

**CITY OF BALTIMORE
COUNCIL BILL 20-0506
(First Reader)**

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

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission

A BILL ENTITLED

1 AN ORDINANCE concerning

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

4 FOR the purpose of repealing the Baltimore City Critical Area Management Program and
5 Document (2002 Edition) and approving and adopting a new Baltimore City Critical Area
6 Management Program Manual (2020 Edition); repealing the Baltimore City Critical Area
7 Program Map (adopted November 13, 2002) and approving and adopting a new Baltimore
8 City Critical Area Program Map (2002 Edition); prohibiting certain additional uses and
9 activities in certain areas of the Critical Area; defining and redefining certain terms;
10 conforming, correcting, and clarifying Zoning Code provisions governing the Critical Area
11 Overlay Zoning District; providing for a special effective date; and generally relating to the
12 2020 Baltimore City Critical Area Management Program, Map, and Zoning.

13 BY repealing

14 The Baltimore City Critical Area Management Program and Document (2002 Edition)
15 (As adopted by Mayor and City Council Resolution 87-107 and
16 last amended by Ordinance 02-350)

17 BY approving and adopting

18 The Baltimore City Critical Area Management Program Manual (2020 Edition)

19 BY repealing

20 The Baltimore City Critical Area Program Map (adopted November 13, 2002)

21 BY approving and adopting

22 The Baltimore City Critical Area Program Map (2020 Edition)

23 BY repealing and reordaining, with amendments

24 Article 32 - Zoning
25 Sections 7-402(b)(2), (c)(2), (d), (e)(1), (f), and (g)(3), 7-403, 7-404, 7-405,
26 7-406(b)(2) and (c)(intro), 7-407(caption), and 7-408(caption) and (a).
27 Baltimore City Code
28 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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Recitals

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

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

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

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

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

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

Baltimore City Code

Article 32. Zoning

Title 7. Open-Space and Environmental Districts

Subtitle 4. Chesapeake Bay Critical Area Overlay Zoning District

§ 7-402. Definitions.

(b) *Buffer.*

(2) *Delineation.*

The Buffer is generally the first 100 feet landward of THE mean high [tide] WATER LINE in the Critical Area, as measured from existing conditions on site. Steep slopes, erodible soils, wetlands, and other environmental conditions can alter the shape and increase the size of the [buffer] BUFFER.

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1 (c) *Critical area.*

2 (2) *Delineation.*

3
4 The Critical Area is generally all land within 1,000 feet of [tidally affected water] THE
5 MEAN HIGH WATER LINE.

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

7 “Critical Area Management Program” OR “CAMP” means the Baltimore City Critical
8 Area Management Program, as adopted by Resolution OR ORDINANCE of the Mayor and
9 City Council of Baltimore and approved by the Chesapeake Bay Critical Area
10 Commission.

11 (e) *Development.*

12 (1) *In general.*

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

16 (f) *Disturb.*

17 (1) *In general.*

18 “Disturb” means to alter or change land in any way.

19 (2) *Inclusions.*

20 “Disturb” includes any amount of clearing, grading, or construction activity.

21 (3) *EXCLUSIONS.*

22 “DISTURB” DOES NOT INCLUDE GARDENING OR MAINTENANCE OF AN EXISTING GRASS
23 LAWN.

24 (g) *Significant development.*

25 “Significant development” means any development that would:

26 (1) disturb any land in the Buffer;

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

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

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

§ 7-403. Designation of Critical Area.

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

- (1) all waters of and land under the Chesapeake Bay and its tributaries to the [head of the tide] MEAN HIGH WATER LINE, as indicated on the State Wetland Maps;
- (2) all State and private wetlands designated under State Environment Article Title 16; and
- (3) all land and water areas within 1,000 feet beyond the landward boundaries of state or private wetlands and the [heads of the tides] MEAN HIGH WATER LINE.

§ 7-404. Development areas.

(a) *In general.*

State law requires the City to designate “Development Areas” within the Chesapeake Bay Critical Area [“(CBCA”)], based generally on existing development patterns and densities.

(b) *Types designated.*

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

- (1) “Resource Conservation Areas”; and
- (2) “Intensely Developed Areas”, which comprise [two] 2 subareas DESIGNATED AS:
 - (I) [(ii)] “Waterfront Industrial Areas”[.]; AND
 - (II) [(I)] “Waterfront Revitalization Areas”, WHICH INCLUDE SUBAREAS[; and] DESIGNATED AS:
 - (A) “SHORELINE CONSERVATION AREAS”.

§ 7-405. [Maps] CAMP MAP.

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

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

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1 (B) *MAP AMENDMENTS.*

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

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

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

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

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

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

14 (1) *IN GENERAL.*

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

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

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

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

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

25 **§ 7-406. Prohibited uses.**

26 (b) *Within Critical Area.*

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

29 . . .

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

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1 (c) *Within Buffer.*

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

4

5 **§ 7-407. Resource Conservation [Area] AREAS.**

6

7 **§ 7-408. Intensely Developed Areas – Waterfront Revitalization; SHORELINE**
8 **CONSERVATION.**

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

10 (1) *IN GENERAL.*

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

14 (2) *SHORELINE CONSERVATION AREAS.*

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

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

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