

**Amendment 1 to Amendment 15 to Council Bill No. 59 – 2009**

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

Legislative Day No. 2  
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**Amendment No. 1 to Amendment 15**

*(This amendment clarifies the art in the community requirement.)*

1 On page 1, in line 1, strike “28 through line 10 on page 16” and substitute “1 through line  
2 15 on page 16” and strike lines 3 through 23 and substitute:

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  
9 OF THE FEE SIMPLE PROPERTY; OR

10 3. THE PETITIONER MAY PAY A FEE IN-LIEU OF PROVIDING ART ON-SITE  
11 THAT IS EQUIVALENT IN VALUE TO 1% OF THE BUILDING CONSTRUCTION  
12 COST.

13 (B) ART MAY BE PROVIDED IN COMBINATION WITH OTHER DOWNTOWN  
14 REVITALIZATION DEVELOPMENTS.

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

19 (D) IF THE VALUE OF THE ART PROVIDED ON SITE OR IN COMBINATION WITH OTHER  
20 PROJECTS EXCEEDS 1% OF THE BUILDING CONSTRUCTION COST, THEN THE  
21 EXCESS VALUE BEYOND 1% CAN BE CREDITED TOWARDS THE REQUIREMENTS OF  
22 THIS SUBSECTION FOR A SUBSEQUENT FINAL DEVELOPMENT PLAN SUBJECT TO  
23 THE PROCEDURES AND REQUIREMENTS SET FORTH IN THIS SUBSECTION.

1 (E) THE FOLLOWING CONSTRUCTION PROJECTS ARE NOT SUBJECT TO THE  
2 REQUIREMENTS OF THIS SECTION:

- 3 1. CONSTRUCTION OF MODERATE INCOME HOUSING UNITS.
- 4 2. CONSTRUCTION OF PLACES OF WORSHIP AND THEIR ACCESSORY USES.
- 5 3. RENOVATIONS TO EXISTING OR CONSTRUCTION OF NEW CULTURAL  
6 FACILITIES WHICH INCLUDE FACILITIES LOCATED WITHIN A DOWNTOWN  
7 ARTS AND ENTERTAINMENT PARK, DOWNTOWN ARTS, CULTURAL AND  
8 COMMUNITY USES, AND DOWNTOWN COMMUNITY COMMONS.
- 9 4. PARKING STRUCTURES.
- 10 5. RENOVATIONS TO EXISTING BUILDINGS OR STRUCTURES REQUIRED BY  
11 GOVERNMENT MANDATED CODE COMPLIANCE CONSTRUCTION  
12 PROJECTS, SUCH AS PROJECTS EXCLUSIVELY DESIGNED FOR COMPLIANCE  
13 WITH THE AMERICANS WITH DISABILITIES ACT (“ADA”), THE  
14 MARYLAND ACCESSIBILITY CODE, THE NATIONAL FIRE PROTECTION  
15 ASSOCIATION (NFPA) LIFE SAFETY CODE, AND/OR FIRE SPRINKLER  
16 RETROFITS.”