



Legislation Details (With Text)

File #: 20-0624 **Version:** 0 **Name:** Baltimore City Critical Area Management Program - Conforming Certain Provisions to New State Mandates

Type: Ordinance **Status:** Enacted

File created: 10/5/2020 **In control:** City Council

On agenda: **Final action:** 12/2/2020

Enactment date: **Enactment #:** 20-464

Title: Baltimore City Critical Area Management Program - Conforming Certain Provisions to New State Mandates
For 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.

Sponsors: City Council President (Administration)

Indexes: Baltimore City, Management, Program

Code sections:

Attachments: 1. 20-0624~1st Reader, 2. Newspaper Affidavit - The Daily Record - 20-0624, 3. BMZA 20-0624, 4. Planning 20-0624, 5. Law 20-0624, 6. Bill Synopsis 20-0624, 7. Hearing Agenda 20-0624, 8. Hearing Minutes 20-0624, 9. Hearing Notes 20-0624, 10. Planning Report - Corrected - 20-0624 - Provided after hearing, 11. 2nd Reader Amendments 20-0624(1)~1st (Comm), 12. 20-0624~3rd Reader, 13. Signed Ordinance 20-0624

Date	Ver.	Action By	Action	Result
12/7/2020	0	Mayor	Signed by Mayor	
11/16/2020	0	City Council	Advanced to 3rd Reader on same day	
11/16/2020	0	City Council	Approved and Sent to the Mayor	
11/16/2020	0	Land Use Committee	Recommended Favorably with Amendment	
11/9/2020	0	Land Use Committee	Recommended Favorably with Amendment	Pass
10/23/2020	0	Land Use Committee	Advertising	
10/19/2020	0	Land Use Committee	Scheduled for a Public Hearing	
10/8/2020	0	The City Council	Refer to Planning Commission	
10/8/2020	0	The City Council	Refer to City Solicitor	
10/8/2020	0	The City Council	Refer to Board of Municipal and Zoning Appeals	
10/5/2020	0	City Council	Assigned	
10/5/2020	0	City Council	Introduced	

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore Council Bill

Introduced by: The Council President
At the request of: The Administration (Planning Department)

A Bill Entitled

An Ordinance concerning
Baltimore City Critical Area Management Program - Conforming Certain Provisions to New State Mandates

For 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.

By repealing and reordaining, with amendments

Article 32 - Zoning
Sections 7-402(b) and (c) and 7-403
Baltimore City Code
(Edition 2000)

By repealing and reordaining, with amendments

Critical Area Management Program Manual (2020 Edition)
Sections 13.1(“Buffer) and 13.1(“Critical Area”)
(As enacted by Ordinance 20-374)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, 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 Zoning District

§ 7-402. Definitions.

(b) *Buffer.*

[(1) *In general.*]

[“Buffer” has the meaning stated in State Natural Resources Article § 8-1802(a)(4) {“Critical Area Protection Program: Definitions”}, as amplified by COMAR 27.01.01.01B(8).]

[(2) *Delineation.*]

[The Buffer is generally the first 100 feet landward of the mean high 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.]

(1) *In general.*

“Buffer” means area that:

- (i) based on conditions at the time of development, is immediately landward from mean high water of tidal waterways, the edge of a bank of a tributary stream, or the edge of a tidal wetland; and
- (ii) exists, or may be established in, natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environments from human disturbance.

(2) *Inclusions.*

“Buffer” includes:

- (i) an area of at least 100-feet, even if that area was previously disturbed by human activity; and
- (ii) 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.

(c) *Critical area.*

[(1) *In general.*]

[“Critical area” means all parts of the Chesapeake Bay Critical Area, as delineated in and as modified by the City under State Natural Resources Article 8-1807 {“Critical Area Protection Program: Lands included”} and COMAR 27.01.01.01B(18), that fall within City boundaries.]

[(2) *Delineation.*]

[The Critical Area is generally all land within 1,000 feet of the mean high water line.]

(1) *In general.*

“Critical Area” means all lands and waters defined in §8-1807 of the State Natural Resources Article.

(2) *Inclusions.*

“Critical Area” includes:

- (i) all waters of and lands under the Chesapeake Bay and Atlantic Coastal Bays and their tributaries to the head of tide;
- (ii) all State and private wetlands designated under Title 16 of the State Environment Article;
- (iii) 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 State Environment Article; and
- (iv) modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Critical Area Commission, as specified in §8-1807 of the State Natural Resources Article.

§ 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 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 mean high water line.]
- (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 State Environment Article; 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 State Environment Article.

Section 2. And be it further Ordained, That the definitions in the Critical Area Management Program Manual read as follows:

Baltimore City Critical Area Management Program Manual

§ 13.1 Definitions.

The following terms have been incorporated into the Baltimore City Critical Area Management Program. Each of these terms has the meaning indicated below.

...

- ["Buffer", as described under COMAR 26.23.01.01, means an area that: [●Based on conditions present at the time of development, is immediately landward from mean high water of a tidal water, the edge of bank of a tributary stream, or the edge of a tidal wetland; and,] [●Exists or may be established in natural vegetation to protect a stream, tidal wetland, tidal waters, or terrestrial environment from human disturbance.]
- ["Buffer" includes an area of:] [●At least 100 feet, even if that area was previously disturbed by human activity; and] [●Expansion for contiguous areas, including a steep slope, hydric soil, highly erodible soil, nontidal wetland, or a Non-tidal Wetland of Special State Concern as defined in COMAR 26.23.01.01.]

"Buffer" means area that: (i) based on conditions at the time of development, is immediately landward from mean high water of tidal waterways, the edge of a bank of a tributary stream, or the edge of a tidal wetland; and (ii) exists, or may be established in, natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environments from human disturbance.

"Buffer" includes: (i) an area of at least 100-feet, even if that area was previously disturbed by human activity; and (ii) 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.

...

- ["Critical Area" means all lands and waters defined in section 8-1807 of the Natural Resources, Annotated Code of Maryland. They include:] [●All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as

indicated on the state wetlands maps, and all state and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland;]

[●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 9 of the Natural Resources Article, Annotated Code of Maryland; and]

[●Modification to these areas through inclusions or exclusions proposed by the city and approved by the critical area commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.]

“Critical Area” means all lands and waters defined in §8-1807 of the State Natural Resources Article and includes: (i) all waters of and lands under the Chesapeake Bay and Atlantic Coastal Bays and their tributaries to the head of tide; (ii) all State and private wetlands designated under Title 16 of the State Environment Article; (iii) 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 State Environment Article; and (iv) modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Critical Area Commission, as specified in §8-1807 of the State Natural Resources Article.

....

Section 3. And be it further ordained, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

Section 4. And be it further ordained, That this Ordinance takes effect on the date it is enacted.