

Amendment 1 to Council Bill No. 36 -2012

**BY: Chairperson at the request of
the County Executive**

**Legislative Day No. 15
Date: December 3, 2012**

Amendment No. 1

(This amendment:

- 1. Clarifies the purpose statement;*
- 2. Clarifies that the purpose of serving as a transitional use and buffer is particularly focused on the compatibility with an adjoining residential neighborhood;*
- 3. Clarifies that enhancements should be proportional to certain increases in development intensity and that enhancements should be free and open to the public;*
- 4. Sets forth that the Zoning Board should consider certain criteria when considering setbacks and heights;*
- 5. Clarifies that a CEF development should be compatible with surrounding residential neighborhoods;*
- 6. Requires enhancements to be proportionate to the scale of the CEF development;*
- 7. Amends the procedures for the creation of a CEF district;*
- 8. For consistency, changes references to “amenities” to be references to “enhancements”; and*
- 9. Allows the CAC district as a possible location for a CEF district.)*

1 On page 1, in line 23, after “REQUIREMENTS” insert “IN ORDER TO MAKE THE PROPERTIES MORE
2 ATTRACTIVE ASSETS AND TO IMPROVE THE SURROUNDING COMMUNITY”.

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4 On page 1, strike “THE CEF DISTRICT” in line 28 down through “AND” in line 29 and substitute
5 “DEVELOPMENT IN THE CEF DISTRICT SHALL COMPLY WITH ALL OTHER DEVELOPMENT
6 REGULATIONS INCLUDING, WITHOUT LIMITATION, THE ADEQUATE PUBLIC FACILITIES ORDINANCE
7 AND THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. THE CEF DISTRICT”.

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9 On page 2, in line 3, strike “AMENITIES” and substitute “ENHANCEMENTS”.

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11 On page 2, strike lines 12 through 14, inclusive and in their entirety and substitute:

12 “4. ENHANCE THE SURROUNDING COMMUNITY, PROVIDING APPROPRIATE TRANSITIONAL USES”

1 AND BUFFERS, WITH PARTICULAR CONCERN FOR COMPATIBILITY WITH AN ADJOINING
2 RESIDENTIAL NEIGHBORHOOD; AND".

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4 On page 4, in lines 17, 20 and 21, in each instance, strike "AMENITIES" and substitute
5 "ENHANCEMENTS".

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7 On page 4, in line 20, strike "SIZE AND SCOPE OF THE" and substitute "INCREASE IN DEVELOPMENT
8 INTENSITY AND IMPACTS ASSOCIATED WITH THE CEF REZONING COMPARED TO THE PREVIOUSLY
9 EXISTING ZONING. ENHANCEMENTS SHALL BE FREE AND OPEN TO THE GENERAL PUBLIC, AS
10 OPPOSED TO A COMMERCIAL USE.".

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12 On page 4, in line 21, strike "CEF DEVELOPMENT."

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14 On page 4, in line 25, strike "SURROUNDING" and in line 26, strike "COMMUNITY" and substitute
15 "GENERAL PUBLIC".

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17 On page 5, in line 10, after "PLAN." insert "ZONING BOARD APPROVAL OF HEIGHT AND SETBACKS
18 FROM ADJOINING PROPERTIES SHALL BE PROTECTIVE OF RESIDENTIAL NEIGHBORHOODS, BUT
19 SHOULD ACKNOWLEDGE THE IMPACT OF TOPOGRAPHIC, ENVIRONMENTAL, OR LANDSCAPE
20 BUFFERS, AS WELL AS THE DESIRABILITY OF OPEN SPACE AND PEDESTRIAN AND BICYCLE
21 CONNECTIONS.".

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23 On page 5, in line 20, strike "CAC,".

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25 On page 5, in line 24, strike "WILL BE SENSITIVE TO".

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27 On page 5, in line 25, strike "EXISTING LAND USES IN THE VICINITY OF THE SITE" and substitute
28 "SHALL BE COMPATIBLE WITH SURROUNDING RESIDENTIAL NEIGHBORHOODS".

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30 On page 5, in line 29, strike "A SITE AMENITY OR" and in line 30 strike "AMENITY AREA WITHIN
31 THE DELINEATED COMMUNITY EXCEPT" and substitute "ENHANCEMENTS".

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On page 5, in line 31, after “121.G.” insert “ENHANCEMENTS SHALL BE PROPORTIONATE TO THE SCALE OF THE CEF DEVELOPMENT.”

On page 6, after line 14, insert:

“3. PRIOR TO FILING AN APPLICATION FOR A CEF DISTRICT, THE PETITIONER SHALL HOLD A PRE-SUBMISSION COMMUNITY MEETING USING THE SAME PROCEDURES ESTABLISHED IN SECTION 16.128(B) – (G) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. THE DEVELOPMENT CONCEPT PLAN AND MATERIALS REQUIRED UNDER SUBSECTION 4 OF THIS SECTION MUST BE PRESENTED AT THE PRESUBMISSION COMMUNITY MEETING. THE MEETING MINUTES, WHICH INCLUDE WRITTEN RESPONSES TO QUESTIONS RAISED AT THE MEETING, SHALL BE TRANSMITTED TO THE DEPARTMENT OF PLANNING AND ZONING AND SHALL BE INCLUDED IN THE TECHNICAL STAFF REPORT PRODUCED BY THE DEPARTMENT OF PLANNING AND ZONING.”

On page 6, in line 15, strike “3” and substitute “4”.

On page 6, in line 23, strike “4” and substitute “5”.

On page 7, in line 3, strike “AMENITIES” and substitute “ENHANCEMENTS”.

On page 7, after line 18, insert:

“(14) PRE-SUBMISSION COMMUNITY MEETING MINUTES AND A SUMMARY OF DESIGN MODIFICATIONS MADE IN RESPONSE TO INTERACTION WITH THE COMMUNITY.”

On page 8, after line 2 insert:

“6. THE TECHNICAL STAFF REPORT SHALL EVALUATE THE APPLICATION BASED ON THE “CRITERIA FOR A CEF DISTRICT” IN SECTION 121.I ABOVE AND NOTE ANY UNRESOLVED COMMUNITY COMMENTS RELEVANT TO THESE CRITERIA.

1 7. THE PLANNING BOARD SHALL HOLD A PUBLIC MEETING ON THE APPLICATION AND
2 SHALL MAKE A RECOMMENDATION TO THE ZONING BOARD, BASED ON THE
3 "CRITERIA FOR A CEF DISTRICT" GIVEN IN SECTION 121.I ABOVE."

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5 On page 8, in line 3, strike "5" and substitute "8".