

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 PIER'S ORIGINAL SIZE, HOWEVER, ADDITIONAL EXPANSION MAY BE ALLOWED IN THE AMOUNT OF 10 PERCENT OF THE WATER COVERAGE ELIMINATED BY REMOVING OTHER PIERS FROM THE SAME PROPERTY. IF THE HORIZONTAL SURFACE AREA OF A PIER TO BE REMOVED IS NOT INTACT BUT THE REMAINING PILING 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 MAY THE TOTAL EXPANSION EXCEED 35 PERCENT OF THE ORIGINAL SIZE OF THE PROJECT PIER;

(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 PILING 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 TOTAL EXPANSION 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.

(3) (4) A LOCAL JURISDICTION MAY ISSUE A BUILDING PERMIT FOR THE REPAIR OF AN EXISTING DWELLING UNIT OR OTHER NON-WATER 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 DEPENDENT FACILITY ON A PIER LOCATED ON STATE OR PRIVATE WETLANDS WITHIN THE CRITICAL AREA MAY NOT BE ISSUED A BUILDING PERMIT UNLESS:

(1) THE APPLICANT DEMONSTRATES THAT THE CONSTRUCTION AND OPERATION OF THE PROJECT WILL NOT HAVE A LONG TERM ADVERSE EFFECT ON THE WATER QUALITY OF THE ADJACENT BODY OF