

- A. groundwater discharge or surface water discharge;
- B. nontidal wetlands;
- C. water quality certification; and
- D. water appropriation; and

(ii) which is subdivided into recorded and legally buildable lots.

(2) The growth allocation for Worcester County's Atlantic Coastal Bays resource conservation area shall be reduced by an amount equal to the total acreage exempted under this subsection that is or would be located in a resource conservation area multiplied by 25%.

(b) (1) Except as provided in paragraph (2) of this subsection, if a planned unit development described in subsection (a) of this section includes an inland marina built after April 8, 2002:

(i) at least 85% of the dwelling units in the planned unit development shall comply with the buffer requirements in COMAR 27.01.09.01; and

(ii) no dwelling unit may have a buffer of less than 50 feet from existing or proposed tidal waters, tidal wetlands, or tributary streams.

(2) Paragraph (1) of this subsection may not apply to those dwelling units immediately adjacent to tidal waters in an inland marina built after April 8, 2002.

SECTION 3. AND BE IT FURTHER ENACTED, That, for the purpose of making improvements, this Act may not be construed to apply to a property:

(1) that, as of January 1, 2002, has received a valid special exception for fairground or racetrack use in an agricultural district; and

(2) is used consistently with that special exception.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act may not be construed to apply to the initial development of the undeveloped property in Ocean City, Maryland, known locally as "Holland's Island," in accordance with the final site plan approval received on March 27, 2002.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act may not be construed to apply to the initial development of the Young Men's Christian Association facility located as follows: Starting at a point in Worcester County at the intersection of Gum Point Road and the Wilkerson-Steen property line, proceeding north to the Caffi-Steen line, following on to the Park-Steen line, on to the Chamberlain-Steen line, to the Parsons-Steen line, to the Wyatt-Steen line, at which point the line turns east on the Wyatt-Steen line, turning north at the Wyatt-Steen boundary line to the Ocean Pines Association-Steen southern boundary line with Ocean Pines, then turning east along the Ocean Pines-Steen line to the northern stream and ditch at Mud Creek, then follows the stream and ditch to Gum Point Road, then along Gum Point Road to the starting point.