
By: Senators Collins and Stone

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Chesapeake Bay Critical Area - Impervious Surface Limits**

3 FOR the purpose of altering a provision of the Critical Areas Law to require that a local
4 jurisdiction amend its local critical area protection program to meet certain
5 requirements by a certain date; providing that if a parcel or lot of a certain size
6 existed before a certain date, man-made impervious surfaces are limited to a
7 certain percentage of the lot; authorizing a local jurisdiction to allow a property
8 owner to exceed the impervious surface limits under certain circumstances;
9 requiring that certain fees collected by a local jurisdiction be used to fund projects
10 that improve water quality within the critical area consistent with certain local
11 programs; and generally relating to impervious surface limits in the Chesapeake Bay
12 Critical Area.

13 BY repealing and reenacting, with amendments,
14 Article - Natural Resources
15 Section 8-1808.3
16 Annotated Code of Maryland
17 (1990 Replacement Volume and 1995 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Natural Resources**

21 8-1808.3.

22 (a) This section applies notwithstanding:

23 (1) Any other provision of this subtitle; or

24 (2) Any criteria or guideline of the Commission adopted under this subtitle.

25 (b) This section controls over any other requirement concerning impervious
26 surfaces limitations in limited development areas and resource conservation areas in the
27 critical area.

28 (c) On or before December 31, [1990] 1996, a local jurisdiction shall amend its
29 local critical area protection program to meet the provisions of this section.

1 (d) (1) Except as otherwise provided in this subsection for stormwater runoff,
2 man-made impervious surfaces are limited to 15% of a parcel or lot.

3 (2) If a parcel or lot one-half acre or less in size [was in residential use or
4 zoned for residential purposes] EXISTED on or before December 1, 1985, then
5 man-made impervious surfaces [associated with that use] are limited to 25% of the
6 parcel or lot.

7 (3) [If a parcel or lot one-fourth acre or less in size was in nonresidential
8 use on or before December 1, 1985, then man-made impervious surfaces associated with
9 that development are limited to 25% of the parcel or lot] IF A PARCEL OR LOT
10 GREATER THAN ONE-HALF ACRE AND LESS THAN ONE ACRE IN SIZE EXISTED ON
11 OR BEFORE DECEMBER 1, 1985, THEN MAN-MADE IMPERVIOUS SURFACES ARE
12 LIMITED TO 15% OF THE PARCEL OR LOT.

13 (4) If an individual lot 1 acre or less in size is part of a subdivision approved
14 after December 1, 1985, then man-made impervious surfaces of the lot may not exceed
15 25% of the lot. However, the total of the impervious surfaces over the entire subdivision
16 may not exceed 15%.

17 (e) This section does not apply to a trailer park that was in residential use on or
18 before December 1, 1985.

19 (F) A LOCAL JURISDICTION MAY ALLOW A PROPERTY OWNER TO EXCEED
20 THE IMPERVIOUS SURFACE LIMITS PROVIDED IN SUBSECTION (D)(2) THROUGH (4)
21 OF THIS SECTION IF THE FOLLOWING CONDITIONS EXIST:

22 (1) NEW IMPERVIOUS SURFACES ON THE PROPERTY HAVE BEEN
23 MINIMIZED;

24 (2) WATER QUALITY IMPACTS ASSOCIATED WITH RUNOFF FROM THE
25 NEW IMPERVIOUS SURFACES CAN BE AND HAVE BEEN MINIMIZED THROUGH SITE
26 DESIGN CONSIDERATIONS OR USE OF BEST MANAGEMENT PRACTICES APPROVED
27 BY THE LOCAL JURISDICTION TO IMPROVE WATER QUALITY; AND

28 (3) THE PROPERTY OWNER PERFORMS ONSITE MITIGATION AS
29 REQUIRED BY THE LOCAL JURISDICTION TO OFFSET POTENTIAL ADVERSE WATER
30 QUALITY IMPACTS FROM THE NEW IMPERVIOUS SURFACES, OR THE PROPERTY
31 OWNER PAYS A FEE TO THE LOCAL JURISDICTION IN LIEU OF PERFORMING THE
32 ONSITE MITIGATION.

33 (G) ALL FEES IN LIEU COLLECTED BY A LOCAL JURISDICTION UNDER
34 SUBSECTION (F)(3) OF THIS SECTION MUST BE USED TO FUND PROJECTS THAT
35 IMPROVE WATER QUALITY WITHIN THE CRITICAL AREA CONSISTENT WITH THE
36 JURISDICTION'S LOCAL CRITICAL AREA PROTECTION PROGRAM.

37 [(f)] (H) A local jurisdiction may grant a variance from the provisions of this
38 section in accordance with regulations adopted by the Commission concerning variances
39 as part of local program development set forth in COMAR 27.01.11 and notification of
40 project applications set forth in COMAR 27.03.01.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1996.