

for the alteration or expansion of a certified nonconforming use in the Critical Area. The new language is required by State law, and is also identical to the required findings that must be made by the Board of Appeals in granting a variance (Section 27-230 of the Zoning Ordinance). The Chamber requested that certain language be eliminated, since it is appropriate for variances but not for Special Exceptions. Carolyn Watson responded that the elimination of the language would be contrary to State law, which apparently envisioned a variance, and not a Special Exception process. Several compromises were proposed, and the Committee agreed on the following. The alteration or expansion of certified nonconforming uses in the Critical Area shall not require a Special Exception, but shall be subject to a variance procedure to be administered by the Zoning Hearing Examiner. The variance may be appealed to or called up by the District Council. Carolyn Watson assured the Committee that these cases are rare.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

Every four years, local governments are required by State Law to perform a comprehensive review of their Critical Area Program and propose amendments as necessary. The County's four year anniversary was January 15, 1992. Amendments are proposed to the Zoning Ordinance and the Conservation Manual in an effort to make editorial corrections, clarify program regulations, resolve conflicts in County regulations, and facilitate program implementation. Specifically, the program is being revised to: allow administrative waivers to be granted for certain water-dependent facilities in the Buffer; exempt farm ponds and other man-made bodies of water from nontidal wetland regulations; clarify that a site must be restored to the approved limits of disturbance if a Conservation Plan is violated; resolve a conflict in existing ordinances by requiring that a stormwater management technical design plan be approved prior to the approval of a Conservation Plan; clarify that special notification is only required for requests for variances from Critical Area Program requirements, and remove Maryland Department of Natural Resources from the notification list; allow concrete batching and mixing plants in the IDO with a special exception; require that approved Conservation Agreements be recorded among the County land records; add a section to the Conservation Manual which clarifies grandfathering; and modify the sample Conservation Agreement to allow bond monies to be used to reimburse the reforestation fee-in-lieu fund if reforestation obligations are not satisfied, and clarify other provisions including what is expected to occur within the approved limits of disturbance, what happens to a bond if the property is conveyed while a bond is in effect, and that both fines and mitigation will be imposed if a Conservation Plan is violated.