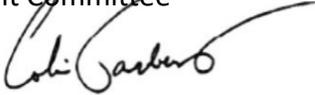




## MEMORANDUM

**DATE:** March 28, 2024  
**TO:** Economic & Community Development Committee  
**FROM:** Colin Tarbert, President and CEO  
**POSITION:** Favorable  
**SUBJECT:** Council Bill #24-0494 – Chesapeake Bay Critical Area Overlay Zoning District – Prohibited Uses



### INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill #24-0494 introduced by Councilmember Costello.

### PURPOSE

The purpose of this bill is to adopt certain language from the Maryland State Zoning Code regarding the Chesapeake Bay Critical Area Overlay Zoning District into the Baltimore City Critical Area Management Program.

### BRIEF HISTORY

In 2013, the State of Maryland inserted language into their Critical Area Management Program which provided guidelines and restrictions for the development of non-water dependent structures within the established 100-foot buffer zone along coastal wetlands on State or privately held land. Although many jurisdictions throughout Maryland subsequently chose to adopt this language, Baltimore City did not.

The proposed language provides a narrow scope for allowing any building project to proceed within the Critical Area buffer zone. Projects are limited to 1,000 square feet of total area, a maximum of 18 feet in height, with no dwelling units of any kind permitted. Projects must be located in an already intensely developed area where commercial, industrial, or residential uses are predominant, and where there is a relatively small area of naturally occurring habitat. Any project within the Critical Area buffer zone must still be approved by the Baltimore City Department of Planning and must allow increased access to public wetlands where applicable.

Passage of this bill will immediately benefit the floating wetlands project at the National Aquarium currently under construction. The plans include the construction of a shade awning over the viewing area so that the public may access the site without risking personal harm from sun or heat exposure. As Baltimore City did not previously adopt the Maryland State Critical Area Management Plan language governing developments in the Critical Area 100-foot buffer zone, there is currently no legal way for the proposed shade awning to be permitted. The addition of this language will allow for the construction of the awning to proceed as planned.

Similar future installation of shade structures and other minor improvements within the buffer area would also be permitted once this bill is adopted.

**FISCAL IMPACT [to BDC]**

None.

**AGENCY POSITION**

The Baltimore Development Corporation respectfully submits a **favorable** report on City Council Bill # 24-0494. If you have any questions, please contact Kim Clark at 410-837-9305 or [KClark@baltimoredevelopment.com](mailto:KClark@baltimoredevelopment.com).

cc: Nina Themelis, Mayor's Office of Government Relations

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