

2009 CRITICAL AREA PROGRAM UPDATE						
STATE AND LOCAL AMENDMENTS						
ZTA#07-22						
<u>SOURCE</u>						
<u>AMENDMENT</u>	<u>STATE REQUIRED</u>	<u>COUNTY STAFF</u>	<u>EXISTING PROGRAM DOCUMENT</u>	<u>COUNTY BILL PAGE REFERENCE</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	
297-126	<u>PURPOSE; STATUTORY AUTHORITY.</u>					
	SPECIFIED WHAT COMPRISES THE "PROGRAM" TO ELIMINATE CONFUSION. PLANNING STAFF HAS RECEIVED MANY QUESTIONS REGARDING WHAT DOCUMENTS ARE REGULATORY WITH RESPECT TO CRITICAL AREA LAW, SINCE THERE ARE SEVERAL, SEPARATE DOCUMENTS. THIS CHANGE MAKES THE RELEVANCE OF EACH DOCUMENT CLEAR.		YES. 6 YEAR UPDATE	6	NO	
297-128	<u>DEFINITIONS OF TERMS APPLICABLE TO CRITICAL AREA ZONE.</u>					
	ADDED DEFINITIONS OF: ABATEMENT; MAJOR INFRACTION; MINOR INFRACTION; MODERATE INFRACTION; PERSON; RESTORATION; MITIGATION	YES. HB1253 pg. 23 & ANNOTATED CODE §8-1808	COUNTY METHOD TO COMPLY WITH STATE'S PENALTY REQUIREMENT	7, 19, 20, 23	NO	
	ADDED DEFINITIONS OF: AGRICULTURE; COLONIAL NESTING BIRDS; FOREST INTERIOR DWELLING BIRDS; HABITAT PROTECTION AREA; HISTORIC WATERFOWL STAGING AND CONCENTRATION AREA; RIPARIAN HABITAT; SPECIES IN NEED OF CONSERVATION; SPOIL PILE; WATERFOWL	YES. COMAR 27.01.01.01		7, 9, 11, 14, 15, 23, 26, 27	NO	
	ADDED DEFINITIONS OF: DEVELOPER; PROGRAM AMENDMENT; PROGRAM REFINEMENT	YES. SB751 pgs. 2 &3		11, 22, 23	NO	
	ADDED DEFINITIONS OF: INTENSE DEVELOPMENT ZONE; LIMITED DEVELOPMENT ZONE; LOT COVERAGE; RESOURCE CONSERVATION ZONE; TRIBUTARY STREAM	YES. HB1253 pgs. 11, 12, 13, 14, &15 & ANNOTATED CODE §8-1802		16, 17, 23, 27	NO	
	AMENDED DEFINITION OF DISTURBED AREA TO MORE CLEARLY INCLUDE THE ENTIRE AREA WITHIN IDENTIFIED LIMITS OF DISTURBANCE ON A PLAN. THE CURRENT DEFINITION DOES NOT INCLUDE THE ENTIRE AREA INSIDE OF THE LIMITS OF DISTURBANCE IF NATURAL VEGETATION REMOVED WAS REPLACED. STATE REVIEW COMMENT LETTERS HAVE CONSISTENTLY REQUIRED MITIGATION BASED UPON THE LIMITS OF DISTURBANCE, NOT THE COUNTY'S DEFINITION OF DISTURBED AREA.		YES. CONSISTENT WITH STATE GUIDANCE RECEIVED BY COMMENTS PROVIDED TO PLANNING STAFF OVER TIME, THROUGH THE DEVELOPMENT REVIEW PROCESS. 6 YEAR UPDATE.	12	NO	

		<u>SOURCE</u>				
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AMENDED DEFINITIONS OF: BUFFER; BUFFER MODIFICATION AREA; COUNTY BUFFER MANAGEMENT PLAN;	YES. COMAR 27.01.01.01, ANNOTATED CODE §8-1802 AND CAC MODEL ORDINANCE			8, 9, 13, 27	NO	
<u>297-130</u> <u>LOTS OF RECORD IN CRITICAL AREA ZONE: GRANDFATHER PROVISIONS.</u>						
ADDED REFERENCE TO THE LOT CONSOLIDATION AND RECONFIGURATION PROVISION OF THE SUBDIVISION REGULATIONS	YES. HB1253 pg. 21, COMAR 27.03.01.03, ANNOTATED CODE §8-1808			30-31	NO	
EXEMPTED WATERFRONT PLANNED COMMUNITY ZONE, ALSO KNOWN AS SWAN POINT, EXISTING AS OF JULY 1, 2008 FROM LOT CONSOLIDATION AND RECONFIGURATION REQUIREMENTS. LOT CONSOLIDATION AND RECONFIGURATION REQUIREMENTS SIGNIFICANTLY RESTRICT A PROPERTY OWNERS ABILITY TO RECONFIGURE LOT LINES OR CONSOLIDATE PROPERTIES AND REQUIRE FINDINGS TO BE MADE THAT THERE ARE NO NEW RIPARIAN RIGHTS OR HABITAT IMPACTS CREATED AS A RESULT OF THE ACTIVITY. BY EXEMPTING THE WATERFRONT PLANNED COMMUNITY ZONE, THE ORDINANCE WILL ALLOW FOR LOT CONSOLIDATIONS AND RECONFIGURATIONS TO OCCUR WITHIN THE ZONE WITH LESS RESTRICTION.		YES. 6 YEAR UPDATE.		31	NO	
<u>297-131</u> <u>CRITICAL AREA BUFFER REGULATIONS.</u>						
INCLUDED ATTRIBUTES OF THE BUFFER	YES. COMAR 27.01.09.01		YES	31-32,	NO	
ADDED 200 FOOT BUFFER FOR RESOURCE CONSERVATION ZONE FOR SUBDIVISION OR CHANGE IN USE	YES. HB1253 pg. 35 & ANNOTATED CODE §8-1808.10			32	YES, IN SOME CASES	
ADDED ADJACENT NON-TIDAL WETLANDS AS WARRANTING BUFFER EXPANSION	YES. COMAR 27.01.09.01		YES	32, 78	NO	
INCLUDED REQUIREMENTS THAT THE BUFFER BE FIELD VERIFIED BY THE APPLICANT OR THE APPLICANT'S REPRESENTATIVE. BASED UPON THE DEFINITION AND NATURE OF THE RESOURCE, THE CRITICAL AREA BUFFER IS NOT A FIXED LOCATION AND MOVES WITH THE SHORELINE. TO ACCURATELY REPRESENT A PROPERTY, THE BUFFER NEEDS TO BE FIELD VERIFIED.		YES. CONSISTENT WITH STATE GUIDANCE RECEIVED BY COMMENTS PROVIDED TO PLANNING STAFF OVER TIME, THROUGH THE DEVELOPMENT REVIEW PROCESS. 6 YEAR UPDATE.		32	YES, IN SOME CASES, COST OF FIELD WORK	
REQUIRING ESTABLISHMENT OF THE BUFFER	YES. COMAR 27.01.09.01		YES	32	NO	

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		<u>STATE REQUIRED</u>	<u>COUNTY STAFF</u>			
	AMENDMENT TO LIST ROADS, PARKING AREAS, SEPTIC SYSTEMS AS ACTIVITIES NOT PERMITTED IN THE BUFFER WITHOUT A VARIANCE. ALSO INCLUDED IS AN AMENDMENT TO ALLOW ROADS, BRIDGES AND UTILITIES IN THE BUFFER FOR ALL THREE OVERLAYS ONLY IF NO FEASIBLE ALTERNATIVE EXISTS. THIS PROVISION CURRENTLY EXISTS IN THE ZONING ORDINANCE, BUT DOES NOT APPLY TO THE INTENSE DEVELOPMENT ZONE OVERLAY. THIS PROVISION DOES NOT ALLOW FOR PARKING AREAS, OR SEPTIC SYSTEMS TO BE LOCATED IN THE BUFFER.	YES. PROVISION FOR ROADS, BRIDGES, AND UTILITIES TO DISTURB THE BUFFER WHERE NO FEASIBLE ALTERNATIVE EXISTS IS CONSISTENT WITH PENDING REGULATIONS	YES. PROHIBITION OF DEVELOPMENT ACTIVITIES IN THE BUFFER IS CONSISTENT WITH STATE GUIDANCE RECEIVED BY COMMENTS PROVIDED TO PLANNING STAFF OVER TIME, THROUGH THE DEVELOPMENT REVIEW PROCESS. 6 YEAR UPDATE.	YES	33	NO
	AMENDMENT ENCOURAGING A COMMUNITY PIER OVER INDIVIDUAL PIERS ON NEW MAJOR SUBDIVISION IN THE LIMITED DEVELOPMENT AND RESOURCE CONSERVATION ZONES TO MINIMIZE IMPACTS TO SENSITIVE HABITAT PROTECTION AREAS, INCLUDING THE CRITICAL AREA BUFFER, TIDAL AND NON-TIDAL MARSHLAND, WATERFOWL STAGING AND CONCENTRATION AREAS, ANADROMOUS FISH PROPOGATION AREAS, COLONIAL NESTING BIRDS HABITAT AND FOREST INTERIOR DWELLING SPECIES HABITAT.		YES. 6 YEAR UPDATE.		34-35	YES AND NO. IT COULD LIMIT DIRECT ACCESS, BUT ALSO INCREASE ACCESS FOR NON-WATERFRONT LOTS
	AMENDMENT PERMITTING MINOR FILL WITHIN THE BUFFER FOR THE PURPOSE OF LAWN REPAIR AFTER STORM EVENTS. CURRENTLY, MINOR GRADING AND FILLING OF LAWN AREA WITHIN THE CRITICAL AREA BUFFER REQUIRES A VARIANCE. THIS AMENDMENT WILL ALLOW LAWN RESTORATION WITHIN THE BUFFER, UP TO 5,000 SQUARE FEET OF DISTURBANCE, UNDER A ZONING PERMIT. 5,000 SQUARE FEET IS THE MAXIMUM AMOUNT OF GRADING THAT MAY OCCUR WITHOUT REQUIRING A GRADING PERMIT.		YES. MODEL FROM WORCESTER COUNTY CODE. PROVIDED BY STATE STAFF TO ALLOW FOR THIS TYPE OF DISTURBANCE IN THE BUFFER WITHOUT A VARIANCE. 6 YEAR UPDATE.		37-38	NO. THIS AMENDMENT REPRESENTS A COST SAVINGS TO THE PROPERTY OWNER BY NOT REQUIRING AN ENGINEERED PLAN OR A VARIANCE APPROVED BY THE BOARD OF APPEALS.
	OUTLINING THAT SHORE EROSION CONTROL IS PERMITTED UNDER APPROVED BUFFER MANAGEMENT PLAN WITH SUBMITTAL REQUIREMENTS	YES. CONSISTENT WITH PENDING BUFFER REGULATIONS		YES	39-40	NO, MAY PREVENT LOSS OF PROPERTY FROM EROSION
	ADDED PROVISIONS TO ALLOW EROSION CONTROL MEASURES ABOVE MEAN HIGH WATER IN RESPONSE TO NUMEROUS PROPERTY OWNER REQUESTS. CURRENTLY, EROSION CONTROL ABOVE MEAN HIGH WATER IS NOT PERMITTED IN THE CRITICAL AREA BUFFER WITHOUT A VARIANCE. HOWEVER, INCLUSION OF THESE PROVISIONS IN THE ZONING ORDINANCE WILL ALLOW SOME EROSION CONTROL ABOVE MEAN HIGH WATER TO OCCUR WITHOUT A VARIANCE.		YES. MODEL FROM ST. MARY'S COUNTY CODE. 6 YEAR UPDATE.		40	NO, MAY PREVENT LOSS OF PROPERTY FROM EROSION
	RESTRICTION OF LOT COVERAGE IN THE BUFFER TO MINIMUM NECESSARY FOR WATER DEPENDENT ACTIVITIES UNLESS IN A BUFFER MODIFICATION AREA OR VARIANCE IS OBTAINED	YES. HB1253 pg. 31 & ANNOTATED CODE §8-1808.3			40-41	NO

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	AMENDMENT TO ALLOW ONE WIND TURBINE PER LOT WITHIN THE BUFFER. THIS WILL MINIMIZE THE POTENTIAL FOR DISTURBANCE WITHIN THE BUFFER, WHICH IS CONSIDERED A HABITAT PROTECTION AREA BY LAW.		YES. CONSISTENT WITH STATE GUIDANCE REGARDING PENDING STATE REGULATIONS . 6 YEAR UPDATE.		41	NO
	INCLUSION OF AGRICULTURAL REGULATIONS WITHIN THE BUFFER	YES. COMAR 27.01.09.01		YES	42-43	NO
	REMOVED BUFFER MANAGEMENT PLAN REQUIREMENT FOR TIMBER HARVESTS AND ADDED REFERENCE TO DISTRICT FORESTRY BOARD BECAUSE TIMBER HARVEST PERMITS ARE NOT PRESENTED TO THE COUNTY PLANNING DIVISION PRIOR TO OR FOR APPROVAL. THE DISTRICT FORESTRY BOARD REVIEWS AND APPROVES TIMBER HARVESTS IN THE CRITICAL AREA, AND, ONCE THEY ARE APPROVED, PROVIDES A COPY TO THE COUNTY FOR REFERENCE.		YES. CONSISTENT WITH CURRENT TIMBER HARVEST APPROVAL PROCESS. 6 YEAR UPDATE.		43	YES. COST SAVINGS FOR NOT HAVING TO SUBMIT BUFFER MANAGEMENT PLAN.
	AMENDMENT TO REQUIREMENTS OF BUFFER MANAGEMENT PLANS TO PROVIDE MINIMUM STANDARDS BECAUSE THE CURRENT ORDINANCE IS NOT CLEAR REGARDING WHAT SHOULD BE SUBMITTED FOR REVIEW. THIS AMENDMENT ADDRESSES MANY REQUESTS FROM PROPERTY OWNERS TO PROVIDE MORE DETAIL REGARDING SUBMITTAL REQUIREMENTS AND ELIMINATES POSSIBLE SUBJECTIVITY FROM THE REVIEW PROCESS.		YES. CONSISTENT WITH PENDING STATE REGULATIONS. 6 YEAR UPDATE		44	NO
	PROVIDED MITIGATION RATIOS FOR ACTIVITES UNDER BUFFER MANAGEMENT PLANS. RATIOS INCLUDE: 1:1 FOR PERSONAL USE AND TO INSTALL SHORE EROSION CONTROLS; AND, 2:1 FOR ACCESS TO PRIVATE PIERS. BY PROVIDING MITIGATION RATIOS IN THE ORDINANCE, PROPERTY OWNERS ARE BETTER AWARE OF REQUIREMENTS ASSOCIATED WITH VARIOUS ACTIVITES. ADDITIONALLY, THIS ELIMINATES POSSIBLE SUBJECTIVITY FROM THE REVIEW PROCESS.	YES. THE MITIGATION RATIO, ONLY FOR PERSONAL USE, IS PROVIDED UNDER COMAR 27.01.09.01	YES. THE MITIGATION RATIOS SPECIFICALLY FOR ACCESS TO PIERS OR SHORE ERSION CONTROL INSTALLATION ARE CONSISTENT WITH PENDING STATE REGULATIONS AND CURRENT STATE GUIDANCE. 6 YEAR UPDATE.		44-45	NO
	ADDED REQUIREMENT THAT A ZONING PERMIT OR A FREE TREE REMOVAL AUTHORIZATION BE OBTAINED WITH A BUFFER MANAGEMENT PLAN BECAUSE ZONING PERMITS AND FREE TREE REMOVAL AUTHORIZATIONS ARE INCLUDED IN THE COUNTY PERMIT SYSTEM, AS400, AND ARE TRACKABLE. BUFFER MANAGEMENT PLANS THAT ARE NOT OR HAVE NOT BEEN INCLUDED IN THE SYSTEM ARE NOT IDENTIFIABLE WHEN RESEARCHING A PROPERTY. ADDITIONALLY, MANY PROPERTY OWNERS HAVE EXPRESSED THE NEED TO HAVE SOMETHING ISSUED FROM THE COUNTY APPROVING THEIR ACTIVITY.		YES. 6 YEAR UPDATE.	YES. COUNTY PROGRAM REQUIRES PLANNING DIVISION APPROVAL	46	YES AND NO. THERE IS NO FEE FOR A TREE REMOVAL AUTHORIZATION BUT THERE IS A FEE FOR A ZONING PERMIT
	ADDED REQUIREMENT THAT MITIGATION UNDER BUFFER MANAGEMENT PLANS BE NATIVE	YES. COMAR 27.01.09.01			46	NO

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	REPLACE WORD SLUDGE WITH BIOSOLIDS TO BE CONSISTENT WITH MARYLAND DEPARTMENT OF THE ENVIRONMENT LANGUAGE		YES. 6 YEAR UPDATE.		46	NO
	INCLUDED PROCEDURE FOR REDUCING THE 200 FOOT BUFFER	YES. HB 1253 pg. 36 & ANNOTATED CODE §8-1808.10			46, 48	NO, POTENTIAL ECONOMIC BENEFITS
	CLARIFIED PROCEDURE FOR EXPANDING BUFFER WHEN SENSITIVE FEATURES SUCH AS NON-TIDAL WETLANDS ARE ADJACENT	YES. COMAR 27.01.09.01			48	NO
	CHANGED THE TERM "BUFFER EXEMPTION AREA" TO "BUFFER MODIFICATION AREA" TO ELIMINATE CONFUSION. THE TERM "BUFFER EXEMPTION AREA" LEADS TO THE ASSUMPTION THAT THE PROPERTY IS EXEMPT FROM HAVING A CRITICAL AREA BUFFER, WHICH IS CONTRARY TO THE LAW. BUFFER EXEMPTION AREAS ARE STILL SUBJECT TO CRITICAL AREA BUFFER REGULATIONS, BUT ARE ALLOWED "MODIFIED" PROVISIONS FOR ENCROACHMENT INTO THE BUFFER FOR CERTAIN DEVELOPMENT ACTIVITIES.		YES. 6 YEAR UPDATE.		49 (AND THROUGHOUT DOCUMENT)	NO
	PROVIDED MITIGATION RATIOS FOR ACTIVITIES UNDER BUFFER MANAGEMENT PLANS IN BUFFER MODIFICATION AREAS. BY PROVIDING MITIGATION RATIOS IN THE ORDINANCE, PROPERTY OWNERS ARE MADE AWARE OF REQUIREMENTS ASSOCIATED WITH VARIOUS ACTIVITIES. ADDITIONALLY, THIS ELIMINATES POSSIBLE SUBJECTIVITY FROM THE REVIEW PROCESS.	YES. THE MITIGATION RATIO, ONLY FOR PERSONAL USE, IS PROVIDED UNDER COMAR 27.01.09.01	YES. THE MITIGATION RATIOS SPECIFICALLY FOR ACCESS TO PIERS OR SHORE ERSION CONTROL INSTALLATION ARE CONSISTENT WITH PENDING STATE REGULATIONS AND CURRENT STATE GUIDANCE. 6 YEAR UPDATE.		50-51	NO
	ADDED REQUIREMENT THAT A ZONING PERMIT OR A FREE TREE REMOVAL AUTHORIZATION BE OBTAINED WITH A BUFFER MANAGEMENT PLAN BECAUSE ZONING PERMITS AND FREE TREE REMOVAL AUTHORIZATIONS ARE INCLUDED IN THE COUNTY PERMIT SYSTEM, AS400, AND ARE TRACKABLE. BUFFER MANAGEMENT PLANS THAT ARE NOT OR HAVE NOT BEEN INCLUDED IN THE SYSTEM ARE NOT IDENTIFIABLE WHEN RESEARCHING A PROPERTY. ADDITIONALLY, MANY PROPERTY OWNERS HAVE EXPRESSED THE NEED TO HAVE SOMETHING ISSUED FROM THE COUNTY APPROVING THEIR ACTIVITY.		YES. 6 YEAR UPDATE.	YES. COUNTY PROGRAM REQUIRES PLANNING DIVISION APPROVAL	51	NO
	REPLACED REFERENCES TO IMPERVIOUS SURFACES WITH "LOT COVERAGE"	YES. HB 1253 pgs.13 & 32 & ANNOTATED CODE §8-1802 & §8-1808.3			THROUGHOUT DOCUMENT	NO

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		<u>STATE REQUIRED</u>	<u>COUNTY STAFF</u>	<u>EXISTING PROGRAM DOCUMENT</u>		
	ADDED MINIMUM BUFFER MODIFICATION AREA SETBACKS BASED UPON USE, FOR CLARIFICATION. THE CURRENT ZONING ORDINANCE ADOPTS THE SETBACK REQUIREMENTS OF THE CRITICAL AREA COMMISSION'S BUFFER EXEMPTION AREA POLICY FOR USES OTHER THAN SINGLE FAMILY RESIDENTIAL, BUT DOES NOT PROVIDE THE SETBACKS IN NUMBER FORM. THIS LEADS TO CONFUSION FOR PROPERTY OWNERS. THIS AMENDMENT WILL CLARIFY THE EXISTING REQUIREMENTS.		YES. CONSISTENT WITH STATE GUIDANCE DOCUMENT ADOPTED BY ZONING ORDINANCE REFERENCE. 6 YEAR UPDATE.		53, 55	NO
	AMENDMENT TO ALLOW ACCESSORY STRUCTURES BETWEEN THE PRINCIPAL STRUCTURE AND THE WATER IN A BUFFER MODIFICATION AREA UNDER A BUFFER MANAGEMENT PLAN AND WITH STANDARDS. THIS AMENDMENT ADDRESSES THE CONCERNS OF MANY PROPERTY OWNERS ON SMALLER WATERFRONT LOTS IN THE CURRENT BUFFER EXEMPTION AREAS THAT MAY NOT OTHERWISE HAVE ROOM ON THEIR LOTS FOR ACCESSORY STRUCTURES BECAUSE OF HOUSE PLACEMENT OR FRONT BUILDING RESTRICTION LINES.		YES. 6 YEAR UPDATE.		53-54	NO
	AMENDED BUFFER MODIFICATION ARE OFFSETTING REQUIREMENTS TO REQUIRE PLANTING WITHIN THE BUFFER AND/OR ALLOW OFF-SITE MITIGATION. THE CURRENT OFFSETTING PROVISIONS DO NOT ALLOW OFF-SITE MITIGATION. THIS AMENDMENT INCREASES A PROPERTY OWNERS OPTIONS FOR COMPLYING WITH THE PROGRAM		YES. 6 YEAR UPDATE.		56	NO
	AMENDED FEE-IN-LIEU LANGUAGE TO ALLOW IT TO BE DETERMINED ANNUALLY BY THE COMMISSIONERS RATHER THAN A FIXED AMOUNT. THIS IS CONSISTENT WITH CURRENT COUNTY COMMISSIONER'S PRACTICE OF EVALUATING FEES, INCLUDING FEES-IN-LIEU, ON AN ANNUAL BASIS AND INCREASING THEM AS NEEDED. BY HAVING A FIXED AMOUNT IN THE ORDINANCE, PROPERTY OWNERS ARE CONFUSED REGARDING WHICH FEE TO USE. ADDITIONALLY, BY INCLUDING A FIXED AMOUNT, WE WOULD NEED TO AMEND THE PROGRAM EVERY TIME THE COMMISSIONERS ADOPTED A REVISED FEE CHART WITH REVISED FEES-IN-LIEU.		YES. 6 YEAR UPDATE.		57	NO
	ADDED REFERENCE TO NEW APPENDIX I TO ADDRESS SWAN POINT BUFFER MODIFICATION AREA ALTERNATIVES. CURRENTLY, THE APPENDIX OF THE PROGRAM DOCUMENT IS REFERENCED FOR THE SWAN POINT BUFFER EXEMPTION AREAS. THIS AMENDMENT CHANGES THE REFERENCE TO REFLECT THAT THESE PROVISIONS HAVE BEEN MOVED FROM THE PROGRAM DOCUMENT INTO THE ZONING ORDINANCE.		YES. 6 YEAR UPDATE.	YES. APPENDIX B.	57	NO

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ADDED REQUIREMENT FOR STAKING OF THE OUTER EDGE OF THE BUFFER WHEN DEVELOPMENT WITHIN 50 FEET. THIS AMENDMENT IS CONSISTENT WITH CURRENT REQUIREMENTS FOR THE RESOURCE PROTECTION ZONE AND IS INTENDED TO ENSURE THAT DEVELOPMENT DOES NOT ENCROACH INTO THE BUFFER.		YES. CONSISTENT WITH STATE GUIDANCE RECEIVED BY COMMENTS PROVIDED TO PLANNING STAFF OVER TIME, THROUGH THE DEVELOPMENT REVIEW PROCESS. 6 YEAR UPDATE.		57-58	YES	
ADDED REQUIREMENT FOR PERMANENT SIGNAGE OF BUFFER WHEN MANAGED BY AN HOA WITHIN 50 FEET OF A LOT. THIS AMENDMENT IS CONSISTENT WITH CURRENT FOREST CONSERVATION REGULATIONS PERTAINING TO EASEMENTS AND IS INTENDED TO PROTECT THE BUFFER FROM ENCROACHMENT BY INDIVIDUAL PROPERTY OWNERS, AS WELL AS, TO INFORM THE PUBLIC OF THE PRESENCE OF THIS RESOURCE.		YES. CONSISTENT WITH STATE GUIDANCE RECEIVED BY COMMENTS PROVIDED TO PLANNING STAFF OVER TIME, THROUGH THE DEVELOPMENT REVIEW PROCESS. 6 YEAR UPDATE.		58	YES	
CLARIFIED THAT TRAILS WITHIN THE CRITICAL AREA BUFFER ARE REQUIRED TO BE NON-MOTORIZED, CONSTRUCTED OF A PERVIOUS MATERIAL, AND NO MORE THAN 6 FEET IN WIDTH. THE EXISTING ORDINANCE DOES NOT PROVIDE CONSTRUCTION CRITERIA AND PLANNING STAFF HAS BEEN ASKED BY PROPERTY OWNERS/ ENGINEERS TO PROVIDE MORE DETAIL.		YES. CONSISTENT WITH CRITICAL AREA COMMISSION'S PUBLIC WALKWAYS GUIDANCE DOCUMENT AND GUIDANCE RECEIVED BY COMMENTS PROVIDED TO PLANNING STAFF OVER TIME, THROUGH THE DEVELOPMENT REVIEW PROCESS. 6 YEAR UPDATE.	YES	58	NO	
<u>297-132</u> <u>DEVELOPMENT STANDARDS.</u>						
INCLUDED REGULATIONS TO ALLOW FOR IMPROVEMENTS TO PROPERTY NEEDED FOR REASONABLE ACCOMODATION FOR HANDICAPPED, WITH APPROVAL BY PLANNING DIRECTOR	YES. ANNOTATED CODE §8-1808			69-70	NO	
INCLUSION OF AGRICULTURAL REGULATIONS FOR OUTSIDE THE BUFFER	YES. COMAR 27.01.06.02		YES	71-72	NO	
ADDED REQUIREMENT THAT THE SIZE OF SPECIES TO BE PLANTED BE INCLUDED IN A PLANTING PLAN TO ENSURE THAT PROPOSED PLANTINGS ARE OF SUFFICIENT SIZE TO COMPLY WITH MITIGATION REQUIREMENTS RESULTING FROM THE DEVELOPMENT ACTIVITY.		YES. CONSISTENT WITH STATE GUIDANCE RECEIVED BY COMMENTS PROVIDED TO PLANNING STAFF OVER TIME, THROUGH THE DEVELOPMENT REVIEW PROCESS. 6 YEAR UPDATE.		72	NO	

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	ADDED MITIGATION CREDITS FOR VARIOUS PLANT MATERIALS. THIS AMENDMENT ADDRESSES A COMMON REQUEST BY PROPERTY OWNERS TO HAVE A DETAILED LIST WHICH PROVIDES THE VARIOUS CREDITS ASSIGNED FOR DIFFERENT SIZE TREES, SHRUBS AND GRASSES. THIS AMENDMENT ENSURES UNIFORM APPLICATION OF PLANTING CREDITS AMONG PLANNERS AND REMOVES POTENTIAL SUBJECTIVITY FROM THE REVIEW PROCESS.		YES. CONSISTENT WITH STATE GUIDANCE RECEIVED BY COMMENTS PROVIDED TO PLANNING STAFF OVER TIME, THROUGH THE DEVELOPMENT REVIEW PROCESS. 6 YEAR UPDATE.		73-74	NO
	AMENDED PLANTING PLAN REQUIREMENTS SO THAT A BOND IS ONLY REQUIRED AT THE DISCRETION OF THE DEPARTMENT OF PLANNING AND GROWTH MANAGEMENT. THE CURRENT ORDINANCE REQUIRES A BOND TO BE POSTED FOR EVERY PLANTING PLAN, REGARDLESS OF AMOUNT OF PROPOSED PLANTINGS. THIS AMENDMENT ELIMINATES THE NEED FOR SMALLER PROJECTS TO BE DELAYED BY THE BONDING PROCESS.		YES. 6 YEAR UPDATE.		74	NO
	CLARIFICATION OF MITIGATION OPTIONS RANGING FROM PLANTING ON-SITE TO RETENTION ON FORMER AGRICULTURAL LANDS. THIS AMENDMENT PROVIDES PROPERTY OWNERS WITH A LIST OF OPTIONS AVAILABLE WHEN THEY ARE UNABLE TO FIT REQUIRED MITIGATION ON THE PROPERTY SUBJECT TO A DEVELOPMENT ACTIVITY. BY PROVIDING AN EXPANDED LIST OF OPTIONS, THE PROPERTY OWNER IS ALLOWED TO CHOOSE WHICH METHOD IS MOST SUITABLE AND PROVIDE STAFF DIRECTION ACCORDINGLY.		YES. 6 YEAR UPDATE.		75-76	NO
	AMENDMENT TO ALLOW FEE-IN-LIEU WHEN OTHER MITIGATION OPTIONS ARE NOT FEASIBLE AND CLARIFYING WHAT THE FEES MAY BE USED FOR. STATE LAW REQUIRES THAT A LOCAL JURISDICTION IDENTIFY WHAT THE FEES WILL BE USED FOR, BEFORE USING THEM.	YES. COMAR 27.01.02.04			77	NO
	ADDED A REQUIREMENT THAT NEW RESIDENTIAL SUBDIVISIONS USE CLUSTER METHODS TO THE EXTENT FEASIBLE TO ENCOURAGE PRESERVATION OF WOODED OR ENVIRONMENTALLY SENSITIVE AREAS AND MINIMIZE THE IMPACTS OF DEVELOPMENT UPON THE SURROUNDING AREA.		YES. 6 YEAR UPDATE.		79	YES

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	ADDED REQUIREMENT TO USE ENVIRONMENTALLY SENSITIVE DESIGN, SUCH AS RAIN GARDENS, CONSERVATION LANDSCAPING, INCREASED TREE CANOPY, ETC., ON NEW MULTIFAMILY, INSTITUTIONAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT TO THE EXTENT FEASIBLE. THIS AMENDMENT WILL ENCOURAGE MINIMIZATION OF POTENTIAL IMPACTS ON HABITAT PROTECTION AREAS AND THE SURROUNDING AREAS AS A RESULT OF A DEVELOPMENT ACTIVITY. THESE TECHNIQUES MAY ALSO BE USED TO MEET STORMWATER MANAGEMENT REQUIREMENTS THAT MAY APPLY TO A DEVELOPMENT.		YES. 6 YEAR UPDATE.		79	NO
	ADDED MITIGATION REQUIREMENT FOR REMOVAL OF VEGETATIVE COVER . THIS AMENDMENT IS TO SPECIFY WHAT IS ALREADY BEING REQUIRED THROUGH THE DEVELOPMENT REVIEW PROCESS. ADDITIONALLY, A MAJORITY OF PROPERTY OWNERS USE EXISTING SHRUBS AND GRASSES TO HELP THEM MEET MINIMUM FOREST/VEGETATIVE COVER REQUIREMENTS ESTABLISHED BY THE COUNTY PROGRAM AND STATE LAW. SINCE THESE FORMS OF VEGETATION ARE BEING USED TO MEET REQUIREMENTS, REMOVAL OF THEM SHOULD REQUIRE MITIGATION.		YES. CONSISTENT WITH A LETTER RECEIVED FROM THE STATE TO CLARIFY WHAT REQUIRES MITIGATION. 6 YEAR UPDATE.		82-85	NO
	RESTRICTION OF CLEARING IN LIMITED DEVELOPMENT AND RESOURCE CONSERVATION ZONES TO 30% WITH A SPECIAL PROVISION FOR LOTS LESS THAN 1/2 ACRES. LOTS LESS THAN 1/2 ACRE WILL BE PERMITTED TO CLEAR UP TO 8,000 SQUARE FEET OF VEGETATION WITH A MITIGATION REQUIREMENT RATIO OF 1:1. THIS CLEARING RESTRICTION IS CONSISTENT WITH THE AVERAGE CLEARING FOR LOTS 1/2 ACRE OR LESS FROM 2005 TO JULY 2009, (8,250 SQUARE FEET).	YES. CONSISTENT WITH PENDING REGULATIONS			84-85	YES

	<u>AMENDMENT</u>	<u>SOURCE</u>			<u>COUNTY BILL PAGE REFERENCE</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>
		<u>STATE REQUIRED</u>	<u>COUNTY STAFF</u>	<u>EXISTING PROGRAM DOCUMENT</u>		
	<p>PROVIDING MITIGATION REQUIREMENTS, OPTIONS, AND APPROVAL METHODS TO LIMITED CLEARING PROVISIONS FOR OUTSIDE OF THE BUFFER AND WITHIN THE LIMITED DEVELOPMENT AND RESOURCE CONSERVATION ZONES. THIS AMENDMENT INCLUDES A 1:1 MITIGATION REQUIREMENT FOR LIMITED CLEARING FOR PERSONAL USE. OPTIONS FOR OFF-SITE MITIGATION FOR CLEARING OUTSIDE OF THE BUFFER INCLUDE PLANTING ON A DIFFERENT PROPERTY OWNED BY THE APPLICANT WITHIN THE CRITICAL AREA, PLANTING ON A PROPERTY NOT OWNED BY THE APPLICANT WITHIN THE CRITICAL AREA, PLANTING ON AN ABANDONED SAND AND GRAVEL MINE, PLANTING ON AGRICULTURAL FIELDS WITHIN THE CRITICAL AREA, AND RETENTION ON FORMER AGRICULTURAL LANDS. BY PROVIDING AN EXPANDED LIST OF OPTIONS, THE PROPERTY OWNER IS ALLOWED TO CHOOSE WHICH METHOD IS MOST SUITABLE AND PROVIDE STAFF DIRECTION ACCORDINGLY. A FREE TREE REMOVAL AUTHORIZATION IS REQUIRED BECAUSE THEY ARE INCLUDED IN THE COUNTY PERMIT SYSTEM, AS400, AND ARE TRACKABLE. APPROVALS FOR CLEARING THAT ARE NOT OR HAVE NOT BEEN INCLUDED IN THE COUNTY PERMIT SYSTEM ARE NOT IDENTIFIABLE WHEN RESEARCHING A PROPERTY. ADDITIONALLY, MANY PROPERTY OWNERS HAVE EXPRESSED THE NEED TO HAVE SOMETHING ISSUED FROM THE COUNTY APPROVING THEIR ACTIVITY.</p>		<p>YES. CONSISTENT WITH STATE GUIDANCE RECEIVED BY COMMENTS PROVIDED TO PLANNING STAFF OVER TIME, THROUGH THE DEVELOPMENT REVIEW PROCESS. 6 YEAR UPDATE.</p>		85-86	NO
	<p>REVISED THE FEE-IN-LIEU PROVISION FOR LIMITED CLEARING WITHIN THE LIMITED DEVELOPMENT AND RESOURCE CONSERVATION ZONES TO ALLOW THE COMMISSIONERS TO DETERMINE THE FEE ON ANNUAL BASIS RATHER THAN HAVE THE FEE BE SET AT A FIXED AMOUNT. THIS IS CONSISTENT WITH CURRENT COUNTY COMMISSIONER'S PRACTICE OF EVALUATING FEES, INCLUDING FEES-IN-LIEU, ON AN ANNUAL BASIS AND INCREASING THEM AS NEEDED. BY HAVING A FIXED AMOUNT IN THE ORDINANCE, WE WOULD NEED TO AMEND THE PROGRAM EVERY TIME THE COMMISSIONERS ADOPTED A REVISED FEE CHART WITH REVISED FEES-IN-LIEU.</p>		<p>YES. 6 YEAR UPDATE.</p>		86	NO

		<u>SOURCE</u>				
<u>AMENDMENT</u>	<u>STATE REQUIRED</u>	<u>COUNTY STAFF</u>	<u>EXISTING PROGRAM DOCUMENT</u>	<u>COUNTY BILL PAGE REFERENCE</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	
ADDED REQUIREMENT THAT THE BUFFER BE A PRIORITY PLANTING AREA IN THE LIMITED DEVELOPMENT AND RESOURCE CONSERVATION ZONES. THE BUFFER IS CONSIDERED A HABITAT PROTECTION AREA UNDER THE LAW AND IS INTENDED TO FUNCTION TO ENHANCE WILDLIFE HABITAT AND WATER QUALITY. BY DEFINITION THE BUFFER IS TO BE ESTABLISHED AS A FORESTED AREA. BY CONSIDERING THE BUFFER AS A PRIORITY PLANTING AREA, HABITAT AND WATER QUALITY FUNCTIONS ARE ENHANCED.			YES. CONSISTENT WITH STATE GUIDANCE RECEIVED BY COMMENTS PROVIDED TO PLANNING STAFF OVER TIME, THROUGH THE DEVELOPMENT REVIEW PROCESS. 6 YEAR UPDATE.	87	NO	
ADDED MAXIMUM LOT COVERAGE (AMOUNT OF MAN-MADE SURFACES) FOR SUBDIVISIONS APPROVED AFTER 12/1/1985 OF 15%	YES. HB1253 pgs. 32-33 & ANNOTATED CODE §8-1808.3			88	NO	
ADDED A REQUIREMENT THAT LOT COVERAGE CALCULATIONS BE PROVIDED FOR REVIEW WITH SUBDIVISION ACTIVITIES. LOT COVERAGE CALCULATIONS ARE REQUIRED TO BE REPORTED TO THE STATE ON A QUARTERLY BASIS FOR EACH APPROVED DEVELOPMENT ACTIVITY. ADDITIONALLY, A REVIEW OF LOT COVERAGE CALCULATIONS IS NEEDED TO DETERMINE COMPLIANCE WITH THE CRITICAL AREA PROGRAM PRIOR TO APPROVAL OF PLAT. ON MAJOR SUBDIVISION, LOT COVERAGE CALCULATIONS ARE INCLUDED ON THE PLAT AND PROVIDED TO FUTURE PROPERTY OWNERS SO THAT THEY MAY BE ABLE TO DETERMINE THE SIZE AND TYPE OF DWELLING UNIT/ACCESSORY STRUCTURE THEY MAY WISH TO CONSTRUCT ON A LOT.			YES. CONSISTENT WITH STATE "LOCAL GOVERNMENT ASSISTANCE GUIDE, LOT COVERAGE." 6 YEAR UPDATE	89	NO	
CLARIFIED SUBMITTAL REQUIREMENTS FOR A REQUEST TO EXCEED THE LOT COVERAGE ALLOWANCE IN THE LIMITED DEVELOPMENT OR RESOURCE CONSERVATION ZONES	YES. HB1253 pg. 33 & ANNOTATED CODE §8-1808.3			89-90	NO	

	<u>AMENDMENT</u>	<u>SOURCE</u>		<u>EXISTING PROGRAM DOCUMENT</u>	<u>COUNTY BILL PAGE REFERENCE</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>
		<u>STATE REQUIRED</u>	<u>COUNTY STAFF</u>			
297-133	<u>SITE PLANS.</u>					
	AMENDED THE REQUIREMENT OF A SITE PLAN TO ALLOW THE PLANNING DIRECTOR TO ACCEPT A SITE PLAN THAT IS NOT PROFESSIONALLY PREPARED. ADDITIONALLY, THIS AMENDMENT REQUIRES SUBMITTAL OF CRITICAL AREA INFORMATION FOR REVIEW. THE CURRENT ZONING ORDINANCE REQUIRES THAT ALL DEVELOPMENT ACTIVITIES HAVE A SITE PLAN WHICH COMPLIES WITH THE REQUIREMENTS OF APPENDIX A. APPENDIX A REQUIRES A SITE PLAN TO BE STAMPED OR SIGNED BY THE PROFESSIONAL THAT PREPARED THE PLAN. THIS AMENDMENT WILL ALLOW APPROVAL OF SMALLER PROJECTS THAT DO NOT BY NATURE, NECESSITATE A PROFESSIONALLY PREPARED PLAN AND/OR OTHER CRITERIA INCLUDED IN APPENDIX A. THE REQUIREMENT FOR CRITICAL AREA INFORMATION TO BE SUBMITTED WILL BE ENFORCE EITHER THROUGH CHECKLIST OR OTHER METHOD INCLUDED IN THE PERMIT REVIEW PROCESS.		YES. 6 YEAR UPDATE.		93	YES. COST SAVINGS FOR NOT REQUIRING AN ENGINEERED / PROFESSIONALLY PREPARED PLAN.
297-134	<u>GROWTH ALLOCATION (GA)</u>					
	AMENDED "SHOULD BE LOCATED" TO BE REQUIRED BY ADDING THE WORD "LOCATE" TO BEGINNING OF CRITERIA	YES. SB751 pg. 4, COMAR & 27.01.02.06, & ANNOTATED CODE §8-1808.1			94	NO
	ADDED REQUIREMENT TO LOCATE NEW LDZ OR IDZ IN A MANNER TO MINIMIZE IMPACT TO HABITAT PROTECTION AREAS	YES. SB751 pg. 4, COMAR 27.01.02.06, & ANNOTATED CODE §8-1808.1			94	NO
	ADDED REQUIREMENT TO LOCATED NEW IDZ OR LDZ 300 FEET FROM TIDAL WATERS OR WETLANDS	YES. SB751 pg. 4, COMAR & 27.01.02.06, & ANNOTATED CODE §8-1808.1			94-95	NO
	ADDED REQUIREMENT TO LOCATE NEW LDZ OR IDZ IN A MANNER TO MINIMIZE IMPACT TO RCZ	YES. SB751 pg. 4, COMAR & 27.01.02.06, & ANNOTATED CODE §8-1808.1			95	NO
	AMENDED "SHOULD" TO "SHALL" REQUIRING 300 FOOT BUFFER IN RCZ OR ALTERNATIVE MEASURES	YES. HB1253 pg. 28, COMAR 27.01.02.05-1 & ANNOTATED CODE §8-1808.1			96	NO
	AMENDED "CRITERIA" TO "STANDARDS AND FACTORS" TO BE CONSISTENT WITH APPROVED, NEW GROWTH ALLOCATION REGULATIONS	YES. HB1253 pgs. 29 &30, & ANNOTATED CODE §8-1808.1			96	NO
	ADDED REQUIREMENT THAT GROWTH ALLOCATIONS SHALL BE CONSISTENT WITH THE COMPREHENSIVE PLAN	YES. HB1253 pgs. 29 &30, & ANNOTATED CODE §8-1808.1			96	NO
	ADDED REQUIREMENTS FOR NEW IDZS AND LDZS AND FACTORS TO BE CONSIDERED WITH A GROWTH ALLOCATION APPLICATION	YES. HB1253 pgs. 29 &30, COMAR 27.01.02.05-1 & 2			96-97	NO

	<u>AMENDMENT</u>	<u>SOURCE</u>			<u>COUNTY BILL PAGE REFERENCE</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>
		<u>STATE REQUIRED</u>	<u>COUNTY STAFF</u>	<u>EXISTING PROGRAM DOCUMENT</u>		
	ADDED REFERENCE TO GROWTH ALLOCATION FEES TO INFORM APPLICANTS THAT THERE ARE TWO FEES ASSOCIATED WITH A GROWTH ALLOCATION REQUEST. ONE FEE IS FOR THE PROCESSING OF THE APPLICATION, THE SECOND FEE IS FOR AMENDMENT OF THE MAP, SHOULD THE REQUEST BE APPROVED. BY REFERENCING THESE FEES, PROPERTY OWNERS HAVE AN UNDERSTANDING OF UPFRONT COSTS ASSOCIATED WITH THIS TYPE OF REQUEST.		YES. 6 YEAR UPDATE.		102, 105	NO
	CLARIFIED 45 DAY TIME FRAME FOR ZONING OFFICER TO COMMENT ON GROWTH ALLOCATION REQUEST. GROWTH ALLOCATION REVIEW PROCEDURES FOLLOW THOSE OF THE PLANNED DEVELOPMENT ZONE LOCAL MAP AMENDMENTS. THESE PROCEDURES INCLUDE A 45 DAY TIME PERIOD FOR THE COUNTY TO PROVIDE COMMENT ON A GROWTH ALLOCATION REQUEST. BY INCLUDING THIS TIME FRAME IN THE GROWTH ALLOCATION PROVISIONS, PROPERTY OWNERS ARE BETTER INFORMED OF WHEN TO EXPECT COMMENTS REGARDING THEIR PROJECTS.		YES. CONSISTENT WITH EXISTING PLANNED DEVELOPMENT ZONE LOCAL MAP AMENDMENT PROCEDURES. 6 YEAR UPDATE.	YES	103	NO
	CLARIFIED THAT A GROWTH ALLOCATION REQUEST WILL BE CONSIDERED EITHER A PROGRAM AMENDMENT OR A PROGRAM REFINEMENT BY THE CRITICAL AREA COMMISSION	YES. SB751 pg. 5 & ANNOTATED CODE §8-1809			105	NO
	ADDED REFERENCE TO APPROVED GROWTH ALLOCATION REGULATIONS	YES. HB1253 pg. 15, COMAR 27.01.02.05-1 & 2, & ANNOTATED CODE §8-1806			107	NO
297-135	<u>CRITICAL AREA VIOLATIONS</u>					
	CHANGED "FINE" TO "CIVIL PENALTY"	YES. CONSISTENT WITH LANGUAGE USED IN HB 1253 pgs. 21, 22, & 23			107	NO
	ADDED REQUIREMENTS FOR THE BASIS OF CIVIL PENALTIES AND THEIR ACCRUAL	YES. HB1253 pg. 23 & ANNOTATED CODE §8-1808			108	NO
	ADDED THREE CATEGORIES OF VIOLATIONS (MINOR, MODERATE, MAJOR INFRACTIONS) AND A PENALTY ASSESMENT CHART	YES. HB1253 pg. 23 & ANNOTATED CODE §8-1808	COUNTY METHOD TO COMPLY WITH STATE'S PENALTY REQUIREMENT		108-109	YES, FINES COULD HAVE ECONOMIC IMPACT
	ADDED REQUIREMENT THAT EACH DAY THE VIOLATION CONTINUES IS A SEPARATE OFFENSE	YES. HB1253 pg. 22 & ANNOTATED CODE §8-1808			109	YES, FINES COULD HAVE ECONOMIC IMPACT
	ADDED REQUIREMENT FOR A RESTORATION/MITIGATION PLAN TO BE APPROVED BY THE DEPARTMENT OF PLANNING AND GROWTH MANAGEMENT	YES. HB1253 pg. 23 & ANNOTATED CODE §8-1808			109	NO
	CLARIFIED THAT PLANTING SHALL OCCUR WITHIN 1 CALENDAR YEAR OR AN ADDITIONAL CIVIL PENALTY WILL ACCRUE	YES. HB1253 pg. 23 & ANNOTATED CODE §8-1808			110	NO

		<u>SOURCE</u>				
<u>AMENDMENT</u>	<u>STATE REQUIRED</u>	<u>COUNTY STAFF</u>	<u>EXISTING PROGRAM DOCUMENT</u>	<u>COUNTY BILL PAGE REFERENCE</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	
REQUIRING A BOND FOR MITIGATION THAT EXCEEDS 1,000 SQUARE FEET OR \$1,000	YES. HB1253 pg. 38 & ANNOTATED CODE §8-1815			110	YES, COST FOR BONDS	
ADDED LANGUAGE THAT THE COUNTY MAY NOT ISSUE AN APPROVAL UNLESS CIVIL PENALTY PAID, RESTORATION/MITIGATION PLAN APPROVED, AND ABATEMENT MEASURES ARE COMPLETED. ADDITIONALLY APPLICATIONS FOR VARIANCES CANNOT BE ACCEPTED UNTIL A NOTICE OF VIOLATION HAS BEEN ISSUED TO THE PROPERTY OWNER	YES. HB1253 pg. 23 & ANNOTATED CODE §8-1808			110-111	NO	
CLARIFIED THAT APPEALS OF NOTICES OF VIOLATION ARE TO BE APPEALED TO THE BOARD OF APPEALS	YES. HB1253 pg. 25 & 26 & ANNOTATED CODE §8-1808. ALSO CONSISTENT WITH CHARLES COUNTY ZONING ORDINANCE PROVISIONS FOR APPEAL OF ADMINISTRATIVE DECISION.			111	NO	
<u>297-136</u>	<u>CRITICAL AREA VARIANCE</u>					
NEW SECTION TO INCLUDE REFERENCE TO BOARD OF APPEALS SECTION OF ZONING ORDINANCE AND ADMINISTRATIVE VARIANCE PROCEDURES	YES. HB1253 pg. 19 & ANNOTATED CODE §8-1808			111-114	NO	
<u>297-137</u>	<u>HABITAT PROTECTION AREAS AND PLANS</u>					
THIS SECTION INCLUDES PROVISIONS FROM THE EXISTING PROGRAM DOCUMENT WHICH ARE CURRENTLY ENFORCED BY THE COUNTY. MANY PROPERTY OWNERS DO NOT KNOW THAT THESE PROVISIONS EXIST BECAUSE THEY ARE LOCATED IN THE PROGRAM DOCUMENT, EVEN THOUGH THEY ARE REGULATORY IN NATURE.		YES. 6 YEAR UPDATE.	YES	114-139	NO	
<u>297-416</u>	<u>VARIANCES</u>					
REQUIRING NOTIFICATION TO CRITICAL AREA COMMISSION PRIOR TO HEARING A VARIANCE IN THE CRITICAL AREA	YES. COMAR 27.03.01.02			142	NO	
CLARIFYING FINDINGS REQUIRED OF THE BOARD OF APPEALS PRIOR TO APPROVING A CRITICAL AREA VARIANCE	YES, HB1253 pg. 25 & COMAR 27.01.11.01			143-144	NO	

	<u>AMENDMENT</u>	<u>SOURCE</u>			<u>COUNTY BILL PAGE REFERENCE</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>
		<u>STATE REQUIRED</u>	<u>COUNTY STAFF</u>	<u>EXISTING PROGRAM DOCUMENT</u>		
	ADDING PROVISION THAT A VARIANCE CANNOT CONFER UPON AN APPLICANT ANY SPECIAL PRIVILEGE THAT WOULD BE DENIED OTHER LANDS OR STRUCTURES	YES. COMAR 27.01.11.01			143	NO
	ADDED PRESUMPTION OF NONCONFORMANCE	YES. COMAR 27.01.11.01			147	NO
	AMENDED TO REQUIRE THE BOARD TO CONSIDER WHETHER A REQUEST IS BASED UPON A CONDITION OR CIRCUMSTANCE RESULTING FROM THE ACTIONS OF THE APPLICANT	YES. COMAR 27.01.11.01			147	NO
	ADDED REQUIREMENT TO NOTIFY CRITICAL AREA COMMISSION OF DECISION OF BOARD WITHIN 10 DAYS	YES. HB1253 pg. 25 & ANNOTATED CODE §8-1808			149	NO
	ADDED REQUIREMENT THAT NO PERMITS MAY BE ISSUED UNTIL 30 DAY APPEAL PERIOD HAS EXPIRED	YES. HB1253 pg. 25 & ANNOTATED CODE §8-1808			149	NO
	<u>APPENDIX I</u>					
	ADDED FOR SWAN POINT ALTERNATIVE FOR BUFFER MODIFICATION AREAS. THESE ALTERNATIVES ARE CURRENTLY INCLUDED IN THE PROGRAM DOCUMENT AND HAVE BEEN PLACED INTO THE ZONING ORDINANCE TO BETTER INFORM PROPERTY OWNERS IN SWAN POINT THAT THEY ARE SUBJECT TO THESE MANAGEMENT REQUIREMENTS. MANY PROPERTY OWNERS IN SWAN POINT DID NOT KNOW THAT THESE PROVISIONS EXISTED BECAUSE THEY WERE LOCATED IN THE BACK OF THE PROGRAM DOCUMENT, EVEN THOUGH THEY ARE REGULATORY IN NATURE.		YES. 6 YEAR UPDATE.	YES	150-160	NO
	<u>APPENDIX J</u>					
	ADDED TO INCLUDE SHORE EROSION CONTROL MEASURES. THE CURRENT ZONING ORDINANCE DOES NOT PROVIDE INFORMATION REGARDING STANDARDS FOR INSTALLATION OF SHORE EROSION CONTROL PROJECTS. BY PROVIDING THIS INFORMATION IN THE ZONING ORDINANCE, PROPERTY OWNERS ARE BETTER INFORMED OF THE REQUIREMENTS THAT THEIR REQUESTS MAY BE SUBJECT TO.		YES. 6 YEAR UPDATE.		161-162	NO

	<u>AMENDMENT</u>	<u>SOURCE</u>			<u>COUNTY BILL PAGE REFERENCE</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>
		<u>STATE REQUIRED</u>	<u>COUNTY STAFF</u>	<u>EXISTING PROGRAM DOCUMENT</u>		
	<u>APPENDIX K</u>					
	ADDED PROVISIONS TO ALLOW EROSION CONTROL MEASURES ABOVE MEAN HIGH WATER IN RESPONSE TO NUMEROUS PROPERTY OWNER REQUESTS. CURRENTLY, EROSION CONTROL ABOVE MEAN HIGH WATER IS NOT PERMITTED IN THE CRITICAL AREA BUFFER WITHOUT A VARIANCE. HOWEVER, INCLUSION OF THESE PROVISIONS IN THE ZONING ORDINANCE WILL ALLOW SOME EROSION CONSTROL ABOVE MEAN HIGH WATER TO OCCUR WITHOUT A VARIANCE.		YES. MODELED FROM ST. MARY'S COUNTY CODE. 6 YEAR UPDATE.		163-166	NO