

Amendment 5 to Council Bill No. 9-2020

BY: David Yungmann

Legislative Day No. 6

Date: May 4, 2020

Amendment No. 5

*(This Amendment clarifies the purpose paragraph on the title page, requires a Hearing Authority to consider a variance petition within a certain easement area if the Hearing Authority determines that the variance is consistent with a certain easement; specifies that certain setbacks do not apply if the petitioner has certain easements on specified pipestems; and removes certain provisions relating to validity and legality of easements and similar instruments.)*

1 On the title page, in the purpose paragraph:

- 2 • strike “to allow the Hearing Authority to grant variances to certain setbacks” and  
3 substitute “allowing the Hearing Authority to consider the terms of certain easements and  
4 to grant a variance under certain conditions; establishing”;
- 5
- 6 • On the title page, in the purpose paragraph, after the last semi-colon, insert “limiting this Act to  
7 private academic schools;”.
- 8
- 9 • strike “for”;
- 10
- 11 • strike “that is” and substitute “and nursery school as”; and
- 12
- 13 • strike “under specified conditions”.
- 14

ADOPTED with amendments 6/11/2020  
FAILED  
SIGNATURE Deanne A. Jones

15  
16 On page 1, in line 17, after “PETITION” insert “AND THE HEARING AUTHORITY IS SATISFIED THAT  
17 EACH FEE SIMPLE PROPERTY OWNER OF A PROPERTY SUBJECT TO THE PETITION HAS BEEN NOTIFIED  
18 IN WRITING”

19  
20 On page 2, strike lines 29 to 31 and substitute:

21 “5. AT A HEARING TO CONSIDER A VARIANCE PETITION OR CONDITIONAL USE PROPOSED FOR  
22 A PRIVATE ACADEMIC SCHOOL, INCLUDING A COLLEGE OR UNIVERSITY WITHIN AN EASEMENT  
23 AREA, THE HEARING AUTHORITY SHALL PROCEED IF THE HEARING AUTHORITY

24 DETERMINES THAT THE PROPOSED USE OR VARIANCE IS CONSISTENT WITH THE TERMS AND  
25 CONDITIONS OF ANY EXCLUSIVE EASEMENT THAT THE PETITIONER SUBMITS AND RELIES ON  
26 AS PART OF THE PETITION. A DETERMINATION OF CONSISTENCY DOES NOT BIND A COURT IN  
27 ANY PROCEEDING RELATED TO THE MATTER.”.

28  
29 On page 2, in line 32, before “ANY” insert “THIS PARAGRAPH APPLIES ONLY TO PRIVATE ACADEMIC  
30 SCHOOLS, INCLUDING COLLEGES AND UNIVERSITIES.

31  
32 On page 3, in line 3, strike “OR ITS PREDECESSOR WAS GRANTED” and substitute “HAS”.

33  
34 On page 3, in line 3. after “RECORDED” insert “EXCLUSIVE”.

35  
36 On page 3, in line 3, strike “RECORDED INSTRUMENT”.

37  
38 Also on page 3, in line 4, before the period, insert:

39 “AND THE PETITIONER OWNS ALL OF THE PROPERTIES THAT ADJACENT TO THE PROPERTY TO  
40 WHICH THE EXCLUSIVE EASEMENT OR OTHER RECORDED INSTRUMENT APPLIES. THE  
41 PROPERTY ON THE OPPOSITE SIDE OF THE EASEMENT FROM THAT PORTION OF THE  
42 PROPERTY WHERE THE SETBACK WOULD NOT APPLY. THE HEARING AUTHORITY SHALL  
43 CONSIDER MULTIPLE ADJACENT EXCLUSIVE PIPESTEM EASEMENTS AS A SINGLE  
44 EASEMENT IF THE TOTAL WIDTH OF THE ADJACENT PIPESTEM EASEMENTS DOES NOT  
45 EXCEED A TOTAL WIDTH OF 75 FEET”.

46  
47 Also on page 3 in line 4, strike beginning with “THE VALIDITY” down through and including all  
48 of line 8.

49  
50 On page 4, strike lines 15 to 21 and substitute:

51 “F. THIS PARAGRAPH APPLIES ONLY IF THE PETITIONER IS A PRIVATE ACADEMIC SCHOOL,  
52 INCLUDING A COLLEGE OR UNIVERSITY. WRITTEN AUTHORIZATION FROM THE  
53 PROPERTY'S OWNER (IF OTHER THAN THE PETITIONER). THE AUTHORIZATION MAY  
54 BE IN THE FORM OF A RECORDED EXCLUSIVE EASEMENT OR SIMILAR RECORDED

INSTRUMENT."

**Amendment 1 to Amendment 5 to Council Bill No. 9-2020**

**BY: David Yungmann**

**Legislative Day No. 7**

**Date: May 18, 2020**

**Amendment 1 to Amendment 5**

*(This Amendment clarifies the criterion for abutting properties)*

1 On page 2, in line 25, strike "ALL OF THE PROPERTIES THAT ABUT THE PROPERTY TO WHICH THE  
2 EXCLUSIVE EASEMENT OR OTHER RECORDED INSTRUMENT APPLIES" and substitute "THE PROPERTY ON  
3 THE OPPOSITE SIDE OF THE EASEMENT FROM THAT PORTION OF THE PROPERTY WHERE THE SETBACK  
4 WOULD NOT APPLY".

5

6

ADOPTED May 18, 2020  
FAILED \_\_\_\_\_  
SIGNATURE Deanne A. Jones

**Amendment 2 to Amendment 5 to Council Bill No. 9-2020**

**BY: Christiana Rigby**

**Legislative Day No. 9**

**Date: June 1, 2020**

**Amendment No. 2 to Amendment 5**

*(This Amendment limits the Act to private schools.)*

1 On the first page, insert after line 5:

2 “● On the title page, in the purpose paragraph, after the last semi-colon, insert “limiting this Act to  
3 private academic schools;”.”

4

5 Also on the first page, in line 19 insert:

6 “On page 2, in line 32, before “ANY” insert “THIS PARAGRAPH APPLIES ONLY TO PRIVATE ACADEMIC  
7 SCHOOLS, INCLUDING COLLEGES AND UNIVERSITIES.”.”

8

9 Also on the first page, at the end of line 13, insert “FOR A PRIVATE ACADEMIC SCHOOL, INCLUDING A  
10 COLLEGE OR UNIVERSITY”.”

11

12 On the second page, in line 35, before “WRITTEN” insert “THIS PARAGRAPH APPLIES ONLY IF THE  
13 PETITIONER IS A PRIVATE ACADEMIC SCHOOL, INCLUDING A COLLEGE OR UNIVERSITY.””

14

ADOPTED June 1, 2020  
FAILED \_\_\_\_\_  
SIGNATURE Diana J. Jones

**Amendment 5 to Amendment 5 to Council Bill No. 9-2020**

**BY: David Yungmann**

**Legislative Day No. 9**

**Date: June 1, 2020**

**Amendment No. 5 to Amendment 5**

*(This Amendment provides for a certain notice and removes references to other instruments for consistency.)*

- 1 On page 1, after line 11, insert:
- 2        “On page 1, in line 17, after “PETITION” insert “AND THE HEARING AUTHORITY IS
- 3        SATISFIED THAT EACH FEE SIMPLE PROPERTY OWNER OF A PROPERTY SUBJECT TO THE
- 4        PETITION HAS BEEN NOTIFIED IN WRITING””.
- 5
- 6 On page 2, in line 37, strike “OR SIMILAR RECORDED INSTRUMENT”.
- 7
- 8 On page 3, in line 23, insert “On page 3, in line 3, strike “RECORDED INSTRUMENT””.
- 9
- 10

ADOPTED 6/1/2020  
FAILED \_\_\_\_\_  
SIGNATURE David Yungmann

**Amendment 3 to Amendment 5 to Council Bill No. 9-2020**

**BY: David Yungmann**

**Legislative Day No. 9**

**Date: June 1, 2020**

**Amendment No. 3 to Amendment 5**

*(This Amendment provides for a notice to specified persons and clarifies a reference to a certain recorded instrument.)*

1 On page 1, in line 17, after "PETITION" insert "AND THE HEARING AUTHORITY IS SATISFIED THAT  
2 EACH FEE SIMPLE PROPERTY OWNER OF A PROPERTY SUBJECT TO THE PETITION HAS BEEN NOTIFIED  
3 IN WRITING".

4  
5

6 On page 2, in line 23, insert:

7 "On page 3, in line 3, strike "SIMILAR" and substitute "ANOTHER EXCLUSIVE SIMILAR"."

withdrawn  
6/1/2020

**Amendment 4 to Amendment 5 to Council Bill No. 9-2020**

**BY: David Yungmann**

**Legislative Day No. 9**

**Date: June 1, 2020**

**Amendment No. 4 to Amendment 5**

*(This Amendment clarifies the meaning of "exclusive".)*

1 On page 2, in line 33, insert:

2 "On page 3, before line 9, insert:

3 "7. For purposes of this subsection D and for purposes of subsection F of this Regulation,  
4 exclusive means for the benefit of the petitioner only and not for the benefit of anyone  
5 else."."

Not moved 6/1/2020



Amendment 5 to Council Bill No. 9-2020

BY: David Yungmann

Legislative Day No. 6

Date: May 4, 2020

Amendment No. 5

*(This Amendment clarifies the purpose paragraph on the title page, requires a Hearing Authority to consider a variance petition within a certain easement area if the Hearing Authority determines that the variance is consistent with a certain easement; specifies that certain setbacks do not apply if the petitioner has certain easements on specified pipestems; and removes certain provisions relating to validity and legality of easements and similar instruments.)*

1 On the title page, in the purpose paragraph:

- 2 • strike “to allow the Hearing Authority to grant variances to certain setbacks” and  
3 substitute “allowing the Hearing Authority to consider the terms of certain easements and  
4 to grant a variance under certain conditions; establishing”;  
5  
6 • strike “for”;  
7  
8 • strike “that is” and substitute “and nursery school as”; and  
9  
10 • strike “under specified conditions”.  
11

12 On page 2, strike lines 29 to 31 and substitute:

13 “5. AT A HEARING TO CONSIDER A VARIANCE PETITION OR CONDITIONAL USE PROPOSED  
14 WITHIN AN EASEMENT AREA, THE HEARING AUTHORITY SHALL PROCEED IF THE HEARING  
15 AUTHORITY DETERMINES THAT THE PROPOSED USE OR VARIANCE IS CONSISTENT WITH THE  
16 TERMS AND CONDITIONS OF ANY EXCLUSIVE EASEMENT THAT THE PETITIONER SUBMITS  
17 AND RELIES ON AS PART OF THE PETITION. A DETERMINATION OF CONSISTENCY DOES NOT  
18 BIND A COURT IN ANY PROCEEDING RELATED TO THE MATTER.”.

19  
20 On page 3, in line 3, strike “OR ITS PREDECESSOR WAS GRANTED” and substitute “HAS”.

21

22 On page 3, in line 3. after “RECORDED” insert “EXCLUSIVE”.

23

24 Also on page 3, in line 4, before the period, insert:

25 “AND THE PETITIONER OWNS ALL OF THE PROPERTIES THAT ABUT THE PROPERTY TO  
26 WHICH THE EXCLUSIVE EASEMENT OR OTHER RECORDED INSTRUMENT APPLIES. THE  
27 HEARING AUTHORITY SHALL CONSIDER MULTIPLE ADJACENT EXCLUSIVE PIPESTEM  
28 EASEMENTS AS A SINGLE EASEMENT IF THE TOTAL WIDTH OF THE ADJACENT  
29 PIPESTEM EASEMENTS DOES NOT EXCEED A TOTAL WIDTH OF 75 FEET”.

30

31 Also on page 3 in line 4, strike beginning with “THE VALIDITY” down through and including all  
32 of line 8.

33

34 On page 4, strike lines 15 to 21 and substitute:

35 “F. WRITTEN AUTHORIZATION FROM THE PROPERTY'S OWNER (IF OTHER THAN THE  
36 PETITIONER). THE AUTHORIZATION MAY BE IN THE FORM OF A RECORDED  
37 EXCLUSIVE EASEMENT OR SIMILAR RECORDED INSTRUMENT.”

Amendment 1 to Amendment 1 to Council Bill No. 9-2020

BY: Deb Jung

Legislative Day No. 3

Date: March 2, 2020

Amendment No. 1 to Amendment 1

*(This Amendment retains the requirement for written authorization from those who are not the property owner.)*

1 On page 1, strike line 11 in its entirety and substitute:

2

3 “On page 4, strike beginning with the comma on line 16 down through and including line 21 and  
4 substitute a period. Also on page 4, strike the double brackets on line 22 and strike “G.”.”

ADOPTED 6/1/2020  
FAILED \_\_\_\_\_  
SIGNATURE Diane A. Jones

**Amendment 1 to Council Bill No. 9-2020**

**BY: Liz Walsh**

**Legislative Day No. 3**

**Date: March 2, 2020**

**Amendment No. 1**

*(This Amendment removes all the proposed changes except the change that would allow child day care centers and nursery schools as an accessory use to specific conditional uses.)*

- 1 On the title page, in the purpose paragraph, strike “the Hearing Authority to grant variances to  
2 certain setbacks for”.
- 3 On page 2, line 12, strike “AND 131.0.O.”
- 4 On page 2, line 13, strike “AND 131.0.O.”
- 5 On page 2, beginning on line 14 and ending on line 15, strike the words, “AND EXCEPT AS  
6 PROVIDED IN SECTION 131.0.D.5 AND SECTION 131.0.D.6”.
- 7 On page 2, line 16, strike “AND 131.0.O.”
- 8 On page 2, line 21, strike “OR 131.0.O.”
- 9 On page 2, strike lines 29 through 32 in their entirety and on page 3 strike lines 1 through 8 in  
10 their entirety.
- 11 On page 4, strike lines 15-21 and strike the double brackets on line 22 and strike “G.”.
- 12

ADOPTED \_\_\_\_\_  
FAILED as amended 6/11/2020  
SIGNATURE Deanne Jones

Amendment 2 to Council Bill No. 9-2020

BY: David Yungmann

Legislative Day No. 3

Date: March 2, 2020

Amendment No. 2

*(This Amendment requires the Hearing Authority to determine whether a proposed use is consistent with an easement.)*

1 On page 2, in line 31, after the final period, insert: "AT A HEARING TO CONSIDER A VARIANCE PETITION  
2 OR CONDITIONAL USE PROPOSED WITHIN AN EASEMENT AREA, THE HEARING AUTHORITY MAY PROCEED  
3 IF THE HEARING AUTHORITY DETERMINES THAT THE PROPOSED USE OR VARIANCE IS CONSISTENT WITH  
4 THE TERMS AND CONDITIONS OF ANY EASEMENT THAT THE PETITIONER RELIES ON AS PART OF THE  
5 PETITION. A DETERMINATION OF CONSISTENCY DOES NOT BIND A COURT IN ANY PROCEEDING RELATED  
6 TO THE MATTER.".

7  
8

w/drawn 6/1/2020

Amendment 3 to Council Bill No. 9-2020

BY: David Yungmann

Legislative Day No. 3

Date: March 2, 2020

Amendment No. 3

*(This Amendment provides that a petitioner who relies on an easement must own all the properties that abut the easement.)*

1 On page 3, in line 4, after "INSTRUMENT" insert "AND THE PETITIONER OR ITS PREDECESSOR OWN ALL OF  
2 THE PROPERTIES THAT ABUT THE PROPERTY TO WHICH THE EASEMENT OR OTHER RECORDED  
3 INSTRUMENT APPLIES".

4  
5  
6

withdrawn 6/1/2020

Amendment 4 to Council Bill No. 9-2020

BY: Deb Jung

Legislative Day No. 3

Date: March 2, 2020

Amendment No. 4

*(This Amendment requires written authorization from the property's owner (if other than the Petitioner) that is the subject of the Conditional Use by eliminating the presumption that an easement or similar recorded instrument is equivalent to the written authorization.)*

- 1 On page 4, strike beginning with the comma in line 16 down through but not including the final period in  
2 line 21.

ADOPTED \_\_\_\_\_  
FAILED 6/11/2020  
SIGNATURE Debra Jung