



City of Annapolis


DEPARTMENT OF PLANNING AND ZONING

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August 26, 2019

MEMORANDUM

To: Planning Commission
From: Sally Nash, Ph.D., AICP, Acting Director of Planning and Zoning 
Re: Ordinance O-27-19: Critical Area Overlay
Encl: O-27-19, Spreadsheet of existing code and proposed changes, proposed maps

Purpose

The purpose of Ordinance O-27-19 is to update and amend the City of Annapolis critical area overlay text and map in accordance with State law; streamlining enforcement provisions and appeal procedures; relocating and updating definitions; adding reasonable accommodations provisions for the needs of disabled citizens pursuant to State law; adding Buffer Management Plan and Buffer Exemption Area policies; adding references to the Critical Area 10 percent Rule Guidance Manual, adding lot coverage percentages for certain zoning districts; adding lot consolidation provisions; consolidating grandfathering provisions; adding applicability and identification of water-dependent facilities; and making certain stylistic changes.

Analysis

The Chesapeake Bay Critical Area Act is a statewide law that was passed in Maryland in 1984 and concerns all waters of the Chesapeake Bay, the Atlantic Coastal Bays, and their tributaries to the head of tide. It also includes all land under these waters and all land within 1,000 feet of the landward edge of tidal waters and tidal wetlands. Each jurisdiction in Maryland that is subject to the act establishes a critical area program that includes a land use and resource protection program as well as additional regulatory requirements for development activity within the Critical Area.

The City of Annapolis adopted Chapter 21.54 in 1987 as its local program. There are three Critical Area Designations in the City:

- Intensely Developed Area (IDA)
- Limited Development Area (LDA)
- Resource Conservation Area (RCA)

Each designation has specific requirements for lot coverage and other mitigation that is required when the property is developed.

The 2019 Critical Area Overlay Program Update for Annapolis consists of two components: a map update and a text update. The map update is required under House Bill 1253, enacted by the Maryland General Assembly in 2008. The original critical area maps were based on the 1972 Tidal Wetlands Maps and the boundary was drawn manually. Since that time, there have been extensive changes to the landscape, shoreline, and wetlands. Additionally, new technology has made it easier to digitally generate the 1,000-foot boundary as well as be more accurate, consistent, and uniform.

The Critical Area Commission has led the map update and has digitized the shoreline of Annapolis,

reviewed it with City staff and technical experts, and identified and resolved discrepancies and anomalies through ground truthing. The Commission also sent public notification to all properties with an increase of 1% or more in Critical Area after the new shoreline was generated. A public meeting was held on May 8, 2018 at the Pip Moyer Recreation Center to meet with concerned property owners. The maps can be located online at: <https://www.annapolis.gov/1505/Critical-Area-Program-Update>.

The text update was necessary because of several changes in the state regulations that need to be reflected in the local program. City staff used the Critical Area Commission model ordinance and incorporated unique aspects of the local program. The ordinance also:

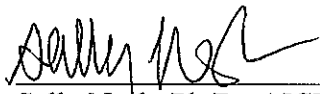
- Consolidates definitions into 21.72
- Consolidates all grandfathering provisions into Section 21.54.150
- Adds language about ADA accessibility
- Changes nomenclature of “Buffer Exemption Area” to “Modified Buffer Area” and “impervious surface to “lot coverage”
- Grandfathers lots new proposed for inclusion in the Critical Area (although requires that future development activities that will require a building permit will be subject to the City’s Critical Area requirements.

The attached spreadsheet compares the existing code to the proposed code, with an explanation for the change.

Recommendation

Based upon the information provided above, the Department recognizes that the local Critical Area program, both text and map, needs to be updated to be in accordance with State law. Staff recommends that the proposed O-27-19 be APPROVED.

Report Prepared by



Sally Nash, Ph.D., AICP
Chief of Comprehensive Planning