

(2) THE APPLICANT HAS IDENTIFIED FISH, WILDLIFE, AND PLANT HABITAT WHICH MAY BE ADVERSELY AFFECTED BY THE PROPOSED DEVELOPMENT AND HAS DESIGNED THE DEVELOPMENT SO AS TO PROTECT THOSE IDENTIFIED HABITATS WHOSE LOSS WOULD SUBSTANTIALLY DIMINISH THE CONTINUED ABILITY OF POPULATIONS OF AFFECTED SPECIES TO SUSTAIN THEMSELVES.

[(b)](C) With regard to any application for project approval described in [subsection (a)] SUBSECTION (A) OR (B) of this section, a local approving authority shall require any additional information from an applicant as is necessary in order to make the findings required by [subsection (a)] SUBSECTION (A) OR (B) of this section.

[(c)](D) This section shall remain in effect in a local jurisdiction until such time as an approved program becomes effective.

[(d)](E) This section does not apply to any application IN THE CHESAPEAKE BAY CRITICAL AREA initially filed prior to March 1, 1984 OR ANY APPLICATION IN THE ATLANTIC COASTAL BAYS CRITICAL AREA FILED PRIOR TO JUNE 1, 2002.

8-1813.1.

(A) EXCEPT AS PROVIDED IN ~~SUBSECTION (B)~~ SUBSECTIONS (B), (C), AND (D) OF THIS SECTION, A LOCAL JURISDICTION IN THE ATLANTIC COASTAL BAYS CRITICAL AREA SHALL PERMIT A SINGLE LOT OR PARCEL OF LAND THAT WAS LEGALLY OF RECORD ON THE DATE OF PROGRAM APPROVAL TO BE DEVELOPED WITH A SINGLE FAMILY DWELLING, IF A DWELLING IS NOT ALREADY PLACED THERE, NOTWITHSTANDING THAT SUCH DEVELOPMENT MAY BE INCONSISTENT WITH THE APPROVED DENSITY PROVISIONS OF THE APPROVED LOCAL PROGRAM, AND PROVIDED THAT:

(1) THE LOCAL JURISDICTION DEVELOPS, AS PART OF ITS PROGRAM, PROCEDURES TO BRING ~~THESE THE LOTS OR LANDS~~ INTO CONFORMANCE WITH THE LOCAL CRITICAL AREA PROGRAM AS FAR AS TO THE EXTENT POSSIBLE, INCLUDING THE CONSOLIDATION OR RECONFIGURATION OF LOTS NOT INDIVIDUALLY OWNED, ~~AND THESE; AND~~

(2) THE PROCEDURES DEVELOPED IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION ARE APPROVED BY THE COMMISSION.

(B) LAND THAT WAS SUBDIVIDED INTO RECORDED AND LEGALLY BUILDABLE LOTS FOR WHICH THE SUBDIVISION RECEIVED THE LOCAL JURISDICTION'S FINAL APPROVAL AFTER ~~APRIL 17, 2001~~ JUNE 1, 2002 BUT PRIOR TO PROGRAM APPROVAL MAY BE DEVELOPED WITH A SINGLE FAMILY DWELLING, IF A SINGLE FAMILY DWELLING IS NOT ALREADY PLACED THERE, PROVIDED THAT:

(1) DEVELOPMENT OF THE LAND CONFORMS TO THE REQUIREMENTS OF THIS TITLE AND TITLE 27 OF THE CODE OF MARYLAND REGULATIONS; OR

(2) THE AREA OF LAND IS ~~COUNTED BY DEDUCTED FROM~~ DEDUCTED FROM THE LOCAL ~~JURISDICTION AGAINST THE GROWTH INCREMENT~~ JURISDICTION'S GROWTH ALLOCATION IN ACCORDANCE WITH § 8-1808.1(B) OF THIS ~~TITLE~~ TITLE ~~SUBTITLE~~ SUBTITLE AND COMAR 27.01.02.06.