

ORDINANCE NO. 2899

**AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 12.20
– CHESAPEAKE BAY CRITICAL AREA OVERLAY DISTRICT - OF THE
SALISBURY MUNICIPAL CODE TO REFLECT CHANGES TO THE NATURAL
RESOURCES ARTICLE OF THE MARYLAND ANNOTATED CODE AND TO
ADOPT A CRITICAL AREA DISTRICT MAP.**

WHEREAS, the ongoing application, administration and enforcement of the City Code of the City of Salisbury (the “Salisbury City Code”) demonstrates a need for its periodic review, evaluation and amendment, in order to keep the provisions of the code current, comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the “City”); and

WHEREAS, the Mayor and Council of the City of Salisbury (the “Mayor and Council”) are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City; and

WHEREAS, Maryland Chapter 119 of 2008 (House Bill 1253) establishes in section 3 paragraph (7), (i), that each jurisdiction with an approved Critical Area Program shall formally amend its program by adopting the Statewide Base Map for that jurisdiction, including the shoreline and landward boundary of tidal wetlands, the digitally generated and georeferenced 1,000-foot Critical Area boundary, and all applicable Critical Area designations as its official Critical Area Map; and

WHEREAS, the City of Salisbury is a jurisdiction with an approved Critical Area Program; and

WHEREAS, Maryland Chapter 119 of 2008 (House Bill 1253) establishes in section 3 paragraph (4), (i), that a local jurisdiction shall formally adopt its amended Critical Area Map based on the Statewide Base Map within 24 months of its receipt from the Maryland Department of Natural Resources; and

WHEREAS, The Maryland Department of Natural Resources and the Critical Area Commission delivered to City staff a version of the Statewide Base Map, attached hereto as **Exhibit A** entitled “Proposed Critical Area: Salisbury, Maryland” on February 9, 2022: and

WHEREAS, The City was granted a 180-day extension to adopt its amended Critical Area Map; and

WHEREAS, The City also desires to amend certain provisions of Chapter 12.20 of the Salisbury City Code entitled Chesapeake Bay Critical Area Overlay District, in order to update certain provisions consistent with the Natural Resources Article of the Maryland Annotated Code; and

WHEREAS, Section 12.20.410 of the Salisbury City Code requires that proposed text amendments to that Chapter be subject to a public hearing before the City of Salisbury Planning and Zoning Commission (“Planning Commission”); and

WHEREAS, a public hearing on the proposed text amendment and the adoption of the attached map was held by the Planning Commission on July 18, 2024; and

WHEREAS, at the conclusion of its July 18, 2024 meeting, the Planning Commission recommended, by a vote of 7-0, that the map attached hereto as **Exhibit A** entitled “Proposed Critical Area: Salisbury, Maryland” and the text amendments to Chapter 12.20 of the Salisbury City Code be approved by the Mayor and Council; and

WHEREAS, the Mayor and Council have determined that the map attached hereto as **Exhibit A** entitled “Proposed Critical Area: Salisbury, Maryland” and the text amendments to Chapter 12.20 of the Salisbury City Code shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND,

Section 1. The map attached hereto as **Exhibit A** entitled “Proposed Critical Area: Salisbury, Maryland” be and hereby is approved and, upon final approval by the Critical Area Commission, shall be the official Critical Area District Zoning Map for the City of Salisbury.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the Salisbury City Code is hereby amended by adding the bolded and underlined language and deleting the strikethrough language as follows:

Section 2. Chapter 12.20.040 – Applicability is hereby amended as follows:

12.20.040 – Applicability

B. This Chapter shall only apply to the City of Salisbury critical area, hereafter referred to as the "Critical Area District." The critical area district shall include all lands and waters within one thousand (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~~ **16 of the Environment** Article of the Annotated Code of Maryland, as adopted by the Critical Area Commission and the Mayor and City Council. (Prior code § 149-4)

Section 3. Chapter 12.20.050 - Official Critical Area Overlay District Zoning Map is hereby amended as follows:

12.20.050 - Official Critical Area Overlay District Zoning Map

A. Map Delineation.

The City of Salisbury critical area shall be delineated on official Critical Area Overlay District Zoning Map, prepared as part of the City of Salisbury Critical Area Program and attached to the Ordinance codified in this Chapter. The Critical Area District Zoning Map shall be maintained in force as an official map of the City of Salisbury. The map shall delineate the extent of the critical area district in the City of Salisbury as defined in Section 12.20.040(B).

1. The Official Critical Area Overlay District Zoning Map is maintained in force as part of the Official Zoning Map for the City of Salisbury. The Official Critical Area Zoning Map delineates the extent of the Critical Area Overlay District that shall include:
 - a. ~~All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetland maps, and all State and private wetlands designated under Title 16 of the Environment Article of the Annotated Code of Maryland.~~ **All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide;**

- b. ~~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 Environment Article of the Annotated Code of Maryland.~~ **All State and private wetlands designated under Title 16 of the Environment Article of the Annotated Code of Maryland; and**
 - c. **All land and water areas within 1,000 feet beyond the landward boundaries of the resources identified under paragraphs a. and b. of this subsection.**
2. Within the designated Critical Area Overlay District, all land shall be assigned one of the following land management and development area classifications, **and be consistent (unless approved otherwise by the Critical Area Commission as established in § 8-1809 of the Natural Resources Article of the Annotated Code of Maryland) with those found in the official Maryland Department of Natural Resources Statewide Base Map:**
- a. Intensely Developed Area (IDA).
 - b. Limited Development Area (LDA).
 - c. Resource Conservation Area (RCA).

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 4. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 5. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.


Section 6. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 6.

Section 7. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 21 day of October, 2024 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 12 day of November, 2024.

ATTEST:

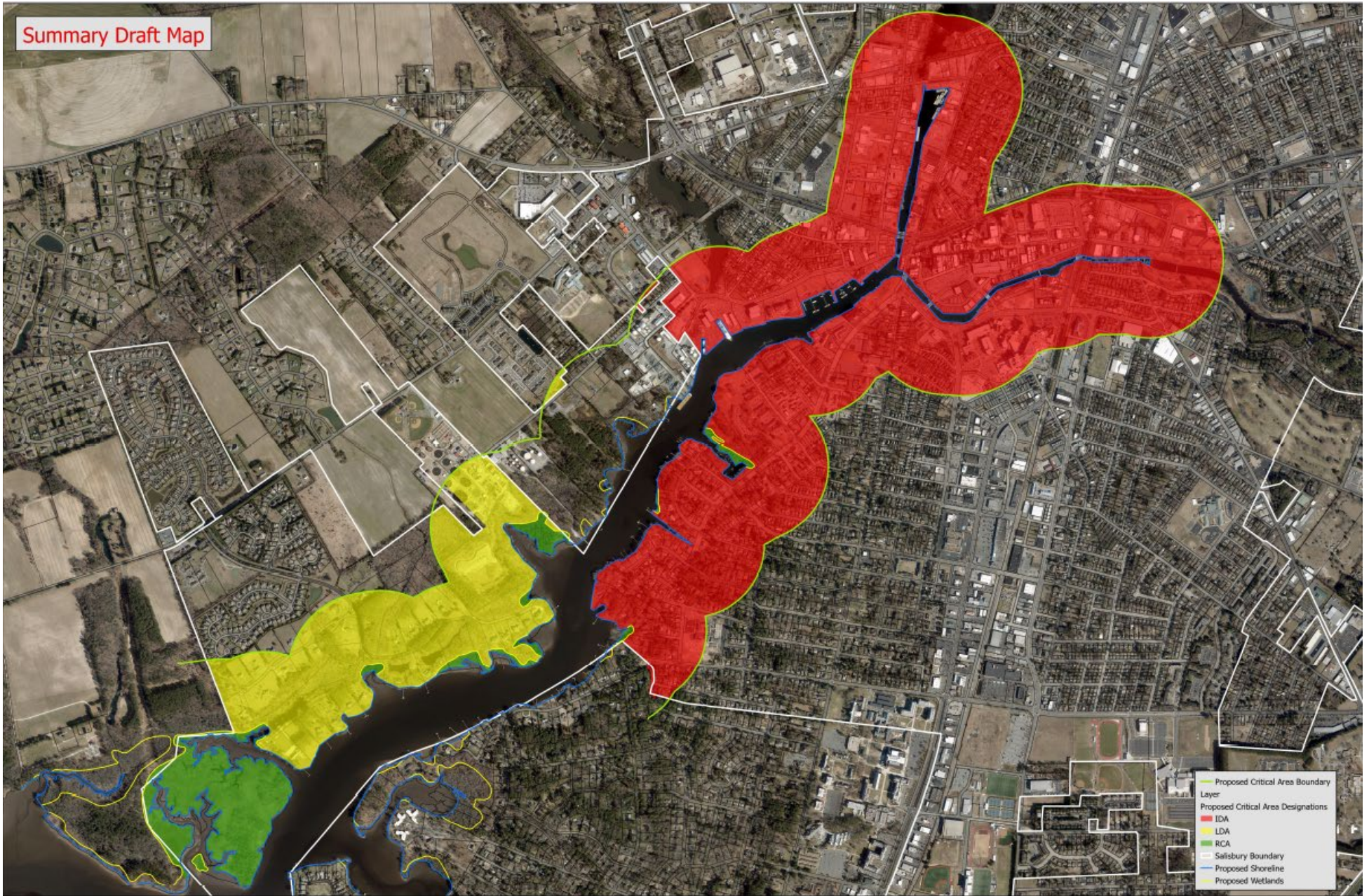

 Julie A. English, City Clerk


 D'Shawn M. Doughty, City Council President

Approved by me, this 18 day of November, 2024


 Randolph J. Taylor, Mayor

Summary Draft Map



IMPORTANT INFORMATION ABOUT THIS MAP:
 This Working Draft Map for the City of Salisbury Critical Area shows the proposed Critical Area designations. This map is the Summary Draft Map for the jurisdiction, and is currently being reviewed in preparation for formal adoption by the local government. This map is not intended for official use at this time because it has not been approved by the governing body in the Town or by the Critical Area Commission.
 The aerial photography is from 2016 Maryland State Highway Administration contract. All imagery for the project was captured at a nominal flying altitude of 4800 AMLT, with a minimum 30% side-lap to achieve a 4" ortho-product. The imagery was processed to meet or exceed NIMA standards for 1" = 100' map products. Supplemental data and imagery used to create the Critical Area Boundary were also produced at a scale of 1:1200 or 1" = 100'.

Proposed Critical Area: Salisbury, Maryland

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 Governor

Boyd K. Sutherford
 Mayor

John C. Wadsworth
 Planning

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Map Created: February, 2022