

**TEXT AMENDMENTS TO COUNCIL BILL 12-152**

**TITLE 12. SPECIAL PURPOSE DISTRICTS**

**(1<sup>st</sup> Reader Copy)**

Proposed by: Various

{To be offered to the Land Use and Transportation Committee}

**Amendment No. 1 (T-753) {AU Overlay District}**

On page 177, strike beginning with “AN AU OVERLAY” in line 15 through the period in line 16.

**Amendment No. 2 (T-772) {Residential Conversions in O-R Districts}**

On page 178, after line 18, insert:

“(H) RESIDENTIAL CONVERSIONS.

THE CONVERSION OF A SINGLE-FAMILY DWELLING TO A MULTI-FAMILY DWELLING IS ALLOWED IN THE OR ZONING DISTRICT, SUBJECT TO THE REQUIREMENTS OF § 9-702 {“RESIDENTIAL CONVERSIONS: DESIGN REVIEW”} AND § 9-703 {“RESIDENTIAL CONVERSIONS: CONVERSION STANDARDS”} OF THIS CODE.”.

**Amendment No. 3 (DLR vice T-763, T-764, and T-818) {Parking Lots & Garages in TOD Districts}**

On page 180, in line 19, strike “AND GARAGES”; and strike beginning with “(1)” in line 20 through “(2)” in line 21.

**{DLR NOTES: The changes proposed by T-763, T-764, and T-818 gave rise to a number of as-yet unresolved issues. (See Amendment #3 and accompanying Queries in Draft IV of this set of Title 12 amendments.) The proponent has agreed to defer those changes until the interim period between this Bill’s enactment and its delayed effective date.}**

**Amendment No. 4 (T-829) {Bicycle Parking in TOD Districts}**

On page 180, strike lines 27 through 29, in their entireties.

**Amendment No. 5 (T-770) {EC and H District Height Limits}**

On page 183 delete lines 2 and 3, and on page 186, delete lines 12 and 13, and, in each instance, substitute: “IN THIS DISTRICT, HEIGHT LIMITS ARE RELATIVE TO THE PERIMETER STREET BUILDING. THEREFORE, HEIGHT IS MEASURED FROM THE CLOSEST PERIMETER STREET TO THE BUILDING.”.

**Amendment No. 6 (T-394) {EC Master Plan}**

On page 183, strike lines 6 through 8 and substitute:

“(1) AN EDUCATIONAL FACILITY WITHIN THE EC DISTRICT MUST OBTAIN APPROVAL BY ORDINANCE OF A CAMPUS MASTER PLAN FOR ANY NEW CONSTRUCTION THAT WOULD DEVIATE FROM THE BULK AND YARD REGULATIONS OF TABLE 12-502.”

**Amendment No. 7 (T-396) {EC Master Plan}**

On page 183, after line 10, insert:

“(3) UNTIL A CAMPUS MASTER PLAN HAS BEEN APPROVED, TABLE 12-502 APPLIES IN ITS ENTIRETY TO THE EC DISTRICT.”

**Amendment No. 8 (T-398) {EC Master Plan}**

On page 183, in line 12, strike “(1)”; and strike lines 14 through 16, in their entireties.

**Amendment No. 9 (T-391) {EC Master Plan}**

On page 183, in lines 12 and 13, strike “OR UNDER THE CONTROL OF”.

**Amendment No. 10 (T-399 and DLR) {EC & H Districts Master Plan}**

On page 183, in line 18, and, on page 186, in line 28, in each instance, after “APPROVAL”, insert “BY ORDINANCE”; and, in the succeeding lines 19 and 29, in each instance, before “PROCEDURES”, insert “APPLICABLE”.

**{DLR NOTES: (1) The T-399 proposal was limited to EC District provisions, with no attempt to conform the otherwise identical H District provisions. This amendment corrects that oversight.**

**(2) This amendment *omits*, however, T-399’s additional proposal to limit the required “approval ... as a text amendment” to “major” amendments only. First, that proposal provides not a hint as to what kind of “approval”, if any, would be required for “non-major” amendments – how or by whom those amendments might be adopted. Second, “major” is a vague, relative adjective, and the proposal provides no definition, standard, or tiniest clue as to just what differences are intended between “major” amendments and all other amendments. Given the absence of *any* standards or guidance: (i) this proposed exception for “non-major” amendments would likely be held an “undue delegation of legislative powers”; and (ii) in any event, it would certainly be unworkable.}**

**Amendment No. 11 (T-392 and T-410) {EC & H Districts Master Plan}**

On page 183, in line 29, and on page 187, in line 5, in each instance, strike “A GENERAL RANGE OF”; and, in the same line, before “SQUARE” and before “BUILDING”, in each instance, insert “APPROXIMATE”; and, in the same line, after “HEIGHTS”, insert “, WITHIN A REASONABLE RANGE,”.

**Amendment No. 12 (T-393 and T-411) {EC & H Districts Master Plan}**

On page 183, in line 31 and in line 33, and on page 187, in line 7 and in line 9, in each instance, strike “GENERAL”.

**Amendment No. 13 (T-774) {EC Master Plan}**

On page 183, in line 33, strike “ON-SITE” and substitute “SITE-ACCESS”.

**Amendment No. 14 (T-402 and T-413) {EC & H Districts Master Plan}**

On page 184, in line 10, and on page 187, in line 20, in each instance, after the comma, insert “BOTH SUBJECT TO APPROVAL BY ORDINANCE,”.

**Amendment No. 15 (T-403 and T-414) {EC & H Districts Master Plan}**

On page 184, in line 12, and, on page 187, in line 23, in each instance, after “AMENDMENTS TO”, insert “INCREASE THE BOUNDARIES OF, ADD ADDITIONAL USES TO, OR”; and, in the next lines 13 and 24, in each instance, after “APPROVAL”, insert “BY ORDINANCE”.

**Amendment No. 16 (T-404, T-405) {H District Uses}**

On page 185, strike line 10, in its entirety, and substitute “(5) {RESERVED}”; and, after line 27, insert:

“(2) HOTELS, MOTELS, AND ROOMING HOUSES.”.

**Amendment No. 17 (T-761) {H District Uses}**

On page 185, after line 16, insert:

“(12) RECREATION - INDOOR AND OUTDOOR.”;

and, beginning in line 17 through line 22, renumber items “(12)” through “(17)” to be “(13)” through “(18)”, respectively.

**Amendment No. 18 (T-408) {H District Development Plan}**

On page 186, in line 16, strike “TO THE CITY COUNCIL”; and, in line 17, after “APPROVAL”, insert “BY ORDINANCE”; and, in the same line, strike “, WHICH MAY” and substitute “FOR ANY NEW CONSTRUCTION THAT WOULD”.

**Amendment No. 19 (T-942) {H District Development Plan}**

On page 186, in lines 22 and 23, strike “OR UNDER THE CONTROL OF”; and, in line 23, after “FACILITY”, insert “AT THE TIME OF THE PLAN’S APPROVAL”

**Amendment No. 20 (T-943) {H District Development Plan}**

On page 186, in line 25, strike “OF THE H DISTRICT” and substitute “EXPRESSLY MADE SUBJECT TO THE PLAN”; and, after “INCLUDING”, insert “PLAN-APPROVED”.

**Amendment No. 21 (T-412) {H District Development Plan}**

On page 187, in line 14, after “ALL”, insert “EXISTING AND PROPOSED”

**Amendment No. 22 (T-773) {Waterfront Overlay}**

On page 189, in line 26, after “TABLES”, insert “, NOT BY THE UNDERLYING ZONING”; and, in line 30, strike “12-903(4)” and substitute “12-903(4)”.

**Amendment No. 23 (T-758) {Waterfront Overlay}**

On page 191, in line 32, strike “FOR HIKING AND BIKING”.

**Amendment No. 24 (T-767) {Waterfront Overlay}**

On page 191, in line 33, strike “THE ZONING MAP” and substitute “TABLES 12-903(1)-(4)”.

**Amendment No. 25 (T-421 and T-617) {Rowhouse MU Overlay}**

On page 193, after line 33, insert the subsection designator “(A) IN GENERAL.”; and, after line 37, insert:

“(B) INITIAL CONVERSION REQUIRES CB APPROVAL.”

A ROWHOUSE DWELLING’S INITIAL CONVERSION FROM A RESIDENTIAL USE TO A NON-RESIDENTIAL USE LISTED IN § 12-1003 OF THIS SUBTITLE REQUIRES CONDITIONAL-USE APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.”;

and, on page 194, in line 15, after “CONDITIONAL USES”, strike the comma; and, on the same page, after line 17, insert:

“(2) INITIAL CONVERSION OF A ROWHOUSE DWELLING FROM A RESIDENTIAL USE TO A NON-RESIDENTIAL USE LISTED IN SUBSECTION (A) OF THIS SECTION.”;

and, on the same page, in line 18, strike “(2)” and substitute “(3)”.

**Amendment No. 26 (T-616) {Rowhouse MU Overlay Uses}**

On page 194, in line 3, after “*PERMITTED*”, insert “NON-RESIDENTIAL”.

**Amendment No. 27 (T-419) {Rowhouse MU Overlay Uses}**

On page 194, strike line 9, in its entirety; and, beginning in line 10 through line 13, renumber items “(5)” through “(8)” to be “(4)” through “(7)”, respectively.

**Amendment No. 28 (T-757) {Rowhouse MU Overlay Bulk & Yard Req'ts}**

On page 194, after line 20, insert the subsection designator “(A) IN GENERAL.”; and, in line 22, after “DISTRICT”, insert “, EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION”; and, after line 22, insert:

“(B) EXCEPTION.”

SUBSECTION (A) DOES NOT APPLY TO THE MINIMUM LOT AREA FOR A NON-RESIDENTIAL USE THAT WAS CONVERTED UNDER THIS SUBTITLE FROM A RESIDENTIAL USE. IN THAT CASE, THE MINIMUM LOT AREA REQUIREMENT FOR THE PRIOR RESIDENTIAL USE APPLIES.”.

**Amendment No. 29 (T-422) {Rowhouse MU Overlay Standards}**

On page 195, in line 1, strike “CONDITIONAL USE APPROVAL” and substitute “FOR ALL OTHER NON-RESIDENTIAL USES, CONDITIONAL-USE APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS”.

**Amendment No. 30 (T-426 and T-619) {Detached Dwelling MU Overlay}**

On page 195, after line 33, insert the subsection designator “(A) IN GENERAL.”; and, after line 36, insert:

“(B) INITIAL CONVERSION REQUIRES CB APPROVAL.”

A DETACHED DWELLING’S INITIAL CONVERSION FROM A RESIDENTIAL USE TO A NON-RESIDENTIAL USE LISTED IN § 12-1103 OF THIS SUBTITLE REQUIRES CONDITIONAL-USE APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.”;

and, on page 196, strike lines 13 through 15, in their entireties, and substitute:

“IN THE D-MU OVERLAY DISTRICT, THE FOLLOWING USES ARE CONDITIONAL USES REQUIRING APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS:

- (1) INITIAL CONVERSION OF A DETACHED DWELLING FROM A RESIDENTIAL USE TO A NON-RESIDENTIAL USE LISTED IN SUBSECTION (A) OF THIS SECTION.
- (2) USE OF UPPER FLOOR FOR A NON-RESIDENTIAL USE LISTED IN SUBSECTION (A) OF THIS SECTION.”.

**Amendment No. 31 (T-618) {Detached Dwelling MU Overlay Uses}**

On page 196, in line 4, after “*PERMITTED*”, insert “NON-RESIDENTIAL”.

**Amendment No. 32 (T-424) {Detached Dwelling MU Overlay Uses}**

On page 196, strike line 10, in its entirety; and, in line 11, strike“(5)” and substitute “(4)”.

**Amendment No. 33 (T-425) {Detached Dwelling MU Overlay Standards}**

On page 196, in line 30, strike “CONDITIONAL USE APPROVAL” and substitute “FOR ALL OTHER NON-RESIDENTIAL USES, CONDITIONAL-USE APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS”.

OMITTED PROPOSALS

**{T-395 (EC MASTER PLAN):** T-395 proposes to amend § 12-503(a)(2) as follows:

**“Once a Campus Master Plan is submitted and approved, the development proceeds in accordance with the plan rather than the base district regulations, including with only specifically approved sites only which deviate from the base district regulations.”**

Try as we might to decipher the substituted phrasing, it remains incomprehensible. And, even *guessing* at its intent, we fail to discern anything that hasn't already been clearly said elsewhere in these sections. }