

**Amended Amendment 6 to Council Bill No. 59-2009, as amended**

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and at the request of the County Executive**

**Legislative Day No. 2  
Date: February 1, 2010**

**Amended Amendment No. 6**

*(This amendment makes certain changes to open space preservation and enhancement requirements in order to:*

- 1. Remove certain redundant language;*
- 2. Reorganize certain language;*
- 3. Clarify the nature of future sites for downtown community commons; and*
- 4. Clarify what happens if downtown community commons are identified in excess of the requirement.)*

1 On page 12, strike lines 21 through 30, inclusive and in their entirety.

2  
3 On page 13, strike lines 1 through 3, inclusive and in their entirety.

4  
5 Renumber the remainder of Section 125.A.9 accordingly.

6 On page 17, in line 8, strike “PLAN AND”, and substitute:

7  
8 “PLAN.

9  
10 (4)

11 ”

12 On page 17, in line 17, strike “LAND” and substitute “DOWNTOWN COMMUNITY COMMONS MAY  
13 BE LOCATED WITHIN AREAS DESIGNATED AS OPEN SPACE UNDER A PREVIOUSLY APPROVED FINAL  
14 DEVELOPMENT PLAN. HOWEVER, LAND”.

15  
16 On page 17, in line 24, strike “BE” and substitute “INCLUDE SITES”.

17  
18 On page 17, in line 25, strike “IS” and substitute “ARE”.

19  
20 On page 17, in line 27, after “DIAGRAM” insert “AND OTHER SITES WHICH SHALL BE IDENTIFIED  
21 AND IMPROVED TO ENHANCE NEIGHBORHOOD DEVELOPMENT”.

22  
23 On page 17, in line 28, before “At” insert “EXCEPT FOR ANY NEIGHBORHOOD COMPRISED

1 ENTIRELY OF LAND RECORDED AS OPEN SPACE PRIOR TO (EFFECTIVE DATE), EACH NEIGHBORHOOD  
2 SHALL INCLUDE AT LEAST ONE DOWNTOWN NEIGHBORHOOD SQUARE.”.

3  
4 On page 17, in line 31 after “BE” insert “COMPLETED AND”.

5  
6 On page 18, after line 5, insert:

7 “(F) NEW DOWNTOWN COMMUNITY COMMONS MUST BE CONSTRUCTED PRIOR TO OCCUPANCY OF  
8 MORE THAN 50% OF ALL EXISTING AND PROPOSED BUILDINGS HAVING A FAÇADE ADJACENT TO THE  
9 SPACE, OR IN ACCORDANCE WITH A PHASING PLAN APPROVED AS PART OF THE FINAL DEVELOPMENT  
10 PLAN.

11 (G) EACH FINAL DEVELOPMENT PLAN SHALL DESIGNATE 5% OF THE AREA THAT HAS NOT BEEN  
12 PREVIOUSLY DESIGNATED AS EITHER OPEN SPACE OR PUBLIC RIGHT-OF-WAY AS DOWNTOWN  
13 COMMUNITY COMMONS; EXCEPT THAT IF MORE THAN 5% IS DESIGNATED AS DOWNTOWN  
14 COMMUNITY COMMONS ON ANY GIVEN FINAL DEVELOPMENT PLAN, THE EXCESS BEYOND 5% CAN  
15 BE CREDITED TOWARDS THE DOWNTOWN COMMUNITY COMMONS OBLIGATION ON A SUBSEQUENT  
16 FINAL DEVELOPMENT PLAN WITH THE WRITTEN CONSENT OF THE FEE SIMPLE OWNER OF THE LAND  
17 ON WHICH THE DOWNTOWN COMMUNITY COMMONS TO BE CREDITED IS LOCATED.”.