

HOUSE BILL 319

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HB 568/97 - ENV

1998 Regular Session
8r1510

By: **Delegates La Vay, V. Mitchell, Owings, Linton, Wood, Hutchins,
McClenahan, O'Donnell, Bozman, and Mossburg**

Introduced and read first time: January 29, 1998

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Critical Area - Impervious Surfaces - Exemption**

3 FOR the purpose of exempting certain surfaces from the calculation of certain
4 impervious surfaces under the Chesapeake Bay Critical Area Protection
5 Program; and generally relating to the Chesapeake Bay Critical Area Protection
6 Program.

7 BY repealing and reenacting, with amendments,
8 Article - Natural Resources
9 Section 8-1808.3
10 Annotated Code of Maryland
11 (1990 Replacement Volume and 1997 Supplement)

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

14 **Article - Natural Resources**

15 8-1808.3.

16 (a) This section applies notwithstanding:

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

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

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

23 (C) FOR PURPOSES OF THIS SECTION, ANY CALCULATION OF AREA COVERED
24 BY MAN-MADE IMPERVIOUS SURFACES MAY NOT INCLUDE AN AREA COVERED BY A
25 GAPPED WOODEN DECK WITH PERVIOUS SURFACE UNDERNEATH, OR THE WATER
26 SURFACE OF A SWIMMING POOL.

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

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

5 (2) If a parcel or lot one-half acre or less in size existed on or before
6 December 1, 1985, then man-made impervious surfaces are limited to 25% of the
7 parcel or lot.

8 (3) If a parcel or lot greater than one-half acre and less than one acre in
9 size existed on or before December 1, 1985, then man-made impervious surfaces are
10 limited to 15% of the parcel or lot.

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

15 [(e)] (F) This section does not apply to a trailer park that was in residential
16 use on or before December 1, 1985.

17 [(f)] (G) A local jurisdiction may allow a property owner to exceed the
18 impervious surface limits provided in subsection [(d)(2) and (3)] (E)(2) AND (3) of this
19 section if the following conditions exist:

20 (1) New impervious surfaces on the property have been minimized;

21 (2) For a lot or parcel one-half acre or less in size, total impervious
22 surfaces do not exceed impervious surface limits in subsection [(d)(2)] (E)(2) of this
23 section by more than 25% or 500 square feet, whichever is greater;

24 (3) For a lot or parcel greater than one-half acre and less than one acre
25 in size, total impervious surfaces do not exceed impervious surface limits in
26 subsection [(d)(3)] (E)(3) of this section or 5,445 square feet, whichever is greater;

27 (4) Water quality impacts associated with runoff from the new
28 impervious surfaces can be and have been minimized through site design
29 considerations or use of best management practices approved by the local jurisdiction
30 to improve water quality; and

31 (5) The property owner performs on-site mitigation as required by the
32 local jurisdiction to offset potential adverse water quality impacts from the new
33 impervious surfaces, or the property owner pays a fee to the local jurisdiction in lieu
34 of performing the on-site mitigation.

35 [(g)] (H) All fees collected by a local jurisdiction under subsection [(f)(5)] (G)(5)
36 of this section must be used to fund projects that improve water quality within the
37 critical area consistent with the jurisdiction's local critical area protection program.

1 [(h)] (I) A local jurisdiction may grant a variance from the provisions of this
2 section in accordance with regulations adopted by the Commission concerning
3 variances as part of local program development set forth in COMAR 27.01.11 and
4 notification of project applications set forth in COMAR 27.03.01.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 1998.