

AMENDMENT NO. \_\_\_\_  
TO  
SECOND SUBSTITUTE ORDINANCE NO. BL2022-1121

Mr. President –

I hereby move to amend Second Substitute Ordinance No. BL2022-1121 as follows:

I. By amending Section 1 by modifying proposed Subsection 17.12.090.E.5 as follows:

5. Permitted Uses of Natural Open Space. The following uses may be located or installed within natural open space without affecting the contribution of those areas to flexibility of lot size afforded by the previous section:
- a. Conservation of natural resources;
  - b. Paved greenway trails or trailhead facilities identified in the Metropolitan Parks and Greenways Master Plan and located within publicly accessible greenway conservation easements to the benefit of the Metropolitan Greenways Commission or Metro Parks;
  - c. Walking or bicycle trails provided they are constructed of porous paving materials;
  - d. Athletic courts and fields or playgrounds, provided that they meet the following:
    - i. All facilities are designed and constructed with a permeable base or groundcover; no impermeable surfaces shall be used;
    - ii. All facilities make up no more than 5% of the total natural open space area of the development or 4,600 sq. ft., whichever is less; and
    - iii. No facility shall be constructed on wetlands as determined by Metro Stormwater; in known habitat for federally or state listed or proposed rare, threatened, or endangered species; in areas containing a protected Cedar Glade plant species as established by Section 17.28.060 of the Metro Zoning Code; on archaeological or historic sites, cemeteries, and burial grounds; or in an area that would require the removal of protected, heritage, and/or historic and specimen trees as defined by Section 17.40.450 of the Metro Zoning Code.
  - ~~e.~~ Passive recreation areas such as picnic shelters, gazebos, or shared docks;
  - ~~ef.~~ Required stormwater mitigation measures such as reforestation that do not require grading;
  - ~~fg.~~ Other conservation-oriented uses compatible with the purposes of this section.

II. By amending Section 1 by modifying proposed Subsection 17.12.090.E.6 as follows:

6. Prohibited Uses of Natural Open Space.
- a. Clearing, grading, disturbance, or tree removal except as specifically authorized in the permitted uses;
  - b. Roads, parking lots, impervious surfaces, and infrastructure;
  - c. Active recreational or play facilities that are designed and constructed with impermeable surfaces including but not limited to tennis courts, basketball courts, swimming pools, playgrounds, baseball/softball diamonds or volleyball courts or other facilities ~~that incorporate impervious surface; and~~
  - d. Impoundments, such as retention and detention basins, and other conventional stormwater facilities.

INTRODUCED BY:

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Jennifer Gamble  
Member of Council