

CITY OF BALTIMORE
ORDINANCE **20-374**
Council Bill 20-0506

Introduced by: The Council President
At the request of: The Administration (Department of Planning)
Introduced and read first time: March 9, 2020
Assigned to: Land Use Committee
Committee Report: Favorable with floor amendments
Council action: Adopted
Read second time: June 15, 2020

AN ORDINANCE CONCERNING

**Baltimore City Critical Area Management Program –
Critical Area Manual, Map, and Zoning**

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FOR the purpose of repealing the Baltimore City Critical Area Management Program and Document (2002 Edition) and approving and adopting a new Baltimore City Critical Area Management Program Manual (2020 Edition); repealing the Baltimore City Critical Area Program Map (adopted November 13, 2002) and approving and adopting a new Baltimore City Critical Area Program Map (2002 Edition); prohibiting certain additional uses and activities in certain areas of the Critical Area; defining and redefining certain terms; conforming, correcting, and clarifying Zoning Code provisions governing the Critical Area Overlay Zoning District; providing for a special effective date; and generally relating to the 2020 Baltimore City Critical Area Management Program, Map, and Zoning.

- BY repealing
The Baltimore City Critical Area Management Program and Document (2002 Edition)
(As adopted by Mayor and City Council Resolution 87-107 and
last amended by Ordinance 02-350)
- BY approving and adopting
The Baltimore City Critical Area Management Program Manual (2020 Edition, dated May 20, 2020)
- BY repealing
The Baltimore City Critical Area Program Map (adopted November 13, 2002)
- BY approving and adopting
The Baltimore City Critical Area Program Map (2020 Edition)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 BY repealing and reordaining, with amendments

2 Article 32 - Zoning

3 Sections 7-402(b)(2), (c)(2), (d), (e)(1), (f), and (g)(3), 7-403, 7-404, 7-405,
4 7-406(b)(2) and (c)(intro), 7-407(caption), and 7-408(caption) and (a).

5 Baltimore City Code
6 (Edition 2000)

7 **Recitals**

8 The Baltimore City Critical Area Management Program, as required by State Natural
9 Resources Article, Title 8, Subtitle 18, was adopted by Mayor and City Council Resolution
10 87-107.

11 Resolution 87-107 requires that any change in the Critical Area Management Program
12 must be made by Resolution or Ordinance of the Mayor and City Council.

13 State Natural Resources Article, § 8-1809, requires that amendments to a local jurisdiction's
14 Critical Area Program be approved by the Chesapeake Bay Critical Area Commission.

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
16 the Baltimore City Critical Area Management Program and Document (2002 Edition) is repealed,
17 and a new Baltimore City Critical Area Management Program Manual (2020 Edition, dated May
18 20, 2020), as prepared, edited, and published by the Baltimore City Department of Planning,
19 is approved and adopted.

20 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Baltimore City Critical Area Program
21 Map (adopted November 13, 2002) is repealed, and a new Baltimore City Critical Area Program
22 Map (2020 Edition), as prepared, edited, and published by the Baltimore City Department of
23 Planning, is approved and adopted.

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Laws of Baltimore City read as
25 follows:

26 **Baltimore City Code**

27 **Article 32. Zoning**

28 **Title 7. Open-Space and Environmental Districts**

29 **Subtitle 4. Chesapeake Bay Critical Area Overlay Zoning District**

30 **§ 7-402. Definitions.**

31 (b) *Buffer.*

32 (2) *Delineation.*

33 The Buffer is generally the first 100 feet landward of THE mean high [tide] WATER
34 LINE in the Critical Area, as measured from existing conditions on site. Steep slopes,

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1 erodible soils, wetlands, and other environmental conditions can alter the shape and
2 increase the size of the [buffer] BUFFER.

3 (c) *Critical area.*

4 (2) *Delineation.*

5
6 The Critical Area is generally all land within 1,000 feet of [tidally affected water] THE
7 MEAN HIGH WATER LINE.

8 (d) *Critical Area Management Program; CAMP.*

9 "Critical Area Management Program" OR "CAMP" means the Baltimore City Critical
10 Area Management Program, as adopted by Resolution OR ORDINANCE of the Mayor and
11 City Council of Baltimore and approved by the Chesapeake Bay Critical Area
12 Commission.

13 (e) *Development.*

14 (1) *In general.*

15 "Development" [means any activity that materially affects the use of dry land, land
16 under water, or any structure] HAS THE MEANING STATED IN COMAR
17 27.01.01.01B(21).

18 (f) *Disturb.*

19 (1) *In general.*

20 "Disturb" means to alter or change land in any way.

21 (2) *Inclusions.*

22 "Disturb" includes any amount of clearing, grading, or construction activity.

23 (3) *EXCLUSIONS.*

24 "DISTURB" DOES NOT INCLUDE GARDENING OR MAINTENANCE OF AN EXISTING GRASS
25 LAWN.

26 (g) *Significant development.*

27 "Significant development" means any development that would:

28 (1) disturb any land in the Buffer;

29 (2) disturb 10,000 or more square feet of land in the Critical Area;

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1 (3) result in any disturbance, caused by use, development, or destruction of
2 vegetation, to land in an area designated under the Critical Area Management
3 Program as a "DESIGNATED Habitat Protection Area"; or

4 (4) involve an expenditure for improvements to the property equal to or greater than
5 50% of the assessed value of the property, as recorded in the State Department of
6 Assessment and Taxation's database.

7 § 7-403. Designation of Critical Area.

8 The Chesapeake Bay Critical Area Act (State Natural Resources Article Title 8, Subtitle 18)
9 requires the City to designate as its Critical Area an area that consists of, at a minimum:

10 (1) all waters of and land under the Chesapeake Bay and its tributaries to the [head of
11 the tide] MEAN HIGH WATER LINE, as indicated on the State Wetland Maps;

12 (2) all State and private wetlands designated under State Environment Article Title 16;
13 and

14 (3) all land and water areas within 1,000 feet beyond the landward boundaries of state
15 or private wetlands and the [heads of the tides] MEAN HIGH WATER LINE.

16 § 7-404. Development areas.

17 (a) *In general.*

18 State law requires the City to designate "Development Areas" within the Chesapeake Bay
19 Critical Area [{"CBCA"}], based generally on existing development patterns and
20 densities.

21 (b) *Types designated.*

22 The 2 types of Development Areas specified in the Critical Area Management Program
23 are:

24 (1) "Resource Conservation Areas"; and

25 (2) "Intensely Developed Areas", which comprise [two] 2 subareas DESIGNATED AS:

26 (I) [(ii)] "Waterfront Industrial Areas"[.]; AND

27 (II) [(I)] "Waterfront Revitalization Areas", WHICH INCLUDE SUBAREAS[; and]
28 DESIGNATED AS:

29 (A) "SHORELINE CONSERVATION AREAS".

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1 § 7-405. [Maps] CAMP MAP.

2 (a) *Boundaries TO BE delineated on [maps] MAP*.

3 [(1)] The boundaries of the Critical Area, the Buffer, and the Development Areas are
4 delineated on [a series of maps] THE BALTIMORE CITY CAMP MAP (2020 EDITION), AS
5 PUBLISHED AND maintained by the Baltimore City Department of Planning.

6 (B) *MAP AMENDMENTS*.

7 [(2)] In addition to the requirements of Title 5, Subtitle 5 {"Legislative Authorizations"}
8 of this Code, [amendments] ANY AMENDMENT to [these maps] THE CAMP MAP must be
9 reviewed and approved by:

10 (1) [(i)] the Planning Commission; and

11 (2) [(ii)] the Chesapeake Bay Critical Area Commission.

12 (C) [(b)] *Digital format authorized*.

13 [(1)] With the approval of THE PLANNING COMMISSION AND the Chesapeake Bay Critical
14 Area Commission, the [Planning Commission] DEPARTMENT OF PLANNING may CREATE,
15 convert, OR [these maps into, and maintain and periodically update them in,] UPDATE THE
16 CAMP MAP IN a geographic database or other digital format that is capable of depicting
17 the boundaries and designations in both electronic and printed forms.

18 (D) [(2)] *CAMP MAP LEGALIZED*.

19 (1) *IN GENERAL*.

20 The [maps converted to a digital format] CAMP MAP APPROVED under this section:

21 (i) [are] IS legalized for purposes of the Zoning Code of Baltimore City; and

22 (ii) may be taken by all public officials and others as evidence of the
23 [original maps] BOUNDARIES AND DESIGNATIONS adopted under this subtitle
24 and the Baltimore City Critical Area Management Program.

25 (2) [(c)] *Other depictions illustrative only*.

26 Any other representation of the Critical Area, Buffer, or Development Areas,
27 regardless of the source of publication, are illustrative only and may not be used for
28 determining any of the development requirements or restrictions required in this
29 subtitle or by the Critical Area Management Program.

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1 § 7-406. Prohibited uses.

2 (b) *Within Critical Area.*

3 Except as specified in subsection (d) of this section, the following uses are prohibited
4 within the Critical Area:

5 . . .

6 (2) collection, storage, handling, or disposal of hazardous or toxic materials, as
7 defined in COMAR [11.07.01.01A] 11.07.01.01;

8

9 (c) *Within Buffer.*

10 Except as specified in subsection (d) of this section, the following additional uses are
11 prohibited within the [buffer] BUFFER:

12

13 § 7-407. Resource Conservation [Area] AREAS.

14

15 § 7-408. Intensely Developed Areas – Waterfront Revitalization; SHORELINE
16 CONSERVATION.

17 (a) *Permitted and accessory uses outside Buffer.*

18 (1) *IN GENERAL.*

19 In a Waterfront Revitalization Area outside the Buffer, permitted and accessory uses
20 are as otherwise provided in this Code for the underlying zoning district, subject to
21 the provisions of § 7-406 {"Prohibited uses"} of this subtitle.

22 (2) *SHORELINE CONSERVATION AREAS.*

23 IN A WATERFRONT REVITALIZATION SUBAREA DESIGNATED A SHORELINE
24 CONSERVATION AREA, NO NEW BULKHEADS OR IMPERVIOUS AREAS ARE ALLOWED
25 WITHIN 30 FEET FROM THE MEAN HIGH WATER LINE.

26 SECTION 4. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance
27 are not law and may not be considered to have been enacted as a part of this or any prior
28 Ordinance.

29 SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the later of:
30 (i) the date on which this Ordinance is enacted; and (ii) the date on which this Ordinance is
31 approved by the Chesapeake Bay Critical Area Commission.

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Certified as duly passed this 22 day of June, 2020



President, Baltimore City Council

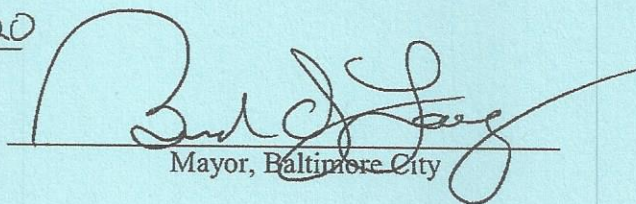
Certified as duly delivered to His Honor, the Mayor,

this 22 day of June, 2020



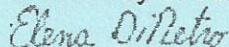
Chief Clerk

Approved this 25 day of June, 2020



Mayor, Baltimore City

Approved for form and legal sufficiency
this 25th day of June 2020.



Chief Solicitor