

(3) If a change or revision to a lot coverage plan approved under paragraph (1)(iii)2 of this section operates so as to:

(i) Increase the amount of impervious surface area, partially pervious surface area, or developed pervious surface area in the development project, the provisions of paragraph (1) of this section may not apply and the project shall be completed in accordance with the lot coverage requirements under § 8-1808.3 of the Natural Resources Article, as enacted under Section 1 of this Act; or

(ii) Equal or decrease the amount of impervious surface area, partially pervious surface area, or developed pervious surface area in the development project, the provisions of paragraph (1) of this section shall continue to apply;

(4) If a development plan does not receive final approval by July 1, 2010, as required under paragraph (1)(i)2 of this section, this Act may not be construed to terminate the operation of paragraph (1) of this section as to that development project if the failure to meet that date is due solely to the application of a building moratorium or an adequate public facilities ordinance in the local jurisdiction in which the development project is located; and

(5) A property owner, through subsequent development or redevelopment, may not exceed the amounts of impervious surface, partially pervious, or developed pervious surface area shown and specified on the lot coverage plan approved under paragraph (1)(iii)2 of this section.

SECTION 9. AND BE IT FURTHER ENACTED, That, as a result of remapping under this Act, the designation of an unclassified area that was not previously within the Chesapeake and Atlantic Coastal Bays Critical Area may not affect the initial construction of a development project or activity if by December 31, 2008, the development project or activity receives either growth allocation, final subdivision approval, final site plan approval, or any other final approval, or is vested.

SECTION 10. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 4 of this Act, this Act shall take effect July 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 120

(Senate Bill 213)

AN ACT concerning