

Amended Amendment 9 to Council Bill 59-2009 (as amended)

**BY: Calvin Ball
Mary Kay Sigaty
Jennifer Terrasa
And at the request of the County Executive**

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

Amended Amendment No. 9

(This amendment clarifies the CEPPA obligations.)

1 On page 19, in line 27, strike “USES;” and substitute “USES, DOWNTOWN COMMUNITY
2 COMMONS, OR DOWNTOWN PARKLAND;”
3

4 Also on page 19, in line 28, strike “A PARCEL OF RECORD” and substitute “AN INDIVIDUAL
5 PARCEL OF LAND SHOWN ON A PLAT OR DEED RECORDED AMONG THE COUNTY LAND
6 RECORDS”.
7

8 Also on page 19, in line 29, after “TO” insert “A TOTAL OF”. In line 30, after “AREA”
9 insert “AND NO OTHER DEVELOPMENT”.
10

11 Also on page 19, strike line 31 through line 15 on page 20 and substitute:

12 “(3) IF A SPECIFIC CEPPA IDENTIFIED IN THE DOWNTOWN CEPPA IMPLEMENTATION
13 CHART CANNOT BE PROVIDED BECAUSE: (I) THE CONSENT OF THE OWNER OF THE LAND ON
14 WHICH THE CEPPA IS TO BE LOCATED OR FROM WHOM ACCESS IS REQUIRED CANNOT
15 REASONABLY BE OBTAINED; (II) ALL NECESSARY PERMITS OR APPROVALS CANNOT
16 REASONABLY BE OBTAINED FROM APPLICABLE GOVERNMENTAL AUTHORITIES; OR (III)
17 FACTORS EXIST THAT ARE BEYOND THE REASONABLE CONTROL OF THE PETITIONER, THEN
18 THE PLANNING BOARD SHALL (I) REQUIRE THE PETITIONER TO POST SECURITY WITH THE
19 COUNTY IN AN AMOUNT SUFFICIENT TO COVER THE COST OF THE ORIGINAL CEPPA; OR (II)
20 APPROVE AN ALTERNATE CEPPA COMPARABLE TO THE ORIGINAL AND APPROPRIATE
21 TIMING FOR SUCH ALTERNATE CEPPA OR ALTERNATIVE TIMING FOR THE ORIGINAL”

CEPPA. IN APPROVING AN ALTERNATE COMPARABLE CEPPA OR TIMING, THE PLANNING BOARD MUST CONCLUDE THE ALTERNATE COMPARABLE CEPPA OR TIMING: (I) DOES NOT RESULT IN PIECEMEAL DEVELOPMENT INCONSISTENT WITH THE PLAN; (II) ADVANCES THE PUBLIC INTEREST; AND (III) CONFORMS WITH THE GOALS OF THE DOWNTOWN PLAN.”

