



MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Development Review Committee and
Emily Schemper, AICP, CFM, Acting Senior Director of Planning and Environmental
Resources

From: Cheryl Cioffari, AICP, Comprehensive Planning Manager

Date: November 28, 2018

Subject: An ordinance by the Monroe County Board of County Commissioners amending
Monroe County Land Development Code, Section 130-157 *Maximum Permanent
Residential Density and Minimum Required Open Space*, to address density issues on
parcels of land within the Improved Subdivision (IS) zoning district that are not platted
lots. (File #2018-197)

Meeting: January 15, 2019

I. REQUEST

The Monroe County Planning & Environmental Resources Department is proposing amendments to the Monroe County Land Development Code, Section 130-157 *Maximum Permanent Residential Density and Minimum Required Open Space*, as directed by the BOCC on August 15, 2018, to address density issues on parcels of land within the Improved Subdivision (IS) zoning district that are not platted lots.

II. BACKGROUND INFORMATION

On July 26, 2016, the Monroe County Planning Commission (PC) considered an appeal by a property owner who had been denied a building permit for a single family residence on an unplatted parcel of land with a Residential Medium (RM) Future Land Use Map (FLUM) designation and within an Improved Subdivision (IS) zoning district based on the density standard of one dwelling unit per platted lot for the RM and IS districts in the Comprehensive Plan and LDC. The PC denied the applicant's appeal.

On July 18, 2018, at their regularly scheduled meeting, the BOCC held a public hearing to consider a request for a Beneficial Use Determination (BUD) and the recommendations of the special magistrate for a parcel within an IS zoning district and with an RM FLUM, for which a building permit was denied because the property does not constitute a "lot" for purposes of density.

The special magistrate had issued a recommendation that the BOCC deny the owner's request for relief under the BUD ordinance. The BOCC denied the applicant's request for relief. The BOCC also directed staff to propose options for amendments to the Comprehensive Plan and/or LDC that would allow owners of parcels that do not constitute a "lot" within the IS zoning district to apply for a single family residence.

Monroe County's current adopted Comprehensive Plan and Land Development Code (LDC) have allocated density requirements that require a parcel to be a duly recorded lot on a plat approved by the County in order to develop a single family residential dwelling unit within the RM FLUM and IS zoning district.

The majority of parcels within IS zoning districts and with RM FLUM designations are platted lots within subdivisions identified on plats approved by the County. However, there are a number of parcels with RM FLUM and IS zoning designations that were created without plat approval or that contain land included on a plat but only identified as a "tract" or for some other purpose; such parcels do not meet the definition of "lot." The legal descriptions for a number of these parcels show that the property is located within a Tract of land included in a duly recorded plat, but these were not divided into "lots" at the time of the plat. In some cases, these tracts of land were subsequently divided into multiple parcels that were never shown as lots or parcels on a plat, re-plat, or amended plat approved by the County and recorded by the Clerk of Court's office. Such parcels do not meet the definition of "lot" and therefore have no density assigned to them.

The majority of these parcels were designated IS with the adoption of the land use district map in 1986 and RM with the adoption of the FLUM in 1993 (effective 1997).

On July 18, 2018, at their regularly scheduled meeting, the BOCC directed staff to propose options for amendments to the Comprehensive Plan and/or LDC that would allow owners of parcels that do not constitute a "lot" within the IS zoning district to apply for a single family residence.

On August 15, 2018, at the regularly scheduled meeting BOCC meeting Staff presented options for BOCC consideration. The BOCC directed staff to process text amendments to the Comprehensive Plan and LDC that would allow unplatted parcels within the IS zoning district to apply for a ROGO allocation in order to build a single family residence on such a parcel without the use of Transferable Development Rights (TDRs).

Community Meeting and Public Participation

In accordance with LDC Section 102-159(b)(3), a Community Meeting for the Comprehensive Plan and Land Development Code text amendments was held on November 27, 2018 in Marathon and provided for public input. Issues identified by the public at the meeting included:

- "current configuration" of parcels and how strict the date/location of parcel lines would be
- Paved roads – what constitutes a paved road
- ROGO process for owners who previously submitted applications under the current code

The subject of this staff report is the amendment to the Land Development Code.

III. PROPOSED LAND DEVELOPMENT CODE TEXT AMENDMENTS

Proposed Amendment (deletions are ~~stricken through~~; additions are shown in underlined):

Sec. 130-157. Maximum permanent residential density and minimum required open space.
The maximum permanent residential density for those uses permitted by this chapter and minimum required open space shall be in accordance with the following table:

Maximum Permanent Residential Density and Minimum Open Space			
Land Use District	Allocated Density^{(a)(b)} DU/Gross Acre of Upland	Maximum Net Density^{(a)(b)(c)} DU/Buildable Acre	Minimum Open Space Ratio^(d)
Airport (AD)	0	N/A	0.20
Commercial 1 (C1)	0	N/A	0.20
Commercial 2 (C2)	0	N/A	0.20
Commercial Fishing Area (CFA)	3	12 ^(e)	0.20
Commercial Fishing Special District (CFSD)	CFSD-20: 1 ^(f) Other CFSDs: 3	CFSD-20: N/A Other CFSDs: 12 ^(e)	0.20
Commercial Fishing Village (CFV)	1/lot	N/A	0.20
Conservation (CD)	0	N/A	0.90
Destination Resort (DR)	1.0	18.0 ^(e)	0.20
Improved Subdivision (IS)	1/lot, <u>or</u> <u>1/pre-1986 parcel^(g)</u>	0	0.20
Improved Subdivision – Duplex (IS-D)	2/lot	0	0.20
Industrial (I)	1.0	2.0	0.20
Mainland Native Area (MN)	0.01	N/A	0.99 ^(h)
Maritime Industries (MI) ^(ih)	1.0	2.0 ^(e)	0.20
Military Facilities (MF)	6.0	12.0	0.20
Mixed Use (MU)	1.0	12.0 ^(e)	0.20
Native Area (NA)	0.25	N/A	0.95 ^(d)

Offshore Island (OS)	0.1	N/A	0.95
Park and Refuge (PR)	0	N/A	0.90
Preservation (P)	0	N/A	1.00
Recreational Vehicle (RV)	0 ⁽ⁱ⁾	N/A	0.20
Sparsely Settled Residential (SS)	0.5	N/A	0.80
Suburban Commercial (SC)	3.0	TDRs: 6.0 ^(e) Affordable: 18.0 ^(e)	0.20
Suburban Residential (SR)	0.5	5.0 1/lot ^(k)	0.50
Suburban Residential (Limited) (SR-L)	0.5	3.0	0.50
Urban Commercial (UC)	6.0	12.0 ^(e)	0.20
Urban Residential (UR)	6.0	TDRs: 12.0 Affordable: 25.0	0.20
Urban Residential--Mobile Home (URM):	1/lot	N/A	0.20
Mobile Home Parks per Section 101-1	5.0	7.0	0.20
Urban Residential Mobile Home-Limited (URM-L)	1/lot	N/A	0.20

- (a) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net density bonuses shall not be available.
- (b) Vessels, including live-aboard vessels or associated wet slips, are not considered dwelling units and do not count when calculating density.
- (c) Maximum Net Density is the maximum density allowable with the use of the TDRs, or for qualifying affordable housing development. TDRs can be utilized to attain the density between the allocated density standard up to the maximum net density standard. Deed restricted affordable dwelling units may be built up to the maximum net density without the use of TDRs. "N/A" means that maximum net density bonuses shall not be available. Buildable acres means the portion of a parcel of land that is developable and is not required open space.
- (d) Additional open space requirements may apply based on environmental protection criteria - see additional open space ratios in Chapter 118. In accordance with section 101-2(1), the most restrictive of these ratios applies.
- (e) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing future land use categories, the maximum net density bonuses shall not be available.
- (f) Per Policy 101.5.25, the allocated density for the CFSD-20 land use district (Little Torch Key) shall be 1 dwelling unit per acre, or 1 dwelling unit per parcel for those parcels existing as of September 15, 1986, whichever is less, and the maximum net density bonuses shall not be available. Residential density shall be allowed in addition to the permitted nonresidential uses and intensity (i.e., density and intensity shall not be counted cumulatively).

g) Within the IS zoning district, the allocated density shall be 1 dwelling unit per parcel for

parcels that meet all of the following conditions:

- 1) The parcel boundaries must have been established in their current configuration prior to September 15, 1986;
- 2) The applicant must provide sufficient evidence that the parcel boundaries were established before September 15, 1986 (such as one or more of the following: boundary survey, deed, etc.);
- 3) The parcel may not be identified for any other use or purpose on a plat (e.g., “park,” “common area,” etc.);
- 4) The subject parcel may not be a fractional portion of a platted lot;
- 5) The parcel must have a Tier designation of Tier III;
- 6) The subject parcel must include all infrastructure (potable water, adequate wastewater treatment and disposal wastewater meeting adopted LOS, paved roads, etc.); and
- 7) The subject parcel must comply with Policy 301.2.5 of the Comprehensive Plan regarding legal access.

- (hg) The minimum open space ratio for the MN zoning district is 0.99 for permanent residential uses. For campground and nonresidential uses within the MN zoning district, the minimum open space ratio is 0.95, as shown in the density and intensity tables in Sections 130-162 and 130-164.
- (ih) A mixture of uses shall be maintained for parcels designated as MI zoning district that are within the MC future land use category. Working waterfront and water dependent uses, such as marina, fish house/market, boat repair, boat building, boat storage, or other similar uses, shall comprise a minimum of 35% of the upland area of the property, adjacent to the shoreline, pursuant to Policy 101.5.6 of the Comprehensive Plan.
- (ji) Per Section 130-92(a)(4), in the RV zoning district, commercial apartments shall be the only permanent residential use allowed, not to exceed 10% of total RV spaces allowed or in existence on the site, whichever is less.
- (kj) Within the SR zoning district, the maximum net density for platted lots shall be 1 dwelling unit per platted lot, provided all of the following conditions are met:
- 1) The parcel must be one full platted lot shown on a plat approved by the County and duly recorded prior to January 2, 1996;
 - 2) The platted lot may not be identified for any other use or purpose on the plat (e.g., “park,” “common area,” etc.);
 - 3) The platted lot must have a Tier designation of Tier III;
 - 4) Notwithstanding Section 130-160, the maximum net density may only be reached with the transfer of one (1) full TDR to the SR lot, regardless of the size of the lot and the allocated density assigned to it;
 - 5) The TDR must meet all requirements and procedures specified in Section 130-160;
 - 6) TDRs under this provision may not be transferred into noise zones of 65 DNL or greater; and
 - 7) The subject parcel must comply with Policy 301.2.5 of the Comprehensive Plan regarding legal access.

IV. ANALYSIS OF PROPOSED AMENDMENT

Monroe County’s current adopted Comprehensive Plan and Land Development Code (LDC) have allocated density requirements that require a parcel to be a duly recorded lot on a plat

approved by the County in order to develop a single family residential dwelling unit within an RM FLUM and IS zoning district.

Per LDC Section 130-36, “the purpose of the IS district is to accommodate the legally vested residential development rights of the owners of lots in subdivisions that were lawfully established and improved prior to the adoption of this LDC. For the purpose of this section, improved lots are those that are served by a dedicated and accepted existing road of porous or nonporous material, that have an approved potable water supply, and that have sufficient uplands to accommodate the proposed use in accordance with the required setbacks. This district is not intended to be used for new land use districts of this classification within the county.”

Per LDC Section 130-157, the IS zoning district has a maximum residential allocated density of one (1) dwelling unit per lot (1 du/lot), consistent with the allocated density for the RM FLUM pursuant to Policy 101.5.25 of the Comprehensive Plan.

“Buildable lot” is defined in LDC Section 101-1 as “a duly recorded lot as shown on a plat approved by the county that complies with each and every requirement of the Land Development Code.”

“Buildable parcel” is defined in LDC Section 101-1 as “a parcel of land, including but not limited to a buildable lot, that complies with each and every requirement of this Land Development Code.”

“Lot” is defined in LDC Section 101-1 as “a duly recorded lot as shown on a plat approved by the County. (Also described as platted lot.)”

“Parcel” is defined in LDC Section 101-1 as “any quantity of land and water capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.”

“Plat” is defined in LDC Section 101-1 as “an official subdivision approved by the County and in compliance with Chapter 177, F.S.”

“Platted lot” is defined in LDC Section 101-1 as “a lot that is identified on a plat that was approved by the board of county commissioners and duly recorded.”

The majority of parcels within IS zoning districts and with RL FLUM designations are platted lots within subdivisions identified on plats approved by the County. However, there are a number of parcels with RL FLUM and IS zoning designations that were created without plat approval or that contain land included on a plat but only identified as a “tract” or for some other purpose; such parcels do not meet the definition of “lot.” The legal descriptions for a number of these parcels show that the property is located within a Tract of land included in a duly recorded plat, but these were not divided into “lots” at the time of the plat. In some cases, these tracts of land were subsequently divided into multiple parcels that were never shown as lots or parcels on a plat, re-plat, or amended plat approved by the County and recorded by the Clerk of Court’s office. Such parcels do not meet the definition of “lot” and therefore have no density assigned to them.

Additionally, the current Comprehensive Plan and LDC do not assign a maximum net density to RM FLUM and IS zoning districts and, as such, the use of TDRs is not an option. Owners of vacant parcels that do not meet the definition of “lot” and are within the RM FLUM and IS zoning district therefore do not have any residential density.

The majority of these parcels were designated IS with the adoption of the land use district map in 1986 and RM with the adoption of the FLUM in 1993 (effective 1997).

Preliminary analysis of the platted subdivisions within the IS zoning district indicates that **there may be approximately 215 parcels (not qualifying as “lots”) identified on plats prior to September 15, 1986. Additional parcels that are not shown on approved plats have not been analyzed as of the date of this report.** The number of parcels within this scenario may vary as property owners have (and continue to) split and combine properties without County Planning & Environmental Resources Department knowledge (nor plat approval). If this amendment is adopted, each parcel shall be individually evaluated at the time of an application for development with the criteria established. Property owners must provide sufficient evidence that the parcel was created prior to September 15, 1986.

V. CONSISTENCY WITH THE MONROE COUNTY LAND DEVELOPMENT CODE

The proposed amendment is consistent with one or more of the required provisions of LDC Section 102-158(d)(7)(b):

1. Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based;

N/A

2. Changed assumptions (e.g., regarding demographic trends);

N/A

3. Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan;

When the IS zoning district was created in 1986, parcels that were not duly recorded platted lots were included in this zoning category even though they did not meet the density requirements. The proposed amendment aims to recognize parcels that existed in their current configuration at the time the IS zoning district and its density requirements were established.

4. New issues;

N/A

5. Recognition of a need for additional detail or comprehensiveness; or

N/A

6. Data updates;

N/A

In no event shall an amendment be approved which will result in an adverse community change to the planning area in which the proposed development is located or to any area in accordance with a livable community master plan pursuant to findings of the board of county commissioners.

The proposed text amendment is not anticipated to result in an adverse community change. All development shall be required to comply with level of service, concurrency, the regulations set forth in the Land Development Code and the Florida Building Code.

VI. CONSISTENCY WITH THE MONROE COUNTY COMPREHENSIVE PLAN, THE PRINCIPLES FOR GUIDING DEVELOPMENT, AND FLORIDA STATUTES.

A. The proposed amendment is consistent with the Goals, Objectives and Policies of the Monroe County 2030 Comprehensive Plan. Specifically, it furthers:

GOAL 101

Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources. [§163.3177(1), F.S.]

Objective 101.1

Monroe County shall ensure that all development and redevelopment taking place within its boundaries does not result in a reduction of the level-of-service requirements established and adopted by this comprehensive plan. Further, Monroe County shall ensure that comprehensive plan amendments include an analysis of the availability of facilities and services or demonstrate that the adopted levels of service can be reasonably met. [§163.3177 & 163.3180, F. S.]

Objective 101.3

Monroe County shall regulate new residential development based upon the finite carrying capacity of the natural and man-made systems and the growth capacity while maintaining a maximum hurricane evacuation clearance time of 24 hours.

Policy 101.3.1

Monroe County shall maintain a Permit Allocation System for new residential development known as the Residential Rate of Growth Ordinance (ROGO) System. The Permit Allocation System shall limit the number of permits issued for new residential dwelling units. The ROGO allocation system shall apply within the unincorporated area of the county, excluding areas within the county mainland and within the Ocean Reef planned development (Future development in the Ocean Reef planned development is based upon the December 2010 Ocean Reef Club Vested Development Rights Letter recognized and issued by the Department of Community Affairs). New residential dwelling units included in the ROGO allocation system include the following: affordable housing units; market rate dwelling units; mobile homes; and institutional residential units (except hospital rooms).

Vessels are expressly excluded from the allocation system, as the vessels do not occupy a distinct location, and therefore cannot be accounted for in the County's hurricane evacuation model. Under no circumstances shall a vessel, including live-aboard vessels, or associated wet slips be transferred upland or converted to a dwelling unit of any other type. Vessels or associated wet slips are not considered ROGO allocation awards, and may not be used as the basis for any type of ROGO exemption or TRE (Transfer of ROGO Exemption).

ROGO Allocations for rooms, hotel or motel; campground spaces; transient residential units; and seasonal residential units are subject to Policy 101.3.5.

Policy 101.5.3

The principal purpose of the Residential Medium (RM) future land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed on or before January 4, 1996.

Policy 101.18.3

Within the IS, IS-D, URM, URM-L and CFV land use districts (zoning), parcels platted as of September 15, 1986 shall not be further subdivided in a way that creates more net lots than the original plat.

Policy 301.2.5

In order to proceed with development, a parcel shall have legal access to public or private roads, rights of way or easements or such access shall be established.

B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statutes.

For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the principles for guiding development and any amendments to the principles, the principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions.

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and benthic resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.

- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 1. The Florida Keys Aqueduct and water supply facilities;
 2. Sewage collection, treatment, and disposal facilities;
 3. Solid waste treatment, collection, and disposal facilities;
 4. Key West Naval Air Station and other military facilities;
 5. Transportation facilities;
 6. Federal parks, wildlife refuges, and marine sanctuaries;
 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 8. City electric service and the Florida Keys Electric Co-op; and
 9. Other utilities, as appropriate.
- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
- (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is not inconsistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:

163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

163.3161(6), F.S. – It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

163.3177(1), F.S. – The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government’s programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

163.3201, F.S. – Relationship of comprehensive plan to exercise of land development regulatory authority.—It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code for an area shall be based on, be related to, and be a means of implementation for an adopted comprehensive plan as required by this act.

VII. PROCESS

Land Development Code Amendments may be proposed by the Board of County Commissioners, the Planning Commission, the Director of Planning, private application, or the owner or other person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process applications as they are received and pass them onto the Development Review Committee and the Planning Commission.

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the adoption of the proposed amendment, and considers the staff report, staff recommendation, Planning Commission recommendation and the testimony given at the public hearing. The BOCC may adopt the proposed amendment based on one or more of the factors established in LDC Section 102-158(d)(7).

VIII. STAFF RECOMMENDATION

Staff recommends approval of the proposed amendment.