

(II) IN PARAGRAPH ~~(1)(H)15~~ (1)(III)14 OF THIS SUBSECTION, "PROPERTY OWNER" INCLUDES TWO OR MORE PERSONS HOLDING TITLE TO THE PROPERTY UNDER ANY FORM OF JOINT OWNERSHIP.

(3) REGULATIONS ADOPTED UNDER PARAGRAPH ~~(1)(H)16~~ ~~(1)(H)15~~ (1)(III)15 OF THIS SUBSECTION SHALL PROVIDE FOR THE COMMISSION'S CONSIDERATION OF ENFORCEMENT PROVISIONS SUBMITTED BY A LOCAL JURISDICTION THAT ARE AT LEAST AS EFFECTIVE AS ENFORCEMENT REQUIREMENTS UNDER THIS SUBTITLE AND REGULATIONS ADOPTED UNDER THE AUTHORITY OF THIS SUBTITLE.

(4) A LOCAL JURISDICTION MAY NOT ISSUE A PERMIT, APPROVAL, VARIANCE, OR SPECIAL EXCEPTION UNLESS THE PERSON SEEKING THE PERMIT, APPROVAL, VARIANCE, OR SPECIAL EXCEPTION HAS:

(I) FULLY PAID ALL ADMINISTRATIVE, CIVIL, AND CRIMINAL PENALTIES IMPOSED UNDER PARAGRAPH ~~(1)(H)16~~ (1)(III)15 OF THIS SUBSECTION;

(II) PREPARED A RESTORATION OR MITIGATION PLAN, APPROVED BY THE LOCAL JURISDICTION, TO ABATE IMPACTS TO WATER QUALITY OR NATURAL RESOURCES AS A RESULT OF THE VIOLATION; AND

(III) PERFORMED THE ABATEMENT MEASURES IN THE APPROVED PLAN IN ACCORDANCE WITH THE LOCAL CRITICAL AREA PROGRAM.

(d) (1) In this subsection, "unwarranted hardship" means that, without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

(2) (i) A LOCAL JURISDICTION SHALL PROCESS AN APPLICATION FOR A VARIANCE REGARDING A PARCEL OR LOT THAT IS SUBJECT TO A CURRENT VIOLATION OF THIS SUBTITLE, A REGULATION ADOPTED UNDER THE AUTHORITY OF THIS SUBTITLE, OR ANY PROVISION OF AN ORDER, PERMIT, PLAN, OR LOCAL PROGRAM IN ACCORDANCE WITH SUBSECTION (C)(1)(III)15 OF THIS SECTION.

(II) In considering an application for a variance, a local jurisdiction shall presume that the specific development activity in the critical area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this subtitle, regulations adopted under this subtitle, and the requirements of the local jurisdiction's program.