

**Amended Amendment 15 to Council Bill No.59-2009 (as amended)**

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and at the request of the County Executive

Legislative Day No. 2  
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**Amended Amendment No. 15**

*(This amendment clarifies the public art requirement.)*

On page 15, strike line ~~28 through line 10 on page 16~~ 1 through line 15 on page 16 and substitute:

~~“(D) PROVIDE ART IN DOWNTOWN REVITALIZATION DEVELOPMENT THAT IS EQUIVALENT IN VALUE TO 1% OF THE BUILDING CONSTRUCTION COST.”~~

~~(1) ART MUST BE PROVIDED~~

~~a. ON SITE;~~

~~b. ON OTHER PROPERTY LOCATED WITHIN DOWNTOWN REVITALIZATION DEVELOPMENT PROVIDED WITH THE WRITTEN CONSENT OF THE OWNER OF THE FEE SIMPLE PROPERTY, OR~~

~~c. THE PETITIONER MAY PAY A FEE IN LIEU OF PROVIDING ART ON SITE THAT IS EQUIVALENT IN VALUE TO 1% OF THE BUILDING CONSTRUCTION COST.~~

~~(2) ART MAY BE PROVIDED IN COMBINATION WITH OTHER DOWNTOWN REVITALIZATION DEVELOPMENTS.~~

~~(3) EACH IN LIEU FEE MUST BE PAID PRIOR TO ISSUANCE OF A USE AND OCCUPANCY PERMIT FOR THE FIRST BUILDING IN THE PROJECT THAT GENERATES THE REQUIREMENT, AND THE COLLECTED FUNDS MUST BE USED TO PROVIDE ART ON PROPERTY WITHIN DOWNTOWN REVITALIZATION DEVELOPMENTS.~~

~~(4) IF THE VALUE OF ART PROVIDED ON SITE OR IN COMBINATION WITH OTHER PROJECTS EXCEEDS 1% OF THE BUILDING CONSTRUCTION COST, THEN THE EXCESS VALUE BEYOND 1% CAN BE CREDITED TOWARDS THE REQUIREMENTS OF~~

1 THIS SUBSECTION FOR A SUBSEQUENT FINAL DEVELOPMENT PLAN SUBJECT TO  
2 THE PROCEDURES AND REQUIREMENTS SET FORTH IN THIS SUBSECTION.”

3 “(3) Any downtown revitalization development shall provide for art in the  
4 community that is equivalent in value to 1% of the building construction cost.

5 (A) Art must be provided:

- 6 1. On site;
- 7 2. On other property located within downtown revitalization  
8 development provided with the written consent of the owner of the  
9 fee simple property; or
- 10 3. The petitioner may pay a fee in-lieu of providing art on-site that is  
11 equivalent in value to 1% of the building construction cost.

12 (B) Art may be provided in combination with other downtown revitalization  
13 developments.

14 (C) Each in-lieu fee must be paid prior to issuance of a use and occupancy  
15 permit for the first building in the project that generates the requirement,  
16 and the collected funds must be used to provide art on property within  
17 downtown revitalization developments.

18 (D) If the value of the art provided on site or in combination with other  
19 projects exceeds 1% of the building construction cost, then the excess  
20 value beyond 1% can be credited towards the requirements of this  
21 subsection for a subsequent Final Development Plan subject to the  
22 procedures and requirements set forth in this subsection.

23 (E) The following construction projects are not subject to the requirements of  
24 this Section:

- 25 1. Construction of moderate income housing units.
- 26 2. Construction of places of worship and their accessory uses.
- 27 3. Renovations to existing or construction of new cultural facilities  
28 which include facilities located within a downtown arts and  
29 entertainment park, downtown arts, cultural and community uses,  
30 and downtown community commons.
- 31 4. Parking structures.

- 1                   5.   Renovations to existing buildings or structures required by  
2                           government mandated code compliance construction projects, such  
3                           as projects exclusively designed for compliance with the Americans  
4                           with Disabilities Act (“ADA”), the Maryland Accessibility Code, the  
5                           National Fire Protection Association (NFPA) Life Safety Code,  
6                           and/or fire sprinkler retrofits.”  
7