

Critical Area Commission

STAFF REPORT

October 7, 2020

APPLICANT: Town of Charlestown (Cecil County)

PROPOSAL: Town of Charlestown Comprehensive Review

COMMISSION ACTION: Concurrence with Chair's Determination of Refinement

STAFF: Michael Grassmann

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article 8-1809(g)

DISCUSSION:

On March 10, 2020 the Board of Town Commissioners for the Town of Charlestown approved a comprehensive update to the Town's Critical Area Program. The Town Commissioners repealed and replaced the Town's Critical Area program through the adoption of Ordinance 2020-02, which created Chapter 99 as a new stand-alone Critical Area Ordinance. Chapter 99 is based on the Critical Area Commission's model ordinance for municipalities. Natural Resources Article, §8-1809(g) requires each local jurisdiction to review its entire program at least every six years. The Critical Area Program for the Town last completed a comprehensive review in their Program in September of 2010.

The Town of Charlestown is located in Cecil County along the Northeast River with the Critical Area portions of the Town designated Intensely Developed Areas (IDA) or Limited Development Areas (LDA). The waterfront portion of the Town is entirely IDA, and is mapped as a Buffer Modification Area.

Ordinance Update

The comprehensive update of the Town of Charlestown's Critical Area program brings its zoning ordinance into conformance with the requirements of the Critical Area Law and Criteria. Prior to the creation of Chapter 99, Critical Area program requirements were throughout Chapter 150 (Subdivision Regulations) and Chapter 175 (Zoning Regulations) of the Town Code. The comprehensive review removed those requirements and put them in a stand-alone ordinance based upon the Critical Area Commission's model ordinance for municipalities. Chapter 99 includes all necessary Critical Area development standards, density and use standards, amendment procedures, variances, and enforcement. There were no deviations from the model ordinance.

RECOMMENDATION

Commission staff recommends that the Commission concur with the Chairman's determination that this comprehensive review be processed as a refinement to the Town's Critical Area Program. Furthermore, because the Ordinance is consistent with the Critical Area law and regulations, Commission staff recommends the Chairman approve the comprehensive review as proposed.