

8-1808.8.

~~(A) EACH LOCAL JURISDICTION IN THE ATLANTIC COASTAL BAYS CRITICAL AREA SHALL INCLUDE THE FOLLOWING ELEMENTS IN THE JURISDICTION'S LOCAL CRITICAL AREA PROTECTION PROGRAM:~~

~~(1) A PROVISION REQUIRING THE USE OF BIORETENTION AND OTHER NONSTRUCTURAL STORMWATER BEST MANAGEMENT PRACTICES FOR REDEVELOPMENT IN INTENSELY DEVELOPED AREAS WHERE THE COST OF REDEVELOPMENT EXCEEDS 50% OF THE ASSESSED VALUE OF THE PROPERTY, UNLESS THE APPLICANT FOR PROJECT APPROVAL DEMONSTRATES THAT USE OF SUCH MEASURES IS NOT FEASIBLE;~~

~~(2) A PROVISION REQUIRING AN APPLICANT FOR PROJECT APPROVAL WHO IS NOT SUBJECT TO THE PROVISIONS OF ITEM (1) OF THIS SUBSECTION OR WHO DEMONSTRATES THAT USE OF THE MEASURES SPECIFIED IN ITEM (1) OF THIS SECTION ARE NOT FEASIBLE SHALL COMPLY WITH THE STORMWATER MANAGEMENT PROVISIONS OF TITLE 27 OF THE CODE OF MARYLAND REGULATIONS AND TITLE 4, SUBTITLE 2 OF THE ENVIRONMENT ARTICLE;~~

~~(3) (A) EXCEPT AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION, EACH LOCAL JURISDICTION IN THE ATLANTIC COASTAL BAYS CRITICAL AREA SHALL INCLUDE IN ITS LOCAL CRITICAL AREA PROTECTION PROGRAM PROVISIONS REQUIRING PROPOSED DEVELOPMENT SITES IN INTENSELY DEVELOPED AREAS TO PROVIDE A FOREST OR DEVELOPED WOODLAND COVER OF AT LEAST 15% AFTER DEVELOPMENT OR A FEE-IN-LIEU PAYMENT IF THE FEE IS ADEQUATE TO ENSURE THE RESTORATION OR ESTABLISHMENT OF AN EQUIVALENT FOREST AREA; AND~~

~~(4) A PROVISION APPLYING THE BUFFER REQUIREMENTS OF TITLE 27 OF THE CODE OF MARYLAND REGULATIONS TO TRIBUTARY STREAMS LOCATED OUTSIDE THE CRITICAL AREA AND WITHIN THE ATLANTIC COASTAL BAYS WATERSHED THAT ARE NOTED AS PERENNIAL AND INTERMITTENT STREAMS IN THE ATLANTIC COASTAL BAYS WATERSHED WHICH ARE SO NOTED ON THE MOST RECENT U.S. GEOLOGICAL SURVEY 7 1/2 MINUTE TOPOGRAPHIC QUADRANGLE MAPS (SCALE 1:24,000) OR ON MORE DETAILED MAPS OR STUDIES AT THE DISCRETION OF THE LOCAL JURISDICTIONS.~~

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE PROVISIONS OF THIS SUBTITLE REPLACE THE REQUIREMENTS OF THE FOREST CONSERVATION ACT PROVIDED UNDER TITLE 5, SUBTITLE 16 OF THIS ARTICLE WITHIN THE ATLANTIC COASTAL BAYS CRITICAL AREA.

(2) SUBSECTION (A) OF THIS SECTION AND PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY TO:

(I) DEVELOPMENT OF A SINGLE LOT FOR THE PURPOSE OF CONSTRUCTING A DWELLING INTENDED FOR THE USE OF THE OWNER, OR A CHILD OR GRANDCHILD OF THE OWNER, IF THE DEVELOPMENT DOES NOT RESULT IN THE CUTTING, CLEARING, OR GRADING OF MORE THAN 40,000 SQUARE FEET OF FOREST, AND THE LOT WAS LEGALLY RECORDED PRIOR TO JULY 31, 1994; OR