

8-1808.4.

(a) This section does not apply to any project involving the construction of a dwelling unit or other [non-water] NONWATER dependent structure on a pier located on State or private wetlands within the Critical Area in Prince George's County.

(e) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a local jurisdiction may not issue a building permit for any project involving the construction of a dwelling unit or other [non-water] NONWATER dependent structure on a pier located on State or private wetlands within the Critical Area.

(2) [Nothing in this section shall] THIS SECTION DOES NOT prohibit or restrict a local jurisdiction from issuing a building permit for a project involving the construction of a dwelling unit or other [non-water] NONWATER dependent structure on a pier located on State or private wetlands within the Critical Area that was issued a permit by the Secretary on or before January 1, 1989.

(3) A local jurisdiction may issue a building permit for a project involving the construction of a dwelling unit or other [non-water] NONWATER dependent structure on a pier located on State or private wetlands within the Critical Area if:

(i) The project is constructed on a pier in existence as of December 1, 1985 that can be verified by a Department of Natural Resources aerial photograph dated 1985, accompanied by a map of the area;

(ii) The project does not require an expansion of the pier greater than 25 [percent] % of the area of piers or dry docks removed on the same property; however, additional expansion may be allowed in the amount of 10 [percent] % of the water coverage eliminated by removing complete piers from the same or other properties. If the horizontal surface area of a pier to be removed is not intact but the remaining pilings identify its previous size, that area may be used in determining the additional expansion permitted. The project expansion based on water coverage eliminated can be considered only if all nonfunctional piers on the property are removed except for the project pier. [In no case shall the] THE total expansion MAY NOT exceed 35 [percent] % of the original size of the piers and dry docks removed;

(iii) The project is approved by local planning and zoning authorities;
and

(iv) The project is located in an intensely developed area, as designated in programs adopted or approved by the Critical Areas Commission under this subtitle.

(4) A local jurisdiction may issue a building permit for the repair of an existing dwelling unit or other [non-water] NONWATER dependent structure on a pier located on State or private wetlands within the Critical Area.

(5) Except for projects under paragraph (2) of this subsection, and in addition to all other provisions of this section, all projects involving the construction of a dwelling unit or other [non-water] NONWATER dependent facility on a pier located