

**Article - Natural Resources**

8-1808.5.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "BUFFER" MEANS AN EXISTING, NATURALLY VEGETATED AREA, OR AN AREA ESTABLISHED IN VEGETATION AND MANAGED TO PROTECT AQUATIC, WETLANDS, SHORELINE, AND TERRESTRIAL ENVIRONMENTS FROM MAN-MADE DISTURBANCES.

(3) (I) "COMMUNITY PIER" MEANS A BOAT DOCKING FACILITY ASSOCIATED WITH A SUBDIVISION OR SIMILAR RESIDENTIAL AREA, OR WITH CONDOMINIUMS, APARTMENTS, OR OTHER MULTIPLE-FAMILY DWELLING UNITS.

(II) "COMMUNITY PIER" DOES NOT INCLUDE A PRIVATE PIER OR A MOORING.

(B) THIS SECTION APPLIES NOTWITHSTANDING:

(1) ANY OTHER PROVISION OF THIS SUBTITLE; AND

(2) ANY CRITERIA OR REGULATION ADOPTED BY THE COMMISSION UNDER THIS SUBTITLE.

(C) SUBJECT TO THE REQUIREMENTS UNDER SUBSECTION (D) OF THIS SECTION, A NEW OR EXPANDED COMMUNITY PIER OR OTHER NONCOMMERCIAL BOAT DOCKING OR STORAGE FACILITY MAY BE PERMITTED IN THE BUFFER IF:

(1) THE FACILITY:

(I) IS WATER DEPENDENT;

(II) MEETS A RECOGNIZED PRIVATE RIGHT OR PUBLIC NEED;

(III) IS COMMUNITY-OWNED AND ESTABLISHED AND OPERATED FOR THE BENEFIT OF THE RESIDENTS OF A PLATTED AND RECORDED RIPARIAN SUBDIVISION; AND

(IV) IS ASSOCIATED WITH A RESIDENTIAL DEVELOPMENT APPROVED BY THE LOCAL JURISDICTION FOR THE CRITICAL AREA AND IS CONSISTENT WITH ALL CRITERIA AND LOCAL REGULATIONS FOR THE CRITICAL AREA;

(2) ADVERSE EFFECTS ON WATER QUALITY AND FISH, PLANT, AND WILDLIFE HABITAT ARE MINIMIZED;

(3) INSOFAR AS POSSIBLE, NONWATER DEPENDENT STRUCTURES OR OPERATIONS ASSOCIATED WITH WATER DEPENDENT PROJECTS OR ACTIVITIES ARE LOCATED OUTSIDE THE BUFFER;

(4) DISTURBANCE TO THE BUFFER IS THE MINIMUM NECESSARY TO PROVIDE A SINGLE POINT OF ACCESS TO THE FACILITY;