

Article - Natural ResourcesSection 8-1808.4(a)Annotated Code of Maryland(1990 Replacement Volume and 1995 Supplement)

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

Article - Environment

16-104.

(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 ~~CECIL COUNTY OR~~

(1) Prince George's County; OR

(2) CECIL COUNTY ON THE CHESAPEAKE AND DELAWARE CANAL IF THE APPLICANT DEMONSTRATES TO THE SECRETARY THAT THE PIER ON WHICH A DWELLING UNIT OR OTHER NON-WATER DEPENDENT STRUCTURE IS PROPOSED IS APPURTENANT TO A PARCEL ON WHICH THERE EXISTED, AS OF JANUARY 1, 1966, USES OR STRUCTURES WHICH WERE SUBSEQUENTLY REMOVED AS A RESULT OF FEDERALLY-REQUIRED WIDENING OR MAINTENANCE ACTIVITIES.

(b) (1) Except as provided in 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) This section does not 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 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% of the area of piers or dry docks removed on the same property; however, additional expansion may be allowed in the amount of 10% 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