

9-104.

(A) THIS SECTION DOES NOT APPLY TO ANY PROJECT INVOLVING THE CONSTRUCTION OF A DWELLING UNIT OR OTHER NON-WATER DEPENDENT STRUCTURE ON A PIER LOCATED ON STATE OR PRIVATE WETLANDS IN PRINCE GEORGE'S COUNTY.

(A) (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE BOARD OF PUBLIC WORKS MAY NOT ISSUE A LICENSE UNDER THIS TITLE FOR ANY PROJECT INVOLVING THE CONSTRUCTION OF A DWELLING UNIT OR OTHER NON-WATER DEPENDENT STRUCTURE ON A PIER LOCATED ON STATE WETLANDS.

(2) NOTHING IN THIS SECTION SHALL PROHIBIT OR RESTRICT THE BOARD OF PUBLIC WORKS FROM ISSUING A LICENSE FOR A PROJECT INVOLVING THE CONSTRUCTION OF A DWELLING UNIT OR OTHER NON-WATER DEPENDENT STRUCTURE ON A PIER LOCATED WITHIN THE CRITICAL AREA THAT WAS ISSUED A PERMIT BY THE SECRETARY ON OR BEFORE JANUARY 1, 1989.

(3) THE BOARD OF PUBLIC WORKS MAY ISSUE A LICENSE FOR A PROJECT INVOLVING THE CONSTRUCTION OF A DWELLING UNIT OR OTHER NON-WATER DEPENDENT STRUCTURE ON A PIER LOCATED ON STATE WETLANDS IF:

(I) THE PROJECT IS CONSTRUCTED ON A PIER IN EXISTENCE AS OF DECEMBER 31 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 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