TEXT AMENDMENTS TO COUNCIL BILL 12-152
TITLE 1. GENERAL PROVISIONS
(1st Reader Copy)

Proposed by: Various
{To be offered to the Land Use and Transportation Committee}

Amendment No. 1 (T-19) ***{Clarifying meaning of "this Code"}***

On page 5, after line 11, insert:

"**§ 1-209. REFERENCES TO "THIS CODE".**

THROUGHOUT THIS ARTICLE, ALL REFERENCES TO "THIS CODE" REFER TO THIS ARTICLE, THE ZONING CODE OF BALTIMORE CITY.";

and, beginning on page 5, in line 12, through page 8, in line 6, renumber §§ "**1-209**" through "**1-218**", respectively, to be §§ "**1-210**" through "**1-219**", respectively; and on page 121, in line 25, and on page 127, in line 20, in each instance, strike "**§ 1-217**" and substitute "**§ 1-218**".

Amendment No. 2 (T-31, T-33) ***{Defining "CO"}***

On page 6, in line 8, strike " "C" " and substitute " "CB" "; and, in the same line, strike "IN"and substitute "WITHIN"; and, in lines 8 and 9, strike "AND REQUIRES A CONDITIONAL USE PERMIT" and substitute "REQUIRING APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS"; and, at the end of line 9, strike "AND"; and, after line 9, insert:

"(3) A "CO" INDICATES THAT A USE IS A CONDITIONAL USE WITHIN THAT ZONING DISTRICT REQUIRING APPROVAL BY ORDINANCE OF THE MAYOR AND CITY COUNCIL; AND";

and, in line 10, strike "(3)" and substitute "(4)".

Amendment No. 3 (T-685) ***{Word Usage}***

On page 9, in line 6 and in line 7, strike "*ADJOIN*" and " "ADJOIN" ", respectively, and substitute "*ADJOINING*" and " "ADJOINING" ", respectively.

Amendment No. 4 (*Vice* T-63 and T-97) *{Deleting Def. of "Balcony; Deck"}*

On page 13, strike lines 7 through 11, in their entireties, and substitute "(B) *{RESERVED}*"; and, on page 21, strike lines 29 and 30, in their entireties, and substitute "(C) *{RESERVED}*".

{DLR NOTE: *See* "Omitted Proposals" at end. *See also* Amendment # 27 below.}

Amendment No. 5 (T-65 *and* T-192) *{Redefining "Banquet Hall"}*

On page 13, strike lines 15 through 19, in their entireties, and substitute:

"(I) FOR WHICH ALL EVENTS ARE DIRECTLY MANAGED BY THE OWNER OF THE FACILITY OR BY A PERSON OR PERSONS REGULARLY EMPLOYED BY THE OWNER AND RESPONSIBLE TO THE OWNER FOR THE ONSITE MANAGEMENT OF ALL EVENTS HELD IN THAT FACILITY AND FOR EVENT ARRANGEMENTS;

(II) THAT IS USED REGULARLY FOR SERVING FOOD OR BEVERAGE PROVIDED BY THE OWNER OR BY CATERERS AND SUPPLIERS APPROVED IN ADVANCE BY THE OWNER;

(III) THAT SERVES DESIGNATED GROUPS THAT, BEFORE THE DAY OF THE EVENT, HAVE RESERVED THE FACILITY FOR BANQUETS OR MEETINGS AND PROVIDED ALL INSURANCE CERTIFICATES, SECURITY CONTRACTS, OFF-STREET PARKING CONTRACTS REQUIRED BY THE FACILITY'S OWNER;

(IV) TO WHICH THE GENERAL PUBLIC IS NOT ADMITTED;

(V) FOR WHICH NO ADMISSION FEE IS CHARGED AT THE DOOR; AND

(VI) IN WHICH NO THIRD PARTY PROMOTER IS INVOLVED OR STANDS TO PROFIT.

(2) *SUPPLEMENTAL DEFINITION*.

IN PARAGRAPH (1)(VI) OF THIS SUBSECTION, "PROMOTER" MEANS A PERSON WHOSE PRIMARY BUSINESS IS TO ORGANIZE, SCHEDULE, AND OPERATE ONE-TIME EVENTS IN VARIOUS LEASED VENUES THROUGH WIDE-SCALE PROMOTIONS AND ADVANCE SALES OF GENERAL ADMISSION TICKETS ADVERTISED PRIMARILY BY FLYERS, WEBSITES, E-BLASTS, AND SOCIAL MEDIA AND CUSTOMARILY SELLING GENERAL ADMISSION TICKETS AT THE DOOR.";

and, in line 20 and in line 23, strike "(2)" and "(3)", respectively, and substitute "(3)" and "(4)", respectively.

{**DLR QUERY: This is overly specific for a definition and unduly "stuffed" with misplaced substantive rules. Moreover, it is in need of further review and coordination with its counterpart § 14-302, especially as that section is also proposed to be amended by the same proponent. (*See also* Queries to the amendments to § 14-302.)** ***DLR RECOMMENDATION: DEFER THIS AMENDMENT UNTIL COHERENT REVISIONS OF THIS § 1-303(C) AND OF § 14-302 CAN BE SUBMITTED AND CONSIDERED BY THE COUNCIL.***}

Amendment No. 6 (T-87) ***{Modifying Def. of "Bed and Breakfast"}***

On page 14, in line 5, after "ALSO", insert ", WHILE THE OWNER IS IN RESIDENCE,".

Amendment No. 7 (T-75) ***{Deleting Def. of "City Block"}***

On page 17, strike lines 15 through 18, in their entireties, and substitute "(B) *{RESERVED}*".

Amendment No. 8 (T-74) ***{Redefining "Commercial Vehicle"}***

Strike beginning with " "COMMERCIAL" on page 17, in line 26, through the period on page 18, in line 1, and substitute:

"COMMERCIAL VEHICLE" MEANS:

(1) EVERY VEHICLE DESIGNED, MAINTAINED, AND USED PRIMARILY FOR THE TRANSPORTATION OR HAULING OF PROPERTY, INCLUDING EQUIPMENT, MERCHANDISE, PARCELS, EARTH, TRASH, REFUSE, SCRAP, OR MOTOR VEHICLES;

(2) EVERY VEHICLE, EXCEPT A PASSENGER CAR (AS DEFINED IN MARYLAND VEHICLE LAW § 11-144.1), THAT HAS COMMERCIAL ADVERTISING ON THE EXTERIOR OF THE VEHICLE OR ON EQUIPMENT ATTACHED TO THE VEHICLE;

(3) EVERY VEHICLE THAT HAS A MAXIMUM GROSS VEHICLE WEIGHT OF 7,000 POUNDS OR MORE OR A MANUFACTURER'S RATED CAPACITY OF ¾-TON OR MORE; AND

(4) EVERY VEHICLE THAT IS DESIGNED TO CARRY MORE THAN 15 PASSENGERS AND IS USED TO CARRY PEOPLE.".

Amendment No. 9 (T-84) ***{Modifying Def. of "Community Center"}***

On page 18, in line 5, before "NEIGHBORHOOD" strike "SAME".

Amendment No. 10 (T-80) ***{Redefining "Community-Managed Open Space"}***

On page 18, strike lines 9 through 15, in their entireties, and substitute:

"(H) *COMMUNITY-MANAGED OPEN-SPACE GARDEN.*

(1) *IN GENERAL.*

"COMMUNITY-MANAGED OPEN-SPACE GARDEN" MEANS AN OPEN-SPACE AREA THAT:

(I) IS MAINTAINED BY MORE THAN 1 HOUSEHOLD; AND

(II) IS USED FOR TRADITIONAL COMMUNITY-GARDEN ACTIVITIES OF PLANTING, CULTIVATING, HARVESTING, MAINTAINING, AND DISTRIBUTING FRUITS, FLOWERS, VEGETABLES, OR ORNAMENTAL PLANTS.

(2) *INCLUSIONS.*

"COMMUNITY-MANAGED OPEN-SPACE GARDEN" INCLUDES:

(I) ACCESSORY SHEDS, GAZEBOS, AND PERGOLAS;

(II) TEMPORARY GREENHOUSES AND SIMILAR STRUCTURES TO EXTEND THE GROWING SEASON; AND

(II) THE PROVISION OF SPACE FOR RELATED OPEN-AIR RECREATION, ACTIVE OR PASSIVE, BUT NOT INCLUDING PLAYGROUND EQUIPMENT.

(I) *COMMUNITY-MANAGED OPEN-SPACE FARM.*

(1) *IN GENERAL.*

"COMMUNITY-MANAGED OPEN-SPACE FARM" MEANS AN OPEN-SPACE AREA THAT:

(I) IS MAINTAINED BY MORE THAN 1 HOUSEHOLD; AND

(II) IN ADDITION TO THE USES PERMITTED IN A COMMUNITY-MANAGED OPEN-SPACE GARDEN, IS USED FOR 1 OR MORE OF THE FOLLOWING:

(A) THE KEEPING OF LIVESTOCK AND ANIMALS;

(B) TEMPORARY FARM STANDS, BUT NO MORE THAN 1 PER LOT; AND

(C) THE RECEIPT AND FREE REDISTRIBUTION OF ORGANIC WASTE MATERIAL FOR COMPOSTING.

(2) *INCLUSIONS*.

"COMMUNITY-MANAGED OPEN-SPACE FARM" INCLUDES ON-SITE STORAGE, INCLUDING STORAGE FOR FARMSTANDS.";

and, beginning on page 18, in line 16, through page 21, in line 4, reletter subsections "(I)" through "(X)" to be subsections "(J)" through "(Y)", respectively.

{**DLR NOTES: (1) The proposed language has been revised to conform phrasing to the standard language and organization of definitions, to add missing elements that have been proposed for the counterpart provisions of § 14-307, and to correct/clarify some inconsistent or ambiguous modifications and connections.**

(2) The proposed reference to a "farm" as requiring a CB is deleted. Such references are inappropriate (and potentially dangerous) for inclusions in definitions. The appropriate Tables, once properly amended, will be the place to tell that tale.

Amendment No. 11 (Law & DLR vice T-79) *{Redefining "Comprehensive Rezoning"}*

Strike beginning with " "COMPREHENSIVE" " on page 18, in line 26, through the period on page 19, in line 6, and substitute:

""COMPREHENSIVE REZONING" MEANS AN ORDINANCE THAT IS:

(1) INITIATED BY CITY GOVERNMENT TO MODIFY THE ZONING CLASSIFICATIONS OF MULTIPLE PROPERTIES;

(2) BASED ON CONSIDERATIONS CONCERNING THE COMMON NEEDS OF A SUBSTANTIAL GEOGRAPHIC AREA, INVOLVING A CONSIDERABLE NUMBER OF PROPERTIES;

(3) DESIGNED TO CONTROL AND DIRECT THE USE OF LAND AND STRUCTURES ACCORDING TO PRESENT AND PLANNED FUTURE CONDITIONS; AND

(4) THE PRODUCT OF:

(I) CAREFUL CONSIDERATION AND EXTENSIVE STUDY BY THE PLANNING DEPARTMENT; AND

(II) REVIEW BY THE PLANNING COMMISSION.".

{LAW AND DLR NOTE: The amendment proposed by T-79 differs in two major respects from the definition in the First Reader – itself derived directly from a definition separately vetted and enacted by this very Council (as Ord. 12-051) only 2 months before the TransForm First Reader was introduced. First, T-79 would omit the requirement that a "comprehensive rezoning" must be "initiated by City government". Second, it would apply the procedures and standards permitted for "comprehensive rezoning" to the proposed reclassification of even a single property. The Law Department has determined that each of these changes would violate State law: a change in the zoning of a property that is not initiated by government must be considered "piecemeal" zoning. Accordingly, this amendment is revised to retain the required features previously approved by Ordinance 12-051.}

Amendment No. 12 (T-850) ***{Modifying Def. of "Country Club"}***

On page 20, in line 4, before "OUTDOOR", insert "BOTH INDOOR AND".

Amendment No. 13 (T-94) ***{Modifying Def. of "Cultural Facility"}***

On page 20, strike line 20, in its entirety; and, in line 21 and in line 22, strike "(III)" and "(IV)", respectively, and substitute "(II)" and "(III)", respectively.

{DLR NOTE: The instructions were to strike "a cultural center" and substitute "an historical society". Since "an historical society" is *already* in the existing list – as current item (iii) (new item (ii)) – there's nothing to substitute, as directed.}

Amendment No. 14 (T-100) ***{Redefining "Dwelling: Semi-Detached"}***

On page 23, strike lines 21 to 23, in their entireties, and substitute:

" "DWELLING: SEMI-DETACHED" MEANS 1 OF 2 BUILDINGS THAT ARE USED FOR RESIDENTIAL OCCUPANCY, WITH EACH BUILDING HAVING ITS OWN PRIVATE ENTRANCE AND BEING JOINED TO THE OTHER BY A PARTY OR SHARED WALL, AND NOT OTHERWISE ATTACHED TO ANY OTHER DWELLING.".

Amendment No. 15 (DLR) ***{Adding Def. of "Dwelling: Single-Family"}***

On page 23, after line 23, insert:

"(S) *DWELLING: SINGLE-FAMILY.*

"DWELLING: SINGLE-FAMILY" MEANS A DWELLING THAT CONTAINS ONLY 1 DWELLING UNIT.";

and, on page 23, in lines 24 and 29, and on page 24, in lines 1, 4, 13, and 24, strike the subsection designators "(S)" through "(X)", respectively, and substitute "(T)" through "(Y)", respectively.

{DLR NOTE: The term "single-family dwelling" is used numerous times throughout the new Code. A definition of that term is warranted, if not even necessary, for clarity.}

Amendment No. 16 (T-117) ***{Redefining "Fraternity or Sorority House"}***

On page 28, on line 13, strike the comma and substitute "*OR*"; and on the same page, strike lines 14 through 16, in their entireties, and substitute:

"(1) *GENERAL.*

"FRATERNITY OR SORORITY HOUSE" MEANS A PRIMARILY RESIDENTIAL STRUCTURE FOR THE HOUSING OF UNDERGRADUATES OF LOCAL COLLEGES AND UNIVERSITIES BY MEMBERS OF THE SAME FRATERNAL OR SORORAL ORGANIZATION OR ASSOCIATION.

(2) *INCLUSIONS.*

"FRATERNITY OR SORORITY HOUSE" INCLUDES A STRUCTURE WITH SHARED FACILITIES OR SEPARATE DWELLING UNITS UNDER ONE ROOF.".

Amendment No. 17 (T-920) ***{Redefining "Gas Station"}***

On page 29, in lines 3 and 4, strike ": (I)"; and strike beginning with the semicolon in line 5 through "SOLAR" in line 6.

Amendment No. 18 (T-677) ***{Deleting Def. of "Government Offices"}***

On page 29, in line 25, strike "**OFFICES**" and substitute "**FACILITIES ...**"; and strike beginning with "(A)" on page 29, in line 26 through the period on page 30, in line 11; and, beginning on page 30, in line 12, through page 34, in line 3, reletter subsections "(B)" through "(W)" to be subsections "(A)" through "(V)", respectively.

Amendment No. 19 (T-139) *{Redefining "Impervious Surface"}*

On page 33, strike lines 17 and 18, in their entireties, and substitute:

"(1) *GENERAL*.

"IMPERVIOUS SURFACE" MEANS ANY SURFACE THAT DOES NOT ALLOW STORMWATER TO INFILTRATE INTO THE GROUND.

(2) *INCLUSIONS.*

"IMPERVIOUS SURFACE" INCLUDES ROOFTOPS, DRIVEWAYS, SIDEWALKS, AND PAVEMENT.

(3) *EXCLUSIONS.*

"IMPERVIOUS SURFACE" DOES NOT INCLUDE BALLASTED RAILROAD TRACKS."

Amendment No. 20 (T-137) *{Modifying Def. of "Incinerator"}*

On page 33, in line 24, strike beginning with "WHERE" through "RECOVERED".

Amendment No. 21 (T-143 *and* T-148) *{Modifying Def. of "Industrial: Light"}*

On page 34, strike beginning with "MANUFACTURING" in line 32 through "MATERIALS" in line 33 and substitute "PROCESSING, MANUFACTURING, ASSEMBLY, OR COMPOUNDING OF MATERIALS OR PRODUCTS"; and, on page 35, in line 2, strike "AND"; and on the same page, in line 5, after "MINIMIZED", insert:

"; AND

(III) ONLY MINIMAL TRUCK TRAFFIC IS REQUIRED FOR DAILY OPERATIONS".

Amendment No. 22 (T-146, T-147) *{Expanding Def. of "Industrial: Maritime-Dependent"}*

On page 35, in line 29, strike "AND"; and, in line 32, after "CONSTRUCTION", insert:

"; AND

(VI) FACILITIES THAT ARE EDUCATIONAL IN NATURE, INCLUDING VISITORS CENTERS, MUSEUMS, AND INTERPRETIVE AREAS, INDOOR OR OUTDOOR, PROVIDED THOSE

FACILITIES HAVE A CONNECTION TO AN EXISTING INDUSTRIAL MARITIME-DEPENDENT USE, WHETHER ON THE SAME PARCEL OR AN ADJACENT PARCEL TO THAT USE".

Amendment No. 23 (T-159) *{Modifying Def. of "Lodge or Social Club"}*

On page 38, in line 18, after "INCLUDES", insert a colon, a paragraph return, and the item designator "(I)"; and, in the same line, after "HALL", insert:

"; AND

(II) A NON-RESIDENTIAL POST-GRADUATE FRATERNITY AND SORORITY CENTER".

Amendment No. 24 (T-160) *{Modifying Def. of "Lot Area"}*

On page 38, in line 28, after "LOT LINES", insert "AT GRADE".

Amendment No. 25 (T-165 and T-783(part)) *{Modifying Def. of "Materials Recovery Facility"}*

On page 41, after line 5, insert: "(1) *GENERAL.*"; and, in line 6, after "MEANS", insert ", EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,"; and, in line 7 and in line 10, strike "(1)" and "(2)", respectively, and substitute "(I)" and "(II)", respectively; and, after line 11, insert:

"(2) *EXCLUSIONS.*

"MATERIALS RECOVERY FACILITY" DOES NOT INCLUDE:

(I) ANY FACILITY THAT IS LICENSED BY THE STATE OR CITY AS A JUNK DEALER, SCRAP METAL PROCESSOR, OR SCRAP METAL DEALER; OR

(I) ANY JUNK OR SCRAP STORAGE AND YARD.".

{DLR NOTE: The proposed exclusion of "on-site purchase of material from the public" is omitted here, as it is already covered (more appropriately so) by the prohibition in § 14-324(c).}

Amendment No. 26 (DLR, per T-498) ***{Correcting Def. of "Neighborhood Commercial Establishment"}***

On page 44, in line 15, strike "COMMERCIAL USE" and substitute "NON-RESIDENTIAL USE"; and, in line 16, strike "RESIDENTIAL NEIGHBORHOOD" and substitute "RESIDENTIAL OR OFFICE-RESIDENTIAL ZONING DISTRICT".

{DLR NOTE: Corrects 3 inconsistencies between this definition and the language more recently proposed (Amendment #15 to Title 14) for the counterpart provisions of § 14-328.}

Amendment No. 27 (T-692, T-699) ***{Adding Def. of "Overlay District"}***

On page 46, after line 18, insert:

"(X) *OVERLAY DISTRICT.*

"OVERLAY DISTRICT" MEANS A DISTRICT ESTABLISHED BY ORDINANCE THAT PRESCRIBES SPECIAL REGULATIONS TO BE APPLIED TO A SITE IN COMBINATION WITH THE UNDERLYING ZONING DISTRICT. THE OVERLAY DISTRICT MODIFIES OR SUPPLEMENTS THE REGULATIONS OF THE UNDERLYING ZONING DISTRICTS, IN RECOGNITION OF UNIQUE CIRCUMSTANCES IN THE AREA WHILE MAINTAINING THE GENERAL CHARACTER AND PURPOSE OF THE UNDERLYING ZONING DISTRICTS OVER WHICH IT IS LOCATED.

and, in line 19, strike "(X)" and substitute "(Y)".

{DLR QUERY: As proposed, this "definition" was "stuffed" with inappropriately placed *substantive rules* (including statements of procedural requirements and purported legal effects), not to mention inconsistent terminology and non-sequiturs. These have been deleted inasmuch as their rules, etc., are fully covered elsewhere in this Code. IN THE END, THOUGH, WHAT REMAINS IS ITSELF *NOT* A DEFINITION, BUT MORE AKIN TO A MISPLACED AND WHOLLY UNNECESSARY STATEMENT OF PURPOSE. *DLR RECOMMENDS THAT THE AMENDMENT SHOULD BE DELETED IN ITS ENTIRETY.*}

Amendment No. 28 (DLR) ***{Deleting Def. of "Patio; Terrace"}***

On page 48, strike lines 23 through 30, in their entireties, and substitute "(L) *{RESERVED}*"; and, on page 60, strike line 9 and 10, in their entireties, and substitute "(B) *{RESERVED}*".

{DLR NOTE: In researching Amendment #4 and the use of the defined terms "balcony" and "deck", it turned out that the term "balcony" wasn't used anywhere else in the article and "deck" was used but once – and, then, *only* to differentiate it from the

defined terms "patio" and "terrace". In considering how or even whether to deal with that one use of "deck", a word search discovered that THE TERMS "PATIO" AND "TERRACE", WHILE DEFINED ON PAGE 48, ARE THEMSELVES NOWHERE ELSE TO BE FOUND IN THE ARTICLE! SO THIS DEFINITION, TOO, IS BUT A USELESS DISTRACTION. HIDING IN WAIT TO BE DISCOVERED AND DELETED. (But, one wonders: Just how many other useless definitions are still lurking in this Bill?!?!)

Amendment No. 29 (T-190) *{Adding Def. of "Person"}*

On page 49, after line 8, insert:

"(O) *PERSON.*

"PERSON" MEANS:

(1) AN INDIVIDUAL;

(2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND;

(3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND; AND

(4) EXCEPT AS USED IN TITLE 19, SUBTITLE 1 {"ENFORCEMENT"} OF THIS CODE FOR THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.";

and, beginning on page 49, in line 21, through page 50, in line 27, reletter subsections "(O)" through "(X)" to be subsections "(P)" through "(Y)", respectively.

{DLR NOTE: The definition proposed by T-190 notably omitted any reference (as found in most modern-day definitions of "person") to the status of governmental entities. Item (4) above was added by DLR to recognize that governmental units are *not*, for purposes of zoning regulations, generally excluded from the term "person" and, as such genarally exempt from zoning regulations (except, of course, as expressly stated elsewhere). The language of this item (4) is akin to that found in the Health Code (e.g., § 6-101(g)), the Ethics Article (§ 3-22), the Historical Preservation Article (§ 1-1(j)), and, notably, the current Zoning Code (§ 1-174), as well as many other local laws. The Law Department concurs in this addition.}

Amendment No. 30 (T-785(part)) *{Modifying Def. of "Recyclable Materials Recovery Facility"}*

On page 53, at the beginning of line 32, insert the subparagraph designator "(I)"; and, in the same line, after "MEANS", insert ", EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,"; and, on page 54, strike line 1, in its entirety; and, at the beginning of line 2, insert the subparagraph designator "(II)"; and, after line 3, insert:

"(2) *EXCLUSIONS.*

"RECYCLABLE MATERIALS RECOVERY FACILITY" DOES NOT INCLUDE:

(I) ANY FACILITY THAT IS LICENSED BY THE STATE OR CITY AS A JUNK DEALER, SCRAP METAL PROCESSOR, OR SCRAP METAL DEALER; OR

(II) ANY JUNK OR SCRAP STORAGE AND YARD.".

Amendment No. 31 (DLR Correction)

On page 54, in line 21, strike "YARDS" and substitute "YARD".

Amendment No. 32 (T-196 and R-792(part)) *{Modifying Def. of "Resource Recovery Facility"}*

On page 55, in line 10, after "MEANS", insert ", EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,"; and, in line 16, after "INCLUDE", insert a colon, a paragraph return, and the item designator "(I)"; and, in line 17, after "MATERIALS", insert a semicolon followed by:

"(II) ANY FACILITY THAT IS LICENSED BY THE STATE OR CITY AS A JUNK DEALER, SCRAP METAL PROCESSOR, OR SCRAP METAL DEALER; OR

(III) ANY JUNK OR SCRAP STORAGE AND YARD".

Amendment No. 33 (T-208) *{Modifying Def. of "Use: Conditional"}*

On page 62, in line 9, after "APPEALS", insert "OR, IF REQUIRED BY THIS CODE, BY ORDINANCE OF THE MAYOR AND CITY COUNCIL"; and, in line 12, after "APPEALS", insert "OR BY THE MAYOR AND CITY COUNCIL, AS THE CASE MAY BE,".

Amendment No. 34 (T-929) ***{Modifying Def. of "Utilities"}***

On page 62, in line 23, after "SYSTEMS,", insert "STEAMLINES,"

Amendment No. 35 (T-930) ***{Modifying Def. of "Warehouse"}***

On page 63, in line 18, strike "MANUFACTURED".

Amendment No. 36 (T-931) ***{Typo}***

On page 63, in line 20 and in line 21, in each instance, strike "DEPENDANT" and substitute "DEPENDENT".

Amendment No. 37 (T-793) ***{"Wireless ..." Definitions}***

On page 64, in line 10, strike " **"WIRELESS ..."** " and substitute " **"YARD"** "; and, on the same page, strike lines 11 through 30, in their entireties; and, on page 64, in line 31, and on page 65, in lines 1, 6, 11, 16, and 20, strike the ensuing subsection designators "(D)" through "(I)", respectively, and substitute subsection designators "(A)" through "(F)", respectively.

OMITTED PROPOSALS

{*T-38 (UNDEFINED TERMS)*: § 1-213 states: "Terms not defined in this Code are to be interpreted in accord with their ordinarily accepted meanings, as their context implies." T-38 proposes to delete the phrase "as their context implies". That deletion, however, would be a serious mistake. A multitude of English words have *multiple* "ordinarily accepted meanings". These include many so-called "Janus-faced" terms (a/k/a "contranyms" a/k/a "two-fers"), each of which can carry two or more distinct, sometimes *diametrically opposed* meanings (examples include, e.g., "bimonthly", "before", "cleave", "demise", "lease", "moot", "presently", "ravel", "sanction", and "sanguine"). WHEN ONE OF THESE TERMS IS USED, DISCERNING THE INTENDED MEANING WILL NECESSARILY DEPEND ON WHAT "[THE] CONTEXT IMPLIES". }

{*T-63 AND T-97 (REDEFINING "BALCONY" AND "DECK")*: These amendments proposed to delete "deck" as a synonym for "balcony" and add a new definition for "deck". Unfortunately, as drafted, the new definition mixed *and*'s and *or*'s in the same sentence (and left one needed conjunction unstated), all of which rendered the definition incomprehensible. [Consider, for example, the even simpler formula of "A *and* B *or* C", which can be read to mean "A and (B or C)" or to mean "(A and B) or C"]. Further research, however, led to the ameliorating discover that neither the term "balcony" nor the term "deck" was used substantively *anywhere* in the operative provisions of the new TransForm Zoning Code. IN SHORT, THEN, THE DEFINITIONS OF THOSE TWO TERMS – WHETHER AS THEY APPEAR IN THE BILL'S FIRST READER OR AS PROPOSED TO BE REDEFINED BY T-63 AND T-97 – ARE WHOLLY USELESS. ACCORDINGLY, AS INDICATED IN AMENDMENT #4 ABOVE, THESE DEFINITIONS ARE BEING DELETED OUTRIGHT. (*See also* Amendment #27 above (re T-63 and T-97), which repeals the definitions of "patio" and "terrace" for the same reason: those terms, too, are nowhere to be found anywhere else in the proposed new Code.)}

{*T-679 ("ENVIRONMENTALLY SENSITIVE AREA")*: The term "Environmentally sensitive area" is defined in § 1-306(d) as "land that contains any of the following natural areas ...". T-679 proposes to strike "contains" and substitute "includes". HOWEVER, THE TERM "INCLUDES", ESPECIALLY AS DEFINED IN § 1-306, IS *MOST DEFINITELY INAPPROPRIATE* IN THE CONTEXT OF THIS LIMITED DEFINITION. INDEED, IT TURNS THE DEFINITION ON ITS HEAD.}

{*T-352 (PROPOSED NEW DEFINITION FOR "PIERHEAD")*: The term "pierhead" is used only as part of the more specific term "pierhead line" – and, even then, but *once* in the entire article (§ 6-303(f)). *If* a definition or explanation of "pierhead line" is needed, it belongs in that section. *SEE* AMENDMENTS TO TITLE 6, WHERE A PARENTHETICAL EXPLANATION IS PROPOSED.

{*T-365 (PROPOSED NEW DEFINITION FOR "WATER[-]USE INDUSTRIES")*: The term is another one that appears only once in the entire article (§ 7-402(h)(2)). Here, too, the definition should be incorporated into or replace the reference there to "water-use industries". *SEE* AMENDMENTS TO TITLE 7, WHERE THE DEFINITION'S LANGUAGE IS PROPOSED TO REPLACE THE DEFINED TERM.}