

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.

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**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.**

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**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.**

- 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;**
  - (2) IS NOT LOCATED ON A PIER THAT IS ATTACHED TO RESIDENTIALLY, INSTITUTIONALLY, OR INDUSTRIALLY USED PROPERTY;**
  - (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 (46<sup>th</sup>) 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