



City of Annapolis

Planning Commission
Department of Planning & Zoning
145 Gorman Street, 3rd Floor
Annapolis, MD 21401-2535

410-263-7961 • Fax 410-263-1129 • www.annapolis.gov
Deaf, hard of hearing or speech disability - use MD Relay or 711

October 3, 2019

To: Annapolis City Council
From: Planning Commission
Re: Findings for Ordinance O-27-19: Critical Area Overlay

SUMMARY

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; streamline enforcement provisions and appeal procedures; relocate and update definitions; add reasonable accommodations provisions for the needs of disabled citizens pursuant to State law; add Buffer Management Plan and Buffer Exemption Area policies; add references to the Critical Area 10 percent Rule Guidance Manual, add lot coverage percentages for certain zoning districts; add lot consolidation provisions; consolidate grandfathering provisions; add applicability and identification of water-dependent facilities; and make 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:

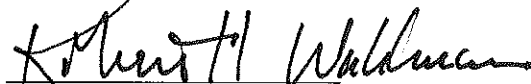
- Consolidates definitions into 21.72
- Consolidates all grandfathering provisions into Section 21.54.150
- Adds language about ADA accessibility
- Changes nomenclature of “Buffer Exemption Area” to “Modified Buffer Area” and “impervious surface to “lot coverage”
- Grandfathers lots new proposed for 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 spreadsheet attached to the staff report compares the existing code to the proposed code, with an explanation for the change.

RECOMMENDATIONS

On September 5, 2019, the Planning Commission held a public hearing on O-27-19 and subsequently moved to recommend that the City Council adopt the ordinance with the proposed amendments. The recommendation was approved with a vote of 7 to 0 with the additional recommendation that the legislation be referred to either the Annapolis Environmental Commission or the Environmental Matters Committee.

Adopted this 3rd day of October, 2019



Robert Waldman, Chair