

COUNTY ORDINANCE NO. 24-01

A BILL ENTITLED

AN ACT CONCERNING nonwater-dependent structures on piers in the Chesapeake Bay Critical Area of Queen Anne's County;

FOR THE PURPOSE of permitting nonwater-dependent structures on piers on State or private wetlands by meeting specific standards and adding a definition for nonwater-dependent project and pier in Chapter 14:1 of the Code of Public Laws of Queen Anne's County;

BY ADDING a new § 14:1-49 to allow nonwater-dependent structures on piers and ADDING the definition of nonwater-dependent project and pier to § 14:1-11 of the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that § 14:1-11 and § 14:1-149 of the Code of Public Local Laws be and is hereby AMENDED to read as follows.

§ 14:1-11. Definitions.

When used in this Chapter 14:1, the following terms shall have the meanings herein ascribed to them.

...

NONWATER-DEPENDENT PROJECT

- A. 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.**
- B. NONWATER-DEPENDENT PROJECT INCLUDES:**
 - (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 NONWATER-DEPENDENT USE; AND**
- C. NONWATER-DEPENDENT PROJECT DOES NOT INCLUDE:**
 - (1) A FUEL PUMP OR OTHER FUEL-DISPENSING EQUIPMENT ON A PIER;**
 - (2) A SANITARY SEWAGE PUMP OR OTHER WASTEWATER REMOVAL EQUIPMENT ON A PIER; OR**
 - (3) AN OFFICE ON A PIER FOR MANAGING MARINA OPERATIONS, INCLUDING MONITORING VESSEL TRAFFIC, REGISTERING**

VESSELS, PROVIDING DOCKING SERVICES, AND HOUSING ELECTRICAL OR EMERGENCY EQUIPMENT RELATED TO MARINA OPERATIONS.

D. NOTWITHSTANDING §18:1-44.C A NONWATER-DEPENDENT PROJECT IS PERMITTED IN THE IDA.

...

PIER

- A. ANY PIER, WHARF, DOCK, WALKWAY, BULKHEAD, BREAKWATER, PILES OR OTHER SIMILAR STRUCTURE.**
- B. DOES NOT INCLUDE ANY STRUCTURE ON PILINGS OR STILTS THAT WAS ORIGINALLY CONSTRUCTED BEYOND THE LANDWARD BOUNDARIES OF STATE OR PRIVATE WETLANDS.**

§ 14:1-49. ~~(Reserved)~~ **NONWATER-DEPENDENT STRUCTURES ON PIERS.**

Formatted: Strikethrough

A. EXCEPT AS PROVIDED IN B OF THIS SECTION AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE LAW, QUEEN ANNE'S COUNTY MAY NOT ISSUE A BUILDING PERMIT OR ANY OTHER APPROVAL TO AUTHORIZE A NONWATER-DEPENDENT PROJECT CONSTRUCTED OR ESTABLISHED ON STATE OR PRIVATE WETLANDS WITHIN THE CRITICAL AREA.

B. QUEEN ANNE'S COUNTY MAY ISSUE A BUILDING PERMIT OR ANY OTHER APPROVAL TO AUTHORIZE A NONWATER-DEPENDENT PROJECT ON STATE OR PRIVATE WETLANDS WITHIN THE CRITICAL AREA IF THE PROJECT:

(1) INVOLVES A COMMERCIAL ACTIVITY THAT IS PERMITTED AS A SECONDARY OR ACCESSORY USE TO A PERMITTED PRIMARY COMMERCIAL USE;

Formatted: Font: Bold, All caps

Formatted: Font: Bold, All caps

(2) IS NOT LOCATED ON A PIER THAT IS ATTACHED TO RESIDENTIALLY, INSTITUTIONALLY, OR INDUSTRIALLY USED PROPERTY;

Formatted: Font: Bold, All caps

(3) IS LOCATED IN:

(A) AN INTENSELY DEVELOPED AREA; OR

(B) AN AREA THAT HAS BEEN EXCLUDED FROM A LOCAL CRITICAL AREA PROGRAM IF THE EXCLUSION HAS BEEN ADOPTED OR APPROVED BY THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS;

(4) ALLOWS OR ENHANCES PUBLIC ACCESS TO STATE WETLANDS;

- (5) DOES NOT EXPAND BEYOND THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER ON WHICH THE PROJECT IS CONSTRUCTED;
- (6) HAS A HEIGHT OF UP TO 18 FEET UNLESS THE PROJECT IS LOCATED AT A MARINA; AND
- (7) IS UP TO 1,000 SQUARE FEET IN TOTAL AREA; OR
 - (A) IS LOCATED ON A PIER THAT WAS IN EXISTENCE ON OR BEFORE DECEMBER 31, 2012;
 - (B) SATISFIES ALL OF THE REQUIREMENTS UNDER SECTION B(1)-(6) OF THIS PARAGRAPH; AND
 - (C) IF APPLICABLE, HAS A TEMPORARY OR PERMANENT ROOF STRUCTURE OR COVERING THAT IS UP TO 1,000 SQUARE FEET IN TOTAL AREA.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth (46th) day following its adoption.

INTRODUCED BY: Commissioner Jack Wilson

DATE: February 13, 2024

PUBLIC HEARING HELD: May 14, 2024

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: May 14, 2024