

Amendment 13 to Council Bill 36-2012

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**Legislative Day No: 2
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Amendment No. 13

1 *(This amendment would change the Decision by the Zoning Board section to clarify the Zoning*
2 *Board's decision making process in approving a CEF District).*
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6 On page 8, strike lines 4 through 33, and on page 9 strike lines 1 and 2, in their entirety,
7 and substitute the following:

8 “A. THE ZONING BOARD SHALL HOLD A PUBLIC HEARING ON THE PETITION AND MAY
9 APPROVE, APPROVE WITH MODIFICATIONS, OR DENY THE PETITION.

10 B. IN ITS EVALUATION OF THE PROPOSED CEF DISTRICT, THE ZONING BOARD SHALL
11 MAKE FINDINGS ON THE FOLLOWING:

12 1. WHETHER THE PETITION WILL ACCOMPLISH THE PURPOSES OF THE CEF
13 DISTRICT;

14 2. WHETHER THE PETITION COMPLIES WITH THE CRITERIA FOR A CEF DISTRICT
15 IN SECTION 121.I.; AND

16 3. WHETHER THE PETITION MEETS THE MODERATE INCOME HOUSING UNIT
17 REQUIREMENTS.

18 C. IF THE PETITION IS APPROVED:

19 (1) THE ZONING BOARD MAY MODIFY OR APPLY ADDITIONAL REQUIREMENTS TO ANY
20 PART OF THE DEVELOPMENT CONCEPT PLAN INCLUDING, BUT NOT LIMITED TO, USES,
21 BULK REGULATIONS, DAYS AND HOURS OF BUSINESS, OR OTHER OPERATIONAL
22 ISSUES INCLUDING REMOVAL OF FACILITIES IN THE EVENT OF CLOSURE. THE BOARD,
23 AT ITS DISCRETION, MAY HOLD ADDITIONAL HEARINGS ON ANY MODIFICATIONS OR
24 ADDITIONAL REQUIREMENTS TO THE PLAN IT DEEMS APPROPRIATE.

25 (2) SHOULD THE BOARD APPROVE ANY MODIFICATIONS OR ADDITIONS, THEN, AT THE
26 PETITIONER'S REQUEST, THE BOARD SHALL HOLD A HEARING ON SUCH

1 MODIFICATIONS OR ADDITIONAL REQUIREMENTS. AT THE CONCLUSION OF SUCH
2 HEARING, THE BOARD MAY CHANGE ANY OF THE MODIFICATIONS OR ADDITIONAL
3 REQUIREMENTS. IF THE PETITIONER DOES NOT ACCEPT THE FINAL MODIFICATIONS OR
4 ADDITIONAL REQUIREMENTS, THE PETITIONER MAY WITHDRAW THE PETITION
5 WITHOUT PREJUDICE.

6 (3) THE DECISION AND ORDER OF THE ZONING BOARD SHALL:

- 7 1. CREATE A CEF DISTRICT COVERING THE LAND IN THE PETITION;
- 8 2. APPROVE THE CONCEPT PLAN;
- 9 3. ESTABLISH THE BULK REGULATIONS, USE CATEGORIES,
10 ACCESSORY USES AND ANY RESTRICTIONS OR MODIFICATIONS; AND
- 11 4. APPROVE THE COMMUNITY ENHANCEMENTS.

12 (4) A COPY OF THE DEVELOPMENT CONCEPT PLAN AND CRITERIA SHALL BE PROVIDED
13 BY THE PETITIONER AND CERTIFIED AS APPROVED BY THE ZONING BOARD AND A
14 VERIFIED COPY OF THE SAME SHALL BE FORWARDED TO THE DEPARTMENT OF
15 PLANNING AND ZONING AND THE PETITIONER.”.

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