

**AMENDMENTS TO COUNCIL BILL 25-0006
(1st Reader Copy)**

By: Councilmember Blanchard
{To be offered to the Land Use and Transportation Committee}

Amendment No. 1

On page 18, in line 7, strike “AND”; and, on that same page, in line 8, strike “PROPERTY.” and substitute “PROPERTY; AND”; and, on that same page, in line 9, in the first instance, strike the bracket; and, on that same page, in that same line, after “the” insert a bracket; and, on that same page, in that same line, after “property;]” insert “PROPERTY.”.

Amendment No. 2

On page 1, in line 11, after “16-207,” insert “18-206(b),”; and, on that same page, in that same line, after “18-403,” insert “18-412,”; and, on page 21, after line 5, insert:

“Subtitle 2. Definitions; General Provisions

§ 18-206. Determination of nonconformity.

(b) By Administrator.

The Zoning Administrator may issue a use permit, without referring the matter to the Board of Municipal and Zoning Appeals, if:

(1) permits, ordinances, the Police Survey of 1931, or other records on file with the Zoning Administrator:

(i) document the existence of a CONTINUING AND UNINTERRUPTED lawful nonconforming [use, nonconforming density, or other nonconformance; and] USE; OR

[(ii) clearly show its continued and uninterrupted use to the date of inquiry or application; and]

(II) DOCUMENT THE EXISTENCE OF A LAWFUL NONCONFORMING DENSITY, OR OTHER NONCONFORMANCE; AND

(2) a field inspection of the construction, design, and arrangement of the structure or use in question confirms these records.”;

and, on that same page, after line 18, insert:

“§ 18-412. Exceptions – Multi-family structures.

(a) Scope.

(1) Except as provided in paragraph (2) of this subsection, this section applies to any structure that:

(i) at any time, with or without authorization of the Board of Municipal and Zoning Appeals, has been converted for 4 or more dwelling units or, if originally built for 4 or more dwelling units, has been converted to increase the number of dwelling units; and

(ii) now fails to comply with the minimum lot area requirements of the district in which it is located.

(2) This section does not apply to any nonconforming structure that:

(i) in compliance with this Code or before June 5, 2017, was originally designed and built as a multi-family dwelling for 4 or more dwelling units, as evidenced by permits or records of the City; and

(ii) has not been altered, added to, or subdivided in any way that increases the number of dwelling units to more than the maximum now allowed under this Code.

[(b) Discontinuance of dwelling unit.]

[Whenever the active and continuous use of a dwelling unit in a nonconforming multi-family structure subject to this section has been discontinued for 12 consecutive months:]

[(1) the discontinuance constitutes an abandonment of that dwelling unit, regardless of any reservation of an intent to resume active use of or to reoccupy the unit or otherwise not to abandon it; and]

[(2) the number of dwelling units allowed to continue in the structure is reduced by 1.]

(B) [(c)] *Abandonment of dwelling unit.*

If, at any time, actual abandonment is [in fact is] evidenced [by removal of plumbing or kitchen facilities, by alterations that indicate an abandonment of any nonconforming dwelling unit, including consolidation with another dwelling unit, or] by the issuance of a use permit for fewer dwelling units:

- (1) that action constitutes an abandonment of the dwelling unit;
- (2) all rights to continue or reestablish the previous number of dwelling units immediately terminate; and
- (3) the number of dwelling units allowed to continue in the structure is reduced by 1.

(C) [(d)] *Exceptions.*

This section does not apply to § 18-306(c) {"Change of use . . . Reversion prohibited."} of this Code."