

(3) If a parcel or lot greater than one-half acre and less than one acre in size existed on or before December 1, 1985 IN THE CHESAPEAKE BAY CRITICAL AREA OR ON OR BEFORE ~~APRIL 17, 2001~~ JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA, 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 IN THE CHESAPEAKE BAY CRITICAL AREA OR AFTER ~~APRIL 17, 2001~~ JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA, 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 IN THE CHESAPEAKE BAY CRITICAL AREA OR ON OR BEFORE ~~APRIL 17, 2001~~ JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA.

(f) A local jurisdiction may allow a property owner to exceed the impervious surface limits provided in subsection (d)(2) 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;

(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

(5) The property owner performs on-site mitigation as required by the local jurisdiction to offset potential adverse water quality impacts from the new impervious surfaces, or the property owner pays a fee to the local jurisdiction in lieu of performing the on-site mitigation.

(g) All fees collected by a local jurisdiction under subsection (f)(5) of this section must be used to fund projects that improve water quality within the critical area consistent with the jurisdiction's local critical area protection program.

(h) A local jurisdiction may grant a variance from the provisions of this section in accordance with regulations adopted by the Commission concerning variances as part of local program development set forth in COMAR 27.01.11 and notification of project applications set forth in COMAR 27.03.01.