

2. IS EXEMPTED FROM THE BUFFER DESIGNATION IN COMAR 27.01.09; AND

3. IS PART OF A PROJECT THAT COMPLIES WITH TITLE 4, SUBTITLE 2 OF THE ENVIRONMENT ARTICLE.

(D) A LOCAL JURISDICTION MAY INCLUDE IN THE JURISDICTION'S LOCAL CRITICAL AREA PROTECTION PROGRAM, TO BE APPROVED BY THE COMMISSION, AN ALTERNATIVE BUFFER PROVISION FOR THE DEVELOPMENT OF A PLANNED UNIT DEVELOPMENT IN ACCORDANCE WITH THE PLANNED UNIT DEVELOPMENT'S STEP III APPROVAL, PROVIDED THAT:

(1) THE PLANNED UNIT DEVELOPMENT RECEIVED STEP III APPROVAL FROM THE LOCAL JURISDICTION PRIOR TO JUNE 1, 2002;

(2) THE PLANNED UNIT DEVELOPMENT HAS RECEIVED THE LOCAL JURISDICTION'S FINAL SUBDIVISION APPROVAL AND IS LEGALLY BUILDABLE AFTER ~~DECEMBER 1, 2001~~ JUNE 1, 2002 BUT PRIOR TO PROGRAM APPROVAL;

(3) THE AREA IS DEDUCTED FROM THE LOCAL JURISDICTION'S GROWTH ALLOCATION IN ACCORDANCE WITH § 8-1808.1(B) OF THIS SUBTITLE AND COMAR 27.01.02.06, IF APPLICABLE;

(4) THE PROVISION INCLUDES MEASURES THAT PROTECT WATER QUALITY AND FISH, WILDLIFE, AND PLANT HABITATS IN ACCORDANCE WITH THE INTENT OF TITLE 8, SUBTITLE 18 OF THIS ARTICLE AND TITLE 27 OF THE CODE OF MARYLAND REGULATIONS; AND

(5) AT LEAST 75% OF THE DWELLING UNITS IN THE PLANNED UNIT DEVELOPMENT COMPLY WITH THE BUFFER REQUIREMENTS IN COMAR 27.01.09.01 AND NO DWELLING UNIT HAS A BUFFER OF LESS THAN 50 FEET FROM EXISTING OR PROPOSED TIDAL WATERS, TIDAL WETLANDS, OR TRIBUTARY STREAMS.

~~(C)~~ (E) FOR PURPOSES OF IMPLEMENTING THIS SUBTITLE, A LOCAL JURISDICTION IN THE ATLANTIC COASTAL BAYS CRITICAL AREA SHALL HAVE DETERMINED, BASED ON LAND USES AND DEVELOPMENT IN EXISTENCE ON ~~APRIL 17, 2001~~ JUNE 1, 2002, WHICH LAND AREAS FALL INTO THE THREE TYPES OF DEVELOPMENT AREAS IN ACCORDANCE WITH TITLE 27 OF THE CODE OF MARYLAND REGULATIONS.

8-1815.1.

(a) (1) The provisions of this section are in addition to any other sanction, remedy, or penalty provided by law.

(2) This section does not apply to any cutting or clearing of trees that is allowed under regulations adopted by the Commission under this subtitle.

(b) If a person cuts or clears or plans to cut or clear trees within the Chesapeake Bay critical Area OR ATLANTIC COASTAL BAYS CRITICAL AREA in violation of regulations adopted by the Commission, the local jurisdiction may bring an action: