

(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;

(5) FOOD, FUEL, OR OTHER GOODS AND SERVICES ARE NOT OFFERED FOR SALE, AND ADEQUATE AND CLEAN SANITARY FACILITIES ARE PROVIDED; AND

(6) WHEN A COMMUNITY PIER WITH SLIPS IS PROVIDED AS PART OF A NEW DEVELOPMENT PROJECT, PRIVATE PIERS ARE NOT PERMITTED IN THE DEVELOPMENT AREA.

(D) THE NUMBER OF SLIPS PERMITTED AT A FACILITY SHALL BE THE LESSER OF THE FOLLOWING: