

(c) On or before December 31, [1990] 1996, a local jurisdiction shall amend its local critical area protection program to meet the provisions of this section.

(d) (1) Except as otherwise provided in this subsection for stormwater runoff, man-made impervious surfaces are limited to 15% of a parcel or lot.

(2) If a parcel or lot one-half acre or less in size [was in residential use or zoned for residential purposes] EXISTED on or before December 1, 1985, then man-made impervious surfaces [associated with that use] are limited to 25% of the parcel or lot.

(3) [If a parcel or lot one-fourth acre or less in size was in nonresidential use on or before December 1, 1985, then man-made impervious surfaces associated with that development are limited to 25% of the parcel or lot] IF A PARCEL OR LOT GREATER THAN ONE-HALF ACRE AND LESS THAN ONE ACRE IN SIZE EXISTED ON OR BEFORE DECEMBER 1, 1985, THEN MAN-MADE IMPERVIOUS SURFACES ARE LIMITED TO 15% OF THE PARCEL OR LOT.

(4) If an individual lot 1 acre or less in size is part of a subdivision approved after December 1, 1985, then man-made impervious surfaces of the lot may not exceed 25% of the lot. However, the total of the impervious surfaces over the entire subdivision may not exceed 15%.

(e) This section does not apply to a trailer park that was in residential use on or before December 1, 1985.

(F) A LOCAL JURISDICTION MAY ALLOW A PROPERTY OWNER TO EXCEED THE IMPERVIOUS SURFACE LIMITS PROVIDED IN SUBSECTION (D)(2) ~~THROUGH (4)~~ AND (3) OF THIS SECTION IF THE FOLLOWING CONDITIONS EXIST:

(1) NEW IMPERVIOUS SURFACES ON THE PROPERTY HAVE BEEN MINIMIZED;

(2) FOR A LOT OR PARCEL ONE-HALF ACRE OR LESS IN SIZE, TOTAL IMPERVIOUS SURFACES DO NOT EXCEED IMPERVIOUS SURFACE LIMITS IN SUBSECTION (D)(2) OF THIS SECTION BY MORE THAN 25% OR 500 SQUARE FEET, WHICHEVER IS GREATER;

(3) FOR A LOT OR PARCEL GREATER THAN ONE-HALF ACRE AND LESS THAN ONE ACRE IN SIZE, TOTAL IMPERVIOUS SURFACES DO NOT EXCEED IMPERVIOUS SURFACE LIMITS IN SUBSECTION (D)(3) OF THIS SECTION OR 5,445 SQUARE FEET, WHICHEVER IS GREATER;

~~(2)~~ (4) WATER QUALITY IMPACTS ASSOCIATED WITH RUNOFF FROM THE NEW IMPERVIOUS SURFACES CAN BE AND HAVE BEEN MINIMIZED THROUGH SITE DESIGN CONSIDERATIONS OR USE OF BEST MANAGEMENT PRACTICES APPROVED BY THE LOCAL JURISDICTION TO IMPROVE WATER QUALITY; AND

~~(3)~~ (5) THE PROPERTY OWNER PERFORMS ONSITE MITIGATION AS REQUIRED BY THE LOCAL JURISDICTION TO OFFSET POTENTIAL ADVERSE WATER