

~~(I) THE STRICT APPLICATION OF THE MINIMUM 300 FOOT BUFFER WOULD PRECLUDE THE SUBDIVISION OF THE PROPERTY AT A DENSITY OF ONE DWELLING UNIT PER 20 ACRES; AND~~

~~(II) ALL OTHER LOCAL ZONING AND SUBDIVISION REQUIREMENTS WILL BE SATISFIED.~~

~~(2) A REDUCTION IN THE BUFFER AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT RESULT IN A BUFFER THAT IS LESS THAN THE MINIMUM BUFFER REQUIRED BY THE LOCAL PROGRAM.~~

(A) THIS SECTION APPLIES TO AN APPLICATION FOR SUBDIVISION OR SITE PLAN APPROVAL WITHIN THE RESOURCE CONSERVATION AREA THAT:

(1) RECEIVES FINAL LOCAL APPROVAL ON OR AFTER JULY 1, 2008, UNLESS AN APPLICATION FOR SUBDIVISION OR SITE PLAN APPROVAL IS SUBMITTED BEFORE JULY 1, 2008 AND LEGALLY RECORDED BY ~~DECEMBER 31, 2009~~ JULY 1, 2010; AND

(2) DOES NOT INVOLVE THE USE OF GROWTH ALLOCATION.

(B) (1) EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, THE MINIMUM BUFFER SHALL BE:

(I) ~~300~~ 200 FEET FROM TIDAL WATERS OR A TIDAL WETLAND; AND

(II) 100 FEET FROM A TRIBUTARY STREAM.

(2) ALL PROVISIONS UNDER COMAR 27.01.09.01 THAT ARE APPLICABLE TO DEVELOPMENT ACTIVITIES WITHIN THE 100-FOOT BUFFER, INCLUDING THE ESTABLISHMENT OF VEGETATION AND EXPANSION REQUIREMENTS, SHALL APPLY TO THE ~~300-FOOT~~ 200-FOOT BUFFER.

(C) THE ~~300-FOOT~~ 200-FOOT BUFFER MAY BE REDUCED IF:

(1) THE STRICT APPLICATION OF THE MINIMUM ~~300-FOOT~~ 200-FOOT BUFFER WOULD PRECLUDE:

(I) SUBDIVISION OF THE PROPERTY AT A DENSITY OF ONE DWELLING UNIT PER 20 ACRES, AND ALL OTHER STATE AND LOCAL REQUIREMENTS WILL BE SATISFIED; OR