S	S	S	S
Reservoirs, water farming	P	P	P	-	-
Industrial					
Recycling center (including vegetation debris mulching)	A	A	A	-	-
Small-scale bio-fuel processing plant	S	A	A	-	-
Large-scale bio-fuel processing plant	S	S	S	-	-
Mining	A	A	A	-	-
Very Heavy Industrial					
Demolition debris site	S	S	S	-	-

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- P - Permitted use
- A - Administrative permit use
- S - Special exception use

\* See 971.44(4) to determine whether the administrative permit or special exception use process applies.

<sup>1</sup> The requirements of subsection 917.06(11), of the Accessory Uses and Structures Chapter, shall apply to towers.

<sup>2</sup> For wireless commercial facilities regulations, see subsection 971.44(5), Section 4 use table.

**SECTION #2:**

**Amend LDR Section 911.07(4), Uses; as follows:**

(4) *Uses.* Uses in the single-family districts are classified as permitted uses, administrative permit uses, and special exception uses. Site plan review shall be required for the construction, alteration and use of all structures and buildings except for single-family dwellings.

Uses	District			
	RS-2	RS-3	RS-6	RT-6
<i>Agricultural</i>				
Noncommercial kennel and animal boarding places	A	A	A	-
Noncommercial nursery and greenhouse	A	A	A	A
Noncommercial stable	A	A	A	A
<i>Residential</i>				
Accessory single-family dwelling unit	A	A	A	A
Small lot single-family subdivision	-	-	A	A
Single-family dwelling	P	P	P	P
SF dwelling (attached)	-	-	-	P
Duplex	-	-	-	P
Guest cottage and servant's quarters	A	A	A	A
Single-family docks and private observation/fishing piers on vacant lots	A	A	A	A
Subdivisions with special side yards	-	-	A	-
Bed and breakfast	-	-	S	S
<i>Institutional</i>				
Child or adult care facilities	S	S	S	S
Foster care facilities	P	P	P	P

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Group home (level I)	-	A	A	A
Adult congregate living facility (8 residents max.)	-	A	A	A
Group home (level II & III)	-	-	-	S
Adult congregate living facility (20 residents max.)	-	-	-	S
Places of worship	<del>SA</del>	<del>SA</del>	<del>SA</del>	<del>SA</del>
Cemeteries	S	S	S	S
<i>Community Service</i>				
Emergency services	A	A	A	A
Educational centers including primary and secondary schools	S	S	S	S
Governmental administrative building	S	S	S	S
Community centers	-	-	S	S
Colleges/universities	S	S	S	S
Libraries	-	-	S	S
<i>Recreation</i>				
Country clubs	S	S	S	S
Golf courses	S	S	S	S
Public parks and playgrounds	A	A	A	A
Private/public docks	S	S	S	S
<i>Utility</i>				
Communications towers (wireless facilities including cell towers)	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>
Communications towers (non-wireless facilities including TV and radio broadcast towers)				
Amateur radio (accessory use)				
Less than 80 feet	P	P	P	P
80 feet or taller (see 971.44(4) for special criteria)	S	S	S	S
Commercial				
Up to 70 feet:				
Camouflaged	P	P	P	P
Non-camouflaged	-	-	-	-
70 feet to 150 feet:				

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Camouflaged	A	A	A	A
Monopole (minimum of 2 users)	-	-	-	-
Not camouflaged and not monopole	-	-	-	-
Over 150 feet:				
All tower types (see 971.44(1) for special criteria)	-	-	-	-
Limited public and private utilities	S	S	S	S
Public and private utilities heavy	S	S	S	S

P - Permitted use

A - Administrative permit use

S - Special Exception Use

<sup>1</sup> For wireless commercial facilities regulations, see subsection 971.44(5), Section 4 use table.

**SECTION #3:**

**Amend LDR Section 911.08(4), Uses; as follows:**

(4) *Uses.* Uses in the multiple-family districts are classified as permitted uses, administrative permit uses, and special exception uses. Site plan review shall be required for the construction, alteration and use of all structures and buildings except single-family dwellings.

Uses	District				
	RM-3	RM-4	RM-6	RM-8	RM-10
<i>Agricultural</i>					
Noncommercial nurseries and greenhouses	A	A	A	A	A
Noncommercial stables	A	A	A	A	A
<i>Residential</i>					
Accessory single-family dwelling unit	A	A	A	A	A
Small lot single-family subdivision	-	-	A	A	A
Single-family dwellings	P	P	P	P	P
SF dwelling (attached)	P	P	P	P	P
Duplex	P	P	P	P	P
Multifamily dwellings	P	P	P	P	P
Single-family docks and private observation/fishing piers on vacant lots	A	A	A	A	A
<del>Uses</del>	<del>RM-3</del>	<del>RM-4</del>	<del>RM-6</del>	<del>RM-8</del>	<del>RM-10</del>

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Bed and breakfasts	S	S	S	A	A
Residential resort	-	-	S	S	S
Guest cottage and servant's quarters	A	A	A	A	A
Small-scale Traditional Neighborhood Design (TND)	A	A	A	A	A
<i>Institutional</i>					
Child or adult care facilities	S	S	S	A	A
Foster care facilities	P	P	P	P	P
Group home (level I)	A	A	A	P	P
Adult congregate living facility (8 residents maximum)	A	A	A	P	P
Group home (level II & III)	S	S	S	A	A
Adult congregate living facility (20 residents maximum)	S	S	S	A	A
Group homes (residential centers)	S	S	S	S	S
Adult congregate living facility (21+ residents)	S	S	S	S	S
Residential treatment centers	-	-	-	S	S
Total care facilities	-	-	-	S	S
Places of worship	<del>SA</del>	<del>SA</del>	<del>SA</del>	A	A
Cemeteries	S	S	S	S	S
<i>Community Service</i>					
Cultural and civic facilities	-	-	-	S	S
Emergency services	P	P	P	P	P
Schools, primary and secondary	S	S	S	S	S
Colleges and universities	S	S	S	S	S
Libraries	S	S	S	S	S
Community centers	S	S	S	A	A
Government administrative buildings	S	S	S	S	S
Civic and social membership organizations	-	-	-	S	S
<i>Recreation</i>					
Beach clubs	S	S	S	S	S
Country clubs	S	S	S	S	S

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Golf courses	S	S	S	S	S
Public parks and playgrounds	A	A	A	A	A
Tennis facilities	S	S	S	S	S
Yacht clubs	S	S	S	S	S
Health and fitness clubs	S	S	A	A	A
Public/private docks	S	S	S	S	S
<i>Utility</i>					
Communications towers (wireless facilities including cell towers)	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>
Communications towers (non-wireless facilities including TV and radio broadcast towers)					
Amateur radio (accessory use)					
Less than 80 feet	P	P	P	P	P
80 feet or taller (see 971.44(4) for special criteria)	S	S	S	S	S
Commercial					
Up to 70 feet:					
Camouflaged	P	P	P	P	P
Non-camouflaged	-	-	-	-	-
70 feet to 150 feet:					
Camouflaged	A	A	A	A	A
Monopole (minimum of 2 users)	-	-	-	-	-
Not camouflaged and not monopole	-	-	-	-	-
Over 150 feet:					
All tower types (see 971.44(1) for special criteria)	-	-	-	-	-
Limited public and private utilities	S	S	S	S	S
Public and private utilities heavy	S	S	S	S	S

P - Permitted use

A - Administrative permit use

S - Special exception use

<sup>1</sup> For wireless commercial facilities regulations, see subsection 971.44(5), Section 4 use table.

**SECTION #4:**

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**Amend LDR Section 911.13(3)(c), Uses; as follows:**

(c) *Uses.* Uses in the Rose 4 district are classified as permitted uses, administrative permit uses and special exception uses. Site plan review shall be required for all uses except single-family dwellings and mobile homes erected on individual lots. All new mobile home parks or subdivisions must be platted and receive major site plan approval.

	ROSE-4
<i>Agricultural Uses</i>	
Noncommercial kennel	A
Noncommercial stable	A
Noncommercial greenhouse	A
<i>Residential Uses</i>	
Accessory single-family dwelling unit	A
Single-family dwellings	P
Mobile homes	P
<i>Public Service Uses</i>	
Child and adult care facilities	A
Foster care facilities	P
Places of worship	<del>S</del> <b>A</b>
Public parks and playgrounds	A
Emergency services	P
Educational facilities, excluding business	S
Group home (level 1)	A
Cemeteries	S
<i>Recreational</i>	
Golf courses	S
<i>Utility Uses</i>	
Public and private utilities (limited)	A
Communications towers (wireless facilities including cell towers)	A <sup>1</sup>
Communications towers (non-wireless facilities including TV and radio broadcast towers)	
Amateur radio (accessory use)	
Less than 80 feet	P
80 feet or taller (see 971.44(4) for special criteria)	S

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Commercial	
Up to 70 feet:	
Camouflaged	P
Non-camouflaged	-
70 feet to 150 feet:	
Camouflaged	A
Monopole (minimum of 2 users)	-
Not camouflaged and not monopole	-
Over 150 feet:	
All tower types (see 971.44(1) for special criteria)	-

P= Permitted

A= Administrative permit

S= Special exception

<sup>1</sup> For wireless commercial facilities regulations, see section 971.44(5), Section 4 use table.

SECTION #5:

**Amend LDR Section 911.13(4)(c), Uses; as follows:**

(c) *Uses.* Uses in the Air-1, airfield/residential district, are classified as permitted uses, administrative permit uses and special exception uses. Site plan review shall be required for all uses except single-family dwellings.

	AIR-1
<i>Agricultural Uses</i>	
Non-commercial kennel	A
Non-commercial stable	A
<i>Residential Uses</i>	
Single-family dwellings	P
<i>Institutional/Services Uses</i>	
Foster care facility	P
Group home (level 1)	A
Adult congregate living facility (8 residents maximum)	A
Places of worship	<u>SA</u>
Emergency services	P
Child and adult care facilities	S

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Public parks and playgrounds	P
Country clubs	S
Golf Courses	S
<i>Transportation and Utility Uses</i>	
Airstrips	P
Public and private utilities, limited	S
Communications towers (wireless facilities including cell towers)	A <sup>2</sup>
Communications towers (non-wireless facilities including TV and radio broadcast towers)	
Amateur radio (accessory use)	
Less than 80 feet	P
80 feet or taller (see 971.44(4) for special criteria)	S
Commercial	
Up to 70 feet:	
Camouflaged	-
Non-camouflaged	-
70 feet to 150 feet:	
Camouflaged	-
Monopole (minimum of 2 users)	-
Not camouflaged and not monopole	-
Over 150 feet:	
All tower types (see 971.44(1) for special criteria)	-

P= Permitted

A= Administrative permit

S= Special exception

<sup>1</sup> The requirements of section 917.06(11), of the Accessory Uses and Structures Chapter, shall apply to towers.

<sup>2</sup> For wireless commercial facilities regulations, see section 971.44(5), Section 4 use table.

SECTION #6:

**Amend LDR Section 971.28(5), Places of worship; as follows:**

- (5) Places of worship (administrative permit ~~and special exception~~).
  - (a) Districts requiring administrative permit approval, (pursuant to the provisions of [section] 971.04): **A-1 A-2 A-3 RFD RS-1 RS-2 RS-3 RS-6 RT-6 RM-3 RM-4 RM-6 RM-8 RM-10 RMH-6 RMH-8 CRVP ROSE-4 AIR-1.**

- (b) ~~Districts requiring special exception (pursuant to the provisions of [section] 971.05): A-1 A-2 A-3 RFD RS-1 RS-2 RS-3 RS-6 RT-6 RM-3 RM-4 RM-6 ROSE-4 AIR-1. Reserved.~~
- (c) Additional information requirements: The site plan shall denote the location of all existing structures, parking facilities, and the proposed circulation plan, pursuant to the requirements of Chapter 914.
- (d) Criteria for places of worship:
1. No building or structure shall be located closer than thirty (30) feet to any property line abutting a residential use or residentially designated property;
  2. ~~Access shall be from a major thoroughfare unless otherwise approved by the public works department;~~  
**The project site shall:**
    - a. **Have frontage on a Thoroughfare Plan road (including separation from a canal or similar right-of-way); or**
    - b. **Have a land use designation of M-1 or M-2; or**
    - c. **Be located within a Planned Development (PD); or**
    - d. **Be determined by the Public Works Director to be a small traffic generator as provided in subsection 952.07(5)(a) (less than 400 average daily trips).**
  3. Any accessory residential use, day care facility or school upon the premises shall provide such additional lot area as required for such use by this section and shall further be subject to all conditions set forth by the reviewing procedures and standards for that particular use. Accessory residential uses may include covenants, monasteries, rectories or parsonages as required by these regulations;
  4. A Type "B" buffer shall be provided along all property boundaries where the facility is located adjacent to a single-family residentially zoned property. A Type "C" buffer shall be provided along all property boundaries when the facility is located adjacent to a multiple-family residentially zoned property or agriculturally zoned property having a residential land use designation.
    - a. The board of county commissioners may waive or reduce the buffer requirements where the place of worship is located next to an existing cemetery, place of worship, child care facility, community center, or school. Consideration shall be given to security, noise, and visual impacts. Where a waiver or a buffer reduction is granted, normal perimeter landscaping requirements shall apply, and alternative requirements (such as fencing) may be required.
  5. Where a place of worship is located adjacent to an active agricultural operation, an "active agriculture" buffer as set forth in subsection 911.04(3)(c)6 shall be provided between the adjacent active agricultural operation and the place of worship building and parking facility.

**SECTION #7: SEVERABILITY**

If any clause, section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance and the remaining portion of this Ordinance shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

SECTION #8: REPEAL OF CONFLICTING ORDINANCES

The provisions of any other Indian River County ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

SECTION #9: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Indian River County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION #10: EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Department of State.

This ordinance was advertised in the Press-Journal on the \_\_\_\_ day of \_\_\_\_\_, 2018, for a public hearing to be held on the \_\_\_\_ day of \_\_\_\_\_, 2018, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Peter D. O'Bryan	_____
Vice Chairman Bob Solari	_____
Commissioner Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Tim Zorc	_____

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

The Chairman there upon declared the ordinance duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BY: \_\_\_\_\_  
Peter D. O'Bryan, Chairman

ATTEST: Jeffrey R. Smith, Clerk of Court and Comptroller

BY: \_\_\_\_\_  
Deputy Clerk

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This ordinance was filed with the Department of State on the following date: \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

\_\_\_\_\_  
Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

\_\_\_\_\_  
Stan Boling, AICP; Community Development Director