
**By: Delegates Minnick, Arnick, Mohorovic, Weir, DeCarlo, Holt, Klausmeier, Redmer,
and Ports**

Introduced and read first time: February 7, 1996

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 1996

CHAPTER ____

1 AN ACT concerning

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

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

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

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

19 **Article - Natural Resources**

20 8-1808.3.

21 (a) This section applies notwithstanding:

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

2

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

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

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

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

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

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

19 (4) If an individual lot 1 acre or less in size is part of a subdivision approved
20 after December 1, 1985, then man-made impervious surfaces of the lot may not exceed
21 25% of the lot. However, the total of the impervious surfaces over the entire subdivision
22 may not exceed 15%.

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

25 (F) A LOCAL JURISDICTION MAY ALLOW A PROPERTY OWNER TO EXCEED
26 THE IMPERVIOUS SURFACE LIMITS PROVIDED IN ~~SUBSECTIONS (D)(2) THROUGH~~
27 ~~(D)(4)~~ SUBSECTION (D)(2) AND (3) OF THIS SECTION IF THE FOLLOWING CONDITIONS
28 EXIST:

29 (1) NEW IMPERVIOUS SURFACES ON THE PROPERTY HAVE BEEN
30 MINIMIZED;

31 (2) FOR A LOT OR PARCEL ONE-HALF ACRE OR LESS IN SIZE, TOTAL
32 IMPERVIOUS SURFACES DO NOT EXCEED IMPERVIOUS SURFACE LIMITS IN
33 SUBSECTION (D)(2) OF THIS SECTION BY MORE THAN 25% OR 500 SQUARE FEET,
34 WHICHEVER IS GREATER;

35 (3) FOR A LOT OR PARCEL GREATER THAN ONE-HALF ACRE AND LESS
36 THAN ONE ACRE IN SIZE, TOTAL IMPERVIOUS SURFACES DO NOT EXCEED
37 IMPERVIOUS SURFACE LIMITS IN SUBSECTION (D)(3) OF THIS SECTION OR 5,445
38 SQUARE FEET, WHICHEVER IS GREATER;

39 ~~(2)~~ (4) WATER QUALITY IMPACTS ASSOCIATED WITH RUNOFF FROM
40 THE NEW IMPERVIOUS SURFACES CAN BE AND HAVE BEEN MINIMIZED THROUGH

3
1 SITE DESIGN CONSIDERATIONS OR USE OF BEST MANAGEMENT PRACTICES
2 APPROVED BY THE LOCAL JURISDICTION TO IMPROVE WATER QUALITY; AND
3 ~~(3)~~ (5) THE PROPERTY OWNER PERFORMS ON-SITE MITIGATION AS
4 REQUIRED BY THE LOCAL JURISDICTION TO OFFSET POTENTIAL ADVERSE WATER
5 QUALITY IMPACTS FROM THE NEW IMPERVIOUS SURFACES, OR PAYS A FEE-IN-LIEU
6 OF MITIGATION TO THE LOCAL JURISDICTION.

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

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

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