(D)   (1)   ~~IN THIS SUBSECTION, "UNWARRANTED HARDSHIP" MEANS THAT, WITHOUT A VARIANCE, AN APPLICANT WOULD BE DENIED REASONABLE AND SIGNIFICANT USE OF THE ENTIRE PARCEL OR LOT FOR WHICH THE VARIANCE IS REQUESTED.~~

~~(2)~~   A VARIANCE TO A LOCAL JURISDICTION'S CRITICAL AREA PROGRAM MAY NOT BE GRANTED UNLESS:

(I)   DUE TO SPECIAL FEATURES OF A SITE, OR SPECIAL CONDITIONS OR CIRCUMSTANCES PECULIAR TO THE APPLICANT'S LAND OR STRUCTURE, A LITERAL ENFORCEMENT OF THE CRITICAL AREA PROGRAM WOULD RESULT IN UNWARRANTED HARDSHIP TO THE APPLICANT;

(II)   THE LOCAL JURISDICTION FINDS THAT THE APPLICANT HAS SATISFIED EACH ONE OF THE VARIANCE PROVISIONS; AND

(III) WITHOUT THE VARIANCE, THE APPLICANT WOULD BE DEPRIVED OF A USE OF LAND OR A STRUCTURE PERMITTED TO OTHERS IN ACCORDANCE WITH THE PROVISIONS OF THE ~~JURISDICTION'S~~ CRITICAL AREA PROGRAM.

~~(3)~~   (2)   IN CONSIDERING AN APPLICATION FOR A VARIANCE, A LOCAL JURISDICTION SHALL CONSIDER THE REASONABLE USE OF THE ENTIRE PARCEL OR LOT FOR WHICH THE VARIANCE IS REQUESTED.

~~(4)~~   (3)   THIS SUBSECTION DOES NOT APPLY TO BUILDING PERMITS OR ACTIVITIES THAT COMPLY WITH A BUFFER EXEMPTION PLAN OR BUFFER MANAGEMENT PLAN OF A LOCAL JURISDICTION WHICH HAS BEEN APPROVED BY THE COMMISSION.

[(d)] (E) (1)   The Commission shall adopt by regulation on or before December 1, 1985 criteria for program development and approval, which are necessary or appropriate to achieve the standards stated in subsection (b) of this section. Prior to developing its criteria and also prior to adopting its criteria, the Commission shall hold at least 6 regional public hearings, 1 in each of the following areas:

(i)   Harford, Cecil, and Kent counties;

(ii)   Queen Anne's, Talbot, and Caroline counties;

(iii)   Dorchester, Somerset, and Wicomico counties;

(iv)   Baltimore City and Baltimore County;

(v)   Charles, Calvert, and St. Mary's counties; and

(vi)   Anne Arundel and Prince George's counties.

(2)   During the hearing process, the Commission shall consult with each affected local jurisdiction.