

**Amendment 2 to Council Bill No. 9-2020**

**BY: David Yungmann**

**Legislative Day No. 3**

**Date: March 2, 2020**

**Amendment No. 2**

*(This Amendment requires the Hearing Authority to determine whether a proposed use is consistent with an easement.)*

1 On page 2, in line 31, after the final period, insert: “AT A HEARING TO CONSIDER A VARIANCE PETITION  
2 OR CONDITIONAL USE PROPOSED WITHIN AN EASEMENT AREA, THE HEARING AUTHORITY MAY PROCEED  
3 IF THE HEARING AUTHORITY DETERMINES THAT THE PROPOSED USE OR VARIANCE IS CONSISTENT WITH  
4 THE TERMS AND CONDITIONS OF ANY EASEMENT THAT THE PETITIONER RELIES ON AS PART OF THE  
5 PETITION. A DETERMINATION OF CONSISTENCY DOES NOT BIND A COURT IN ANY PROCEEDING RELATED  
6 TO THE MATTER.”.  
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