Legislation Details (With Text)

File #:	20-0506	**Version:** 0	**Name:**	Baltimore City Critical Area Management Program - Critical Area Manual, Map, and Zoning
Type:	Ordinance		**Status:**	Enacted
File created:	3/9/2020		**In control:**	City Council
On agenda:			**Final action:**	6/25/2020
Enactment date:			**Enactment #:**	20-374

Title: Baltimore City Critical Area Management Program - Critical Area Manual, Map, and Zoning
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.

Sponsors: City Council President (Administration)

Indexes: Baltimore City, Critical Area Management Program

Code sections:

Attachments: 1. 20-0506~1st Reader, 2. Planning - 20-0506, 3. Sign_CAMP CCB 05.0506, 4. Certificate of Mailing - Written Notice_CCB 20.0506, 5. Certificate of Posting_CCB 20.0506, 6. Law 20-0506, 7. 20-0506 Newspaper Affidavits, 8. Bill Synopsis 20-0506, 9. Hearing Agenda 20-0506, 10. Hearing Minutes 20-0506, 11. Hearing Notes 20-0506, 12. BMZA 20-0506, 13. 2nd Reader Floor Amendments 20-0506, 14. 20-0506~3rd Reader, 15. Signed Ordinance 20-0506

Date	Ver.	Action By	Action	Result
7/6/2020	0	Mayor	Signed by Mayor	
6/22/2020	0	City Council	Approved and Sent to the Mayor	
6/15/2020	0	City Council	3rd Reader, for final passage	
6/15/2020	0	Land Use Committee	Recommended Favorably	
5/20/2020	0	Land Use Committee	Recommended Favorably	Pass
4/28/2020	0	Land Use Committee	Advertising	
4/17/2020	0	Land Use Committee	Sign Posting	
4/13/2020	0	Land Use Committee	Scheduled for a Public Hearing	
3/12/2020	0	The City Council	Refer to Board of Municipal and Zoning Appeals	
3/12/2020	0	The City Council	Refer to Planning Commission	
3/12/2020	0	The City Council	Refer to City Solicitor	
3/9/2020	0	City Council	Assigned	
3/9/2020	0	City Council	Introduced	

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

Introductory*

City of Baltimore
Council Bill

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

A Bill Entitled

An Ordinance concerning
Baltimore City Critical Area Management Program - Critical Area Manual, Map, and Zoning
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)

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)

By repealing and reordaining, with amendments
Article 32 - Zoning
Sections 7-402(b)(2), (c)(2), (d), (e)(1), (f), and (g)(3), 7-403, 7-404, 7-405,
7-406(b)(2) and (c)(intro), 7-407(caption), and 7-408(caption) and (a).
Baltimore City Code
(Edition 2000)

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:

<div align="center">

Baltimore City Code

Article 32. Zoning

Title 7. Open-Space and Environmental Districts

Subtitle 4. Chesapeake Bay Critical Area Overlay Zoning District

</div>

§ 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.

(c) *Critical area.*

    (2) *Delineation.*

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

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

    "Critical Area Management Program" or "CAMP" means the Baltimore City Critical Area Management Program, as adopted by Resolution or Ordinance of the Mayor and City Council of Baltimore and approved by the Chesapeake Bay Critical Area Commission.

(e) *Development.*

    (1) *In general.*

    "Development" [means any activity that materially affects the use of dry land, land under water, or any structure] has the meaning stated in COMAR 27.01.01.01B(21).

(f) *Disturb.*

    (1) *In general.*

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

    (2) *Inclusions.*

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

    (3) *Exclusions.*

        "Disturb" does not include gardening or maintenance of an existing grass lawn.

(g) *Significant development.*

    "Significant development" means any development that would:

    (1) disturb any land in the Buffer;

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

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

    (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.

(b) *Map amendments.*

[(2)] In addition to the requirements of Title 5, Subtitle 5 {"Legislative Authorizations"} of this Code, [amendments] any amendment to [these maps] the CAMP Map must be reviewed and approved by:

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

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

(c) [(b)] *Digital format authorized.*

[(1)] With the approval of the Planning Commission and the Chesapeake Bay Critical Area Commission, the [Planning Commission] Department of Planning may create, convert, or [these maps into, and maintain and periodically update them in,] update the CAMP Map in a geographic database or other digital format that is capable of depicting the boundaries and designations in both electronic and printed forms.

(d) [(2)] *CAMP Map Legalized.*

(1) *In general.*

The [maps converted to a digital format] CAMP Map approved under this section:

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

    (ii) may be taken by all public officials and others as evidence of the [original maps] boundaries and designations adopted under this subtitle and the Baltimore City Critical Area Management Program.

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

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

§ 7-406. Prohibited uses.

(b) *Within Critical Area.*

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

. . .

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

. . . .

(c) *Within Buffer.*

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

. . . .

§ 7-407. Resource Conservation [Area] Areas.

. . . .

§ 7-408. Intensely Developed Areas - Waterfront Revitalization; Shoreline Conservation.

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

(1) *In general*.

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

(2) *Shoreline Conservation Areas.*

In a Waterfront Revitalization subarea designated a Shoreline Conservation Area, no new bulkheads or impervious areas are allowed within 30 feet from the mean high water line.

Section 4. 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 5. And be it further ordained, That this Ordinance takes effect on the later of: (i) the date on which this Ordinance is enacted; and (ii) the date on which this Ordinance is approved by the Chesapeake Bay Critical Area Commission.