

Amendment 2 to Council Bill No. 44-2016

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Amendment No. 2

(This amendment would add a requirement for public art in MIHU developments)

1 On the title page, in line 3 of the title, after the semi-colon, insert “requiring that certain
2 types of construction provide for art in the community;”.

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4 On page 4, in line 18, insert the following:

5 “[[d]]E. Off-Street Parking: Off-street parking and loading facilities within
6 Downtown Columbia must be provided in accordance with the provisions for
7 Downtown Revitalization in Section 133.0.E.3.

8 [[e]]F. Previously Developed Properties.

9 (1) Notwithstanding any other provision of these Regulations, any property
10 currently improved with a building and any associated parking lots
11 pursuant to a recorded Final Development Plan and an approved Site
12 Development Plan as of April 6, 2010, may continue to be used in
13 accordance with the terms and requirements on the Final Development
14 Plan, but only to the same size and dimensions in the same location as
15 shown on the approved Site Development Plan, except for minor changes
16 to the Site Development Plan, which shall be governed by Section
17 125.0.G.

18 (2) Demolition of existing improvements that are located within Downtown
19 Columbia that occurs after April 6, 2010 shall result in the creation of a
20 Demolition Development Credit equal to the number of dwellings and
21 gross floor area devoted to nonresidential uses that were demolished. A
22 Demolition Development Credit: (I) may be used anywhere within
23 Downtown Columbia; and (II) shall not be limited by or counted against

1 recommended development levels in the Downtown Columbia Plan or the
2 maximum level of development permitted by Section 125.0.A.9.c.

3 (3) Any existing structure or improvement that is located within Downtown
4 Columbia that is destroyed by fire, flood or other calamity may be restored
5 to the same size and dimensions in the same location as the destroyed
6 structure in accordance with the previously approved Site Development
7 Plan, provided that a building permit is issued with two (2) years from the
8 date such structure was destroyed and reconstruction begins within six (6)
9 months after issuance of the building permit. The Planning Board may
10 approve an extension for good cause shown up to a maximum two
11 additional years to obtain a building permit and begin construction.
12 Structures and improvements constructed under this Section
13 125.0.A.9.f.(3) shall not be limited by or counted against development
14 levels in the Downtown Columbia Plan or the maximum Downtown Net
15 New level of development permitted by Section 125.0.A.9.c.

16 [[f]]G. Additional Requirements.

17 (1)The maximum building height permitted for Downtown Revitalization shall
18 conform to the building height shown on the Downtown Maximum Building
19 Height Plan and shall not exceed twenty stories.

20 (2)Any Downtown Revitalization Development shall provide for art in the
21 community that is equivalent in value to 1% of the building construction cost.

22 (a) Art must be provided:

23 (i) On site;

24 (ii) On other property located within Downtown Revitalization development
25 provided with the written consent of the owner of the fee simple property;

26 or

27 (iii)The petitioner may pay a fee in-lieu of providing art on-site that is
28 equivalent in value to 1% of the building construction cost.

29 (b) Art may be provided in combination with other Downtown Revitalization

1 Developments.

2 (c) Each in-lieu fee must be paid prior to issuance of a use and occupancy permit
3 for the first building in the project that generates the requirement, and the
4 collected funds must be used to provide art on property within Downtown
5 Revitalization Developments.

6 (d) If the value of the art provided on site or in combination with other projects
7 exceeds 1% of the building construction cost, then the excess value beyond
8 1% can be credited towards the requirements of this subsection for a
9 subsequent-Final Development Plan subject to the procedures and
10 requirements set forth in this subsection.

11 (e) The following construction projects are not subject to the requirements of this
12 section:

13 [(i) Construction of Moderate Income Housing Units.]

14 [(ii)](i) Construction of places of worship and their accessory uses.

15 [(iii)](ii) Renovations to existing or construction of new cultural facilities
16 which include facilities located within a Downtown Arts and
17 Entertainment Park, Downtown Arts, Cultural and Community Uses, and
18 Downtown Community Commons.

19 [(iv)](iii) Parking Structures.

20 [(v)](iv) Renovations to existing buildings or structures required by
21 government mandated code compliance construction projects, such as
22 projects exclusively designed for compliance with the Americans with
23 Disabilities Act ("ADA"), the Maryland Accessibility Code, the National
24 Fire Protection Association (NFPA) Life Safety Code, and/or fire sprinkler
25 retrofits.”.

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