



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #20-0624 / BALTIMORE CITY CRITICAL AREA MANAGEMENT PROGRAM – CONFORMING CERTAIN PROVISIONS TO NEW STATE MANDATES		

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

DATE: October 23, 2020

At its regular meeting of October 22, 2020, the Planning Commission considered City Council Bill #20-0624, for the purpose of permitting, the purpose of amending, in accord with a recent mandate of the Critical Area Commission, the definitions of “Buffer” and “Critical Area” and the provisions governing “Designation of the Critical Area”; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #20-0624 and adopted the following resolutions; eight members being present (seven in favor, one abstention):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #20-0624 be amended and passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Mr. Nicholas Blendy, Mayor’s Office
Mr. Matthew Stegman, Mayor’s Office
Ms. Nina Themelis, Mayor’s Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Livhu Ndou, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Dominic McAlily, Council Services



PLANNING COMMISSION

Sean D. Davis, Chairman

Bernard C. "Jack" Young
Mayor

Chris Ryer
Director

STAFF REPORT

October 22, 2020

REQUEST: City Council Bill #20-0624/ Baltimore City Critical Area Management Program – Conforming Certain Provisions to New State Mandates:

For the purpose of revising the definitions of "Critical Area" and "Buffer" listed on the Critical Area Management Program Manual 2020 Edition and the Baltimore City Zoning Code Article 32 (CC Bill 20-0506 and Ordinance 20-374) to conform with the definitions of "Critical Area" and "Buffer" listed on the Code of Maryland (COMAR) as required by the Critical Area Commission on September 8, 2020.

RECOMMENDATION: Amendment and Approval, with the following amendments:

- 1. In the Zoning Code Article 32 Section 7-402(b)(2) and CAMP Manual Section 13.1, update the definition of Buffer consistent with COMAR 27.01.01.01.B(8) to read as follows:

"Buffer" means area that based on conditions at the time of development, is immediately landward from mean high water of tidal waterways, the edge of bank of a tributary stream, or the edge of a tidal wetland; and the area exists, or may be established in, natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environments from human disturbance. The Buffer includes an area of at least 100-feet, even if that area was previously disturbed by human activity, and also includes any expansion for contiguous areas, including a steep slope, hydric soil, highly erodible soil, nontidal wetland, or a Nontidal Wetland of Special State Concern as defined in COMAR 26.23.01.01.

- 2. In the Zoning Code Article 32 Section 7-402(c)(2) and CAMP Manual Section 13.1, update the definition of Critical Area consistent with Natural Resources Article §8-1807 as follows:

"Critical Area" means all lands and waters defined in §8-1807 of the Natural Resources Article, Annotated Code of Maryland. Critical Area includes:

- a) All waters of and lands under the Chesapeake Bay and Atlantic Coastal Bays and their tributaries to the head of tide;
b) All State and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland;
c) All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland; and
d) Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in §8-1807 of the Natural Resources Article, Annotated Code of Maryland.

3. In the Zoning Code Article 32 Section 7-403 (1) through (3), update the text “Designation of the Critical Area” with the following:

- (1) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide, and all State and private wetlands designated under Title 16 of the Environment Article of the Annotated Code of Maryland; and
- (2) All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article of the Annotated Code of Maryland.

STAFF: Bruna Attila

INTRODUCED BY: The Council President at the request of: The Administration (Department of Planning)

SITE/GENERAL AREA

Site Conditions and General Area: 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.

HISTORY

- The Baltimore City Critical Area Management Program was established by Ord. #87-107, dated 1987. It was amended by Ord. #02-350, dated 05/20/2002.
- Ordinance #02-350, dated June 13, 2002 repealed and replaced the Baltimore City Critical Area Management Program and Document.
- The Baltimore City Critical Area Management Program was last amended by Ord. #20-374, dated 06/25/2020.

CONFORMITY TO PLANS

According to the [Natural Resources Article Section 8-1809\(a\)](#), the Critical Area Management Program is mandated by the State of Maryland, and each coastal jurisdiction had the choice to develop its own Manual on or before 2002. That was the case of Baltimore City, and since then we have had a Manual that was tailored to guide development that happens within our mostly urban Critical Area.

ANALYSIS

The Critical Area Commission requires that the updates to the definitions of “Critical Area” and “Buffer” be implemented and adopted within 120 days from the letter that communicates the required changes (attached).



Chris Ryer
Director

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman
Katherine Charbonneau
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

September 8, 2020

Ms. Bruna Attila
Baltimore City Planning Department
417 E. Fayette Street, 8th Floor
Baltimore, Maryland 21202

Re: **Baltimore City Critical Area Management Program
Comprehensive Review & CAMP Adoption
Bill 20-0506**

Dear Ms. Attila:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above-referenced amendment to the City's Critical Area Program. On September 2, 2020 the Critical Area Commission concurred with my determination that the text amendment for the comprehensive review of the City's Critical Area Ordinance could be reviewed as a refinement. I approved this refinement on the same day with the condition that the following revisions are reflected in the Critical Area Management Program (CAMP) and Zoning Code:

1. In the Zoning Code Article 32 Section 7-402(b)(2) and CAMP Manual Section 13.1, update the definition of Buffer consistent with COMAR 27.01.01.01.B(8) to read as follows:

"Buffer" means area that based on conditions at the time of development, is immediately landward from mean high water of tidal waterways, the edge of bank of a tributary stream, or the edge of a tidal wetland; and the area exists, or may be established in, natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environments from human disturbance. The Buffer includes an area of at least 100-feet, even if that area was previously disturbed by human activity, and also includes any expansion for contiguous areas, including a steep slope, hydric soil, highly erodible soil, nontidal wetland, or a Nontidal Wetland of Special State Concern as defined in COMAR 26.23.01.01.

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- a) All waters of and lands under the Chesapeake Bay and Atlantic Coastal Bays and their tributaries to the head of tide;
- b) All State and private wetlands designated under Title 16 of the Environment

- Article, Annotated Code of Maryland;
- c) All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland; and
 - d) Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in §8-1807 of the Natural Resources Article, Annotated Code of Maryland.

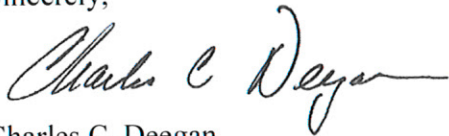
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- (1) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide, and all State and private wetlands designated under Title 16 of the Environment Article of the Annotated Code of Maryland; and
- (2) All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article of the Annotated Code of Maryland.

Please note that the refinement must be reflected in the City’s Critical Area Program within 120 days of the date of this letter. Please provide a copy of the CAMP Manual and Zoning Code to the Commission staff when it is available.

Thank you for your time and efforts regarding this program update. If you have any questions or concerns, please contact this office at (410) 260-3460.

Sincerely,



Charles C. Deegan
Chairman, Critical Area Commission
Chesapeake and Atlantic Coastal Bays

cc: Ms. Laurie Feinberg, Baltimore City
Ms. Alex DeWeese, CAC staff