




CITY OF BALTIMORE  
MAYOR BRANDON M. SCOTT

<b>TO</b>	The Honorable President and Members of the Baltimore City Council
<b>FROM</b>	Alice Kennedy, Housing Commissioner 
<b>DATE</b>	April 2, 2024
<b>SUBJECT</b>	<b>CCB 24-0494 Chesapeake Bay Critical Area Overlay Zoning District</b>

The Honorable President and  
Members of the City Council  
City Hall, Room 400

04/02/2024

**Position: Favorable**

**Introduction**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 24-0494 Chesapeake Bay Critical Area Overlay Zoning District for the purpose of amending certain prohibited uses within the Chesapeake Bay Critical Area Overlay Zoning District; defining certain terms; and establishing a special effective date.

If enacted, City Council Bill 24-0494 would amend certain prohibited uses within the Chesapeake Bay Critical Area Overlay Zoning District and define certain terms. If approved, this ordinance would go into effect the day of its enactment.

**DHCD Analysis**

The Critical Area Management Program regulates development that occurs within 1,000 feet of Chesapeake Bay waters and tidal segments of tributary rivers, as well as the Critical Area Buffer, which is the area within 100 feet from the water.

The Bill removes the prohibition of a non-water dependent structure on a pier, wharf, dock, walkway, bulkhead, breakwater, piles, or other similar structure and would allow Baltimore City to issue a building permit, variance, special exemption, or otherwise authorize a non-water dependent project on State or privately-owned wetlands located within the 100' Critical Area Buffer under certain State requirements.

The Bill defines “non-water dependent project” by reference to COMAR 27.01.13.01, as a temporary or permanent structure that, by reason of its intrinsic nature, use, or operation, does not require location in, on, or over State or private wetlands, examples include:

- (1) A dwelling unit on a pier;
- (2) A restaurant, a shop, an office, or any other commercial building or use on a pier;
- (3) A temporary or permanent roof or covering on a pier;
- (4) A pier used to support a nonwater-dependent use; and
- (5) A small-scale renewable energy system on a pier, including:
  - (a) A solar energy system and its photovoltaic cells, solar panels, or other necessary equipment;
  - (b) A geothermal energy system and its geothermal heat exchanger or other necessary equipment; and
  - (c) A wind energy system and its wind turbine, tower, base, or other necessary equipment.

This Bill has no fiscal impact on the agency but may have a minimal operational impact within the Permits and Litigation Division during permitting and plans review. The language in this Bill aligns with Maryland Environmental Regulations Section 16-104.

The legislation, which is at the request of the National Aquarium, may assist them and other property owners that seek to develop within the Chesapeake Bay Critical Area. These changes may assist the applicant in enhancing public access to State wetlands and providing environmental educational opportunities associated with promoting Inner Harbor Wetlands with amenities such as boardwalks and shade structures along the waterfront. These amenities may improve access and be beneficial to the health and welfare of users.

## Conclusion

DHCD respectfully requests a **favorable** report on City Council Bill 24-0494.