



STAFF REPORT ON PROPOSED LEGISLATION

To: Mayor Gavin Buckley

From: Sally Nash, Acting Director of Planning and Zoning

Date: July 8, 2019

Subject: O-27-19: Critical Area Overlay

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 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 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.