



COUNCIL MEETING AGENDA

November 18, 2019

7:00 p.m.

PUBLIC HEARING ANNEXATION RESOLUTION NO. 285

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION, ARTICLE XI – E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SUBTITLE 3: AMENDMENT OR REPEAL OF CHARTER, AND SUBTITLE 4: ANNEXATION AUTHORIZING THE LEGISLATIVE BODY OF A MUNICIPALITY TO ANNEX PROPERTY EXTENDING THE BOUNDARIES OF THE MUNICIPALITY UPON A PETITION FOR ANNEXATION, AND AMENDING THE CITY CHARTER, SPECIFICALLY APPENDIX A OF THE HAVRE DE GRACE CHARTER BY ADDING “SUBSECTION A.33 THE FIRST 2019 ADDITION TO THE CITY BOUNDARIES,” ALONG WITH THE LEGAL DESCRIPTION OF THE ACRES OF LAND WHICH WILL ENLARGE THE BOUNDARIES OF THE CITY OF HAVRE DE GRACE TO INCLUDE THE LAND OF 1921 PULASKI HIGHWAY CONSISTING OF A TOTAL OF 8.83 ACRES MORE OR LESS.

PUBLIC HEARING ORDINANCE NO. 1024

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE PURSUANT TO THE AUTHORITY PROVIDED BY THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34 AMENDING THE CITY CODE CHAPTER 73: FIREARMS.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Opening Prayer: Evangelist Gene Proud of Proud Evangelistic Association
5. Approval of the Minutes:
 - A. City Council Minutes of November 4 2019
6. Comments from Citizens on Agenda Items:
7. Recognitions:
 - A. Tideway Dermatology
8. Presentations: None

13. Old Business: None

14. New Business:

A. Budget Amendment 2020-04 (CM Robertson)

15. Directors Report:

A. Mr. Patrick Sypolt: Director of Administration

B. Mr. Shane Grimm: Deputy Director of Planning

C. Mrs. Erika Quesenbery Sturgill: Director of Economic Development

D. Mr. George DeHority: Director of Finance

E. Mr. Tim Whittie: Director of Public Works

F. Captain Jonathan Krass – Havre de Grace Police Department

16. Business from Mayor Martin

17. Business from Council:

A. Council Member Ringsaker

B. Council Member Robertson

C. Council Member Zinner

D. Council Member Martin

E. Council Member Boyer

F. Business from Council President Glenn

1. Motion to enter into closed session at adjournment.

18. Comments from Citizens

19. Adjournment

1 Highway as more specifically defined herein (“Property”) is in the best interest of the health and
2 welfare of the citizens of Havre de Grace.

3 **NOW THEREFORE BE IT RESOLVED, ORDAINED, AND ENACTED BY THE**
4 **MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND AS FOLLOWS:**

5 SECTION 1. The Appendix to the Charter of the Mayor and City Council of Havre de
6 Grace, Maryland is hereby amended to add a new Subsection A.33 The First 2019 Addition to
7 the City Boundaries to read as set forth in the legal description attached hereto as Exhibit A and
8 incorporated by reference herein. (“Property”).

9 SECTION 2. The Mayor and City Council of Havre de Grace, Maryland and the requisite
10 owners of the properties hereby annexed agree that the conditions and circumstances applicable to
11 the change in the boundaries of the City of Havre de Grace caused by this annexation and to the
12 property within the area hereby annexed are as provided in the applicable Charter provisions, laws
13 and ordinances of the State of Maryland and the City of Havre de Grace, except as follows:

14 (a) The Property is currently given a County zoning destination of Commercial
15 Industrial (CI) on the official zoning maps of Harford County. The zoning designation in the City
16 that the Mayor and City Council shall assign to the Property is Commercial (C) as defined in the
17 Havre de Grace Zoning Ordinance.

18 (b) City water and sewer service shall be provided to the Property hereby annexed at
19 generally applicable rates and pursuant to conditions generally applicable to other City-owned
20 properties within the corporate boundaries of the City of Havre de Grace at such time the Mayor
21 and City Council of Havre de Grace approve development of the Property. The cost to construct
22 any facilities necessary to provide water and sewer service to the Property shall be paid according
23 to the laws, rules, regulations and policies, specifications, standards and approvals (including state
24 and county, if any), existing or required at the time of construction, including any applicable
25 recoupment agreements authorized under the Annexation Resolution, and in accordance with the
26 Annexation Plan attached hereto and marked Exhibit B.

27 (c) The Mayor and City Council of Havre de Grace, Maryland acknowledge that a
28 legal description of the Property has been prepared by a professional engineer retained by the City.

29 (d) The terms and conditions of this Resolution are consistent with the Annexation
30 Policy of the Mayor and City Council of Havre de Grace, Maryland established by Resolution 97-
31 7 (“Annexation Policy”), a copy of which is attached hereto as Exhibit C.

32 SECTION 3. AND BE IT FURTHER RESOLVED that, promptly after the introduction
33 and first reading of this Resolution by the Mayor and City Council of Havre de Grace, Maryland,
34 the Director of Administration shall create a public notice, briefly and accurately describing the
35 proposed change and the conditions and circumstances applicable. The aforesaid notice shall be
36 published two (2) times at not less than weekly intervals in a newspaper or newspapers of general
37 circulation in the City of Havre de Grace and the area to be annexed, as the area to be annexed is
38 less than 25 acres. The aforesaid public notice shall state a time, not less than fifteen (15) days
39 after the fourth (4th) publication thereof and not less than 30 days after the Annexation Plan is

1 provided to the regional and national planning agencies, and the place within the City of Havre de
2 Grace at which a public hearing shall be held to consider public comment to consider this
3 Resolution. The public hearing may be continued or rescheduled in accordance with the
4 requirements set forth in Local Government Article of the Annotated Code of Maryland.
5 Immediately upon the first publication of the specified public notice, a copy of the public notice
6 and other relevant documents shall be provided to the Harford County Council, the Harford County
7 Executive, the Director of the Harford County Department of Planning and Zoning, the Planning
8 Commission of the City of Havre de Grace, and to any other regional or state planning agency
9 having jurisdiction over the property, including the Executive Director of the Baltimore
10 Metropolitan Council.

11 SECTION 4. AND BE IT FURTHER RESOLVED that, this Annexation Resolution
12 shall become effective forty-five (45) days after its enactment by the Mayor and City Council of
13 Havre de Grace, Maryland, provided this Resolution is read and passed by an affirmative vote of
14 a majority of the Council members present at a second reading of the Resolution at a regular City
15 Council meeting after the conclusion of the public hearing and any continuation thereof as
16 prescribed by the Local Government Article Section 4-407 of the Annotated Code of Maryland (as
17 amended) and also provided that a proper petition for referendum calling for an election related to
18 the annexation is not filed as permitted by law.

19 SECTION 5. AND BE IT FURTHER RESOLVED that, if any section, subsection,
20 paragraph, sentence, clause, phrase or word of this Resolution or its application to any person or
21 circumstances is held invalid by any court of competent jurisdiction, the remaining sections,
22 subsections, paragraphs, sentences, clauses, phrases, and words of this Resolution, or the
23 application of the provision to other persons or circumstances then in effect, shall continue in full
24 force and effect.

25 SECTION 6. AND BE IT FURTHER RESOLVED, by the Mayor and City Council of
26 Havre de Grace, Maryland, that the Director of Planning shall promptly register the original and
27 the new corporate boundaries of the City of Havre de Grace with the Clerk of the Circuit Court of
28 Harford County and the Department of Legislative Reference for the State of Maryland when this
29 Resolution takes effect.

30 SECTION 7. AND BE IT FURTHER RESOLVED, by the Mayor and City Council of
31 Havre de Grace, Maryland that the Mayor is authorized to enter into an Annexation Agreement
32 with the recommendation of the Director of Planning, the Director of the Department of Public
33 Works, and the City Attorney to implement the purposes of this Annexation Resolution.

34 SECTION 8. AND BE IT FURTHER RESOLVED, that the Mayor is authorized to enter
35 into a Public Works Agreement with the recommendation of the Director of the Department of
36 Public Works and the City Attorney, to implement the purposes of this Annexation Resolution.

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1 ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

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Patrick Sypolt
Director of Administration

By: _____
William T. Martin, Mayor

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11 Date Introduced: October 7, 2019

12 Date of Public Hearing: November 18, 2019

13 Date of Second Reading and Adoption, Enacted: December 2, 2019

14 Effective Date (45 days after adoption): January 21, 2020

15 List of Exhibits

16 Exhibit A: Legal Description

17 Exhibit B: Annexation Plan Resolution 2019-11

18 Exhibit C: Annexation Policy Resolution 97-7

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE PURSUANT TO THE AUTHORITY PROVIDED BY THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34 AMENDING THE CITY CODE CHAPTER 73: FIREARMS.

BE IT ORDAINED, that the Mayor and City Council of Havre de Grace make the following amendments and additions to the City Code Section 73-1, with additions shown by underline and deletions shown by ~~strikeout~~:

Chapter 73. Firearms

§73-1. Discharge of firearms prohibited; exceptions.

It shall be unlawful for any person to fire or cause to be fired any firearm, rifle, shotgun, pistol, pellet gun or gun of any kind within the corporate limits of the City of Havre de Grace, except:

(a) on approved firing ranges; or

(b) while waterfowl hunting as may be permitted by state or federal regulatory agencies in those water-bourne areas on the southern side of Tydings Park Island depicted in Exhibit A to this Code section, which areas of the Susquehanna River and Chesapeake Bay were annexed by the City of Havre de Grace as part of the Tydings Park Island annexation; or

(c) on property annexed into the City if such property at the time of annexation was an operating farm or agricultural business and continues to be used for farming operations or agricultural business after the annexation; and

(i) such firearm is limited to a twenty gauge shotgun (using birdshot ammunition; slugs are not permitted) which shall not be discharged within one hundred and fifty (150) yards of any residential dwelling or building designed for human occupancy or school regardless of whether such building or school is on abutting or adjacent property; and

(ii) the person intending to use a shotgun for farming or other agricultural business purpose first notifies the City Police Department prior to the discharge of any shotgun.

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ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

PATRICK D. SYPOLT
DIRECTOR OF ADMINISTRATION

WILLIAM T. MARTIN, MAYOR

First Reading: October 21, 2019
Public Hearing: November 4, 2019
Second Reading/Adoption: November 18, 2019



**November 4, 2019
Public Hearing Proceedings**

Public Hearings on Charter Amendment Resolution No. 284 and Ordinance 1025 Amendment 205, Zoning Article I Section 205-3 “Parking for single family dwellings” was called to order by Mayor Martin at 7pm. Council Members Present: CP Glenn, CM Robertson, CM Ringsaker, CM Boyer and CM Martin. CM Zinner Absent.

Charter Amendment Resolution No. 284

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND THE HAVRE DE GRACE CITY CHARTER SECTION 19 AMENDING CITY CHARTER SECTION 17 CHANGING THE TERM OF THE MAYOR FROM TWO YEARS TO THREE YEARS TO BECOME EFFECTIVE AT THE NEXT MAYORAL ELECTION SUBJECT TO APPROVAL BY THE CITIZENS OF HAVRE DE GRACE

Comments from citizens:

Kirk Smith – 120 South Washington Street
Joe Kochenderfer – Tydings Road

Public Hearing on Charter Amendment Resolution No. 284 Closed at 7:08pm

Ordinance 1025

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE PURSUANT TO THE AUTHORITY PROVIDED BY THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34 AMENDING THE CITY CODE CHAPTER 205: ZONING, ARTICLE I, GENERAL PROVISIONS, SECTION 205-3, BY REVISING THE REQUIREMENTS FOR PARKING FOR SINGLE-FAMILY DWELLINGS ON EXISTING LOTS OF RECORD PRIOR TO MARCH 15, 1982.

Comments from citizens: None

The public hearing for Ordinance 1025 was closed at 7:11pm

November 4, 2019
Council Meeting Proceedings

The regular meeting of the Mayor and City Council was called to order on November 4, 2019 at 7:11 pm with Mayor Martin presiding.

Council Members present: CP Glenn, CM Robertson, CM Ringsaker, CM Boyer and CM Martin. CM Zinner Absent

The Pledge of Allegiance was recited, and opening prayer was given.

CM Martin moved to approve the Council Meeting minutes of October 21, 2019. Motion carries 5-0.

Comments from citizens on agenda items:

Kirk Smith – 120 South Washington Street

Presentations: Nathan Swartz and Mike Samson, CPA with Zelenkofske Axelrod LLC – Presented Fiscal Year 2019 Financial Statements.

Appointments:

Youth Commission - CM Robertson moved to re-appointed two members of the Youth Commission - Dena Cardwell and William Howard Jr, seconded by CP Glenn. Motion carries 5-0.

Independence Day Commission- CP Glenn moved to appoint Kim Fillinger to the Independence Day Commission, seconded by CM Ringsaker. Motion carries 5-0

Cultural Exchange Commission - CM Boyer moved to appoint Wanda Boker and Vicki O'Keefe to the Cultural Exchange Commission, seconded by CM Martin. Motion carries 5-0.

Oaths of Office Mayor Martin conferred the oath of Office to Kim Fillinger, Wanda Boker and Vicki O'Keefe; In addition, Mayor Martin and Chief Walter introduced newly hired Police Officer Vincent Thrappas and Mayor Martin conveyed the Oath of Office to him.

Old Business: An update on the Warren Street Sewer Line Project was presented by Department of Public Works Chief Joe Conaway.

New Business:

Special Events - A motion was made by CP Glenn (second by CM Ringsaker) to approve the HDG Duck Drop to be held on December 31, 2019 starting at 10 pm. Motion carries 5-0.

Directors Report:

Patrick Sypolt- Director of Administration: Mr. Sypolt provided dates of upcoming events in Havre de Grace which are available on the tourism website at www.explorehavredegrace.com.

Mr. Shane Grimm: Deputy Director of Planning- The Department is still very busy evaluating and making proposed changes to City Codes.

Mrs. Erika Quesenbery Sturgill: Director of Economic Development- Thanked the Havre de Grace Economic Development Advisory Board for visiting the various businesses that opened this year to present them with a special City certificate.

Mr. George DeHority: Director of Finance- gave the current financial condition of General Fund 1, Water/Sewer Fund 9 and Marina Fund 8.

DPW Chief, Joe Conaway gave an update on the Capital Paving Project.

Chief Teresa Walter: - No shave November proceeds, proceeds to be donated to Zero, in honor of Council President Glenn.

Business from Mayor Martin

Mayor Martin congratulated Lyons Pharmacy on celebrating 125 years of business in our beautiful City on October 22, 2019.

Mayor Martin was happy to be a part of the dedication ceremony conducted on October 29, 2019 at the Concord Point Storm Water Management Pond.

Mayor Martin was happy to announce the Veterans Only Parking, in special locations around the City, as a "Thank you for your service".

Business from Council:

Council Member Martin: CM Martin asked that we please remember to take part in Toys for Tots. Also the Holiday Tree Jubilee will be held December 5th through the 7th.

Council Member Boyer: CM Boyer announced the next Tree Commission meeting will be held on November the 21st and volunteers are needed to assist in collecting information. Also on November 25th at 6pm, the Street and Traffic Committee will meet.

Council Member Ringsaker: CM Ringsaker announced the next Wage and Benefit Meeting will be held November 20th at 7:30pm.

Council Member Robertson: CM Robertson announced the Budget and Finance Committee will meet on November 5th at 5:30pm; The Youth Commission will meet November 28th at 7pm. Also November 4th to 8th, is National Veterans Small Business Week.

Council President Glenn: CP Glenn's challenge to Havre de Grace, please take time out to say... Thank You for Your Service, to a Veteran no matter where you may be.

CP Glenn announced the Public Input Session regarding the Water and Sewer findings and commission report will be held on November the 14th.

CP Glenn also announced the public input session regarding traffic changes on Canvasback Drive in Grace Harbor will be held November 20th at 6:30pm in the Council Chambers

CP Glenn is happy with how well construction is moving forward on the replacement school and how he is looking forward to the "long – awaited" ribbon cutting ceremony.

Comments from Citizens:

Jack Hirschfield – No address given.

Kirk Smith – 120 South Washington Street

Adjournment:

A motion was made by CP Glenn to adjourn at 8:49 pm. Motion carries 5-0

Video recording of the City Council Meeting may be viewed online through Harford Cable Network.

<https://hcn.viebit.com/player.php?hash=r1a7veCq6HYM>

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE PURSUANT TO THE AUTHORITY PROVIDED BY THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34 AMENDING THE CITY CODE CHAPTER 205: ZONING, ARTICLE I, GENERAL PROVISIONS, SECTION 205-3, BY REVISING THE REQUIREMENTS FOR PARKING FOR SINGLE-FAMILY DWELLINGS ON EXISTING LOTS OF RECORD PRIOR TO MARCH 15, 1982.

WHEREAS, the Mayor and City Council desire to encourage opportunities for infill development on existing lots of record by exempting single-family dwellings from the parking requirements contained in Chapter 122.

NOW THEREFORE, BE IT ORDAINED, AS FOLLOWS:

- 1. Article, I Section 205-3.E shall be amended as follows, with words shown **bold underlined** to be added and those shown [~~bracketed with strikeout~~] to be deleted;

§ 205-3.E. Single-family detached dwellings, which have been or may be constructed on lots created by virtue of deeds or of subdivision plats recorded in the Land Records of Harford County prior to March 15, 1982, shall be exempt from the single-family, residential lot specifications contained in Table I of this chapter. **Parcels or lots of record, except those located on a lane or alley, shall also be exempt from the off-street parking requirements contained in Chapter 122.**

In accordance with the provisions of the Maryland Ann. Code, Land Use Article, §4-203 and the City Charter, amendments shall become effective on the date of the approval by City Council after the second reading, except that if the date of the City Council approval is less than ten days after the close of the City Council's public hearing on these Zoning Code amendments, the effective date of the amendment shall be ten days after the close of the public hearing on the Zoning Code amendments.

ATTEST:

THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE

PATRICK D. SYPOLT
DIRECTOR OF ADMINISTRATION

WILLIAM T. MARTIN, MAYOR

46 First Reading: October 21, 2019
47 Public Hearing: November 4, 2019
48 Second Reading/Adoption: *November 18, 2019*
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City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM

410- 939-1800
410- 575-7043

DEPARTMENT OF PLANNING MEMORANDUM

October 7, 2019

TO: Steve Gamatoria
Chief of Staff

FROM: Shane P. Grimm, AICP
Deputy Director of Planning

Re: Commercial Corridor Mixed Use

I have prepared the draft changes to the Code to allow multifamily residential units as part of a mixed used development in the C/Commercial District. This Code change is necessary to accommodate the proposed development of 1921 Pulaski Highway that is currently the subject of an Annexation Petition before the City Council. The draft has been reviewed by the Planning Commission and appropriate changes have been made to address their comments that were provided at a work session on October 3, 2019.

I have provided a copy to Petitioner's attorney, Joe Snee, and the development team for Green Street Housing. It is my understanding that they have some comments and concerns about the timing of the construction of the commercial component of the project. I asked Mr. Snee to provide me with a copy of those concerns, and any proposed changes for consideration. On Friday October 4, Mr. Snee indicated that he had requested the same from his client two weeks prior and had received nothing back. The development team's consultant requested a meeting this week with me, and I gave them times I am available, but I have heard nothing further.

I have also provided a copy of the draft to the Planning Committee for review. I have not received any comments as of the date of this memo; however, I am scheduled to meet with CM Boyer and CM Robertson this evening prior to Council this evening. In the interest of time and moving the Code changes forward in tandem with the annexation, I believe it is the appropriate time to begin circulating the draft to the Director's for review and comment.

cc: April Ishak
Shyla Scott
Resa Laird

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE PURSUANT TO THE AUTHORITY PROVIDED BY THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34 AMENDING THE CITY CODE CHAPTER 205: ZONING, ARTICLE IX, C COMMERCIAL DISTRICT, BY ADDING SECTION 205-39 TO PERMIT MIXED USE DEVELOPMENT IN THE C COMMERCIAL DISTRICT:

WHEREAS, the Mayor and City Council desire to encourage mixed used development on commercial corridors in the City, and;

WHEREAS, the Mayor and City Council desire to allow and encourage multifamily residential uses as part of a mixed use development in the C/Commercial District.

NOW THEREFORE, BE IT ORDAINED, AS FOLLOWS:

1. Article, IX Section 205-39 shall be added as follows, with words shown **bold underlined** to be added and those shown [~~bracketed with strikeout~~] to be deleted;

§ 205-36.1 Commercial Corridor Mixed Use

A. **Purpose. This intent of this section is to provide opportunities for developments to mix multifamily residential uses with retail trade, service and institutional uses, with an emphasis on creativity, quality design, and in close proximity to mass transit within the C/Commercial District.**

B. **Objectives.**

- (1) **To create a mix of commercial and residential uses within a single structure or within multiple structures, where all related structures, parking and open spaces are designed to function as a cohesive and integrated site.**
- (2) **Encourage harmonious and coordinated development of sites, considering the existing natural features, bicycle, pedestrian and vehicular circulation and compatibility with surrounding uses.**
- (3) **Encourage development that is of excellent design and architecture with a mix of uses that contribute to the revitalization of commercial corridors.**

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C. Eligibility.

- (1) A minimum parcel area of 5 acres must be established. Parcels may be combined to establish the minimum parcel area.
- (2) A mixed used development must be served by City water and sewer.
- (3) A mixed use development shall have direct access to either US Route 40 or MD Route 7.

D. Permitted uses. All uses permitted within the C/Commercial district shall be allowed in a mixed use development except those expressly prohibited in Subsection E.

- (1) The Planning Commission may approve any commercial or institutional uses not listed in the C/Commercial District as part of a mixed use development.
- (2) In approving any use that is not principally or conditionally permitted, the Board shall find that the proposed use will not be detrimental to, or adversely impact the residential uses within the development.
- (3) Multifamily residential units shall comprise no more than 75% of the gross floor area when a mix of commercial and residential uses are proposed within the same building.
- (4) If standalone commercial buildings are proposed, the commercial component shall be a minimum of 5,000 square feet, or 15% of the building footprint of all multifamily residential buildings, whichever is greater.
- (5) Commercial uses may be located within the first floor of a multifamily residential building or within separate buildings.
 - (a) If a developer proposes to utilize a multifamily residential building for commercial uses, the exterior of the commercial space must be finished and the interiors must be finished to the point of being able to obtain a Certificate of Occupancy for the multifamily residential portion of the building.
 - (b) If a developer proposes standalone commercial buildings, the pad site(s) for the commercial buildings must be rough graded and stabilized with utilities extended to the pad site prior to the issuance of a Certificate of Occupancy for any multifamily residential building within the development.
- (6) Hotels are permitted in a mixed use development and do not count towards the percentage of commercial use.

E. Prohibited Uses.

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- (1) Adult entertainment activities or related businesses;
- (2) Automotive and other vehicle repair, services, and gas stations.
- (3) Commercial equipment repair and rental.
- (4) Industrial uses.
- (5) Uses that store or ship flammable liquids or hazardous materials.
- (6) Convenience stores.
- (7) Any establishment engaged in the sale of tobacco, or those businesses commonly referred to as vape shops.
- (8) Restaurants with drive through windows.
- (9) Mini-warehousing or mini-storage.
- (10) Liquor stores.
- (11) Any methadone clinic or medical marijuana dispensary
- (12) Pawn shops or secondhand merchandise shops.
- (13) Any other activity or use determined by the Director of Planning to be incompatible with residential activities and/or to have the possibility of adversely affecting the health or safety of residents within, or adjacent to a mixed use project because of the potential for the use to create excessive dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or to be unreasonably hazardous because of materials, processes, products or wastes.

F. Density. The residential density within any mixed use project shall not exceed 15 units per gross acre.

G. Site design.

- (1) The project shall provide a unified arrangement of buildings, service areas, parking, open spaces and landscaped areas.
- (2) Site design shall incorporate elements that foster community interaction, such as outside plazas and eating areas, ponds or fountains, public art or other amenities that generally serve the public.
- (3) The mixed use development may include the subdivision of individual building sites or the creation of lease spaces for freestanding buildings. The project shall function

139 as a cohesive commercial center with pedestrian linkages between the buildings and
140 amenities, as well as linkages to adjacent parcels and the public right-of-way.

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142 (4) The architecture, site design, lighting and signage shall incorporate consistent and
143 coordinated design and theme elements.

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145 (5) Sidewalks shall be provided along the road frontage of each project when a project
146 is adjacent to undeveloped parcels or is adjacent to parcels that have existing
147 sidewalks along the road frontage. Provisions shall be made to allow for internal
148 pedestrian connections to adjacent parcels where appropriate.

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150 H. Building Design Standards. An architectural rendering of the building facade and
151 elevations of the structures shall be submitted to the Department of Planning as part of
152 the Site Plan approval process. The architectural renderings submitted with the
153 application for Site Plan approval require approval by the Planning Commission. The
154 rendering shall demonstrate how the project will meet the following standards and
155 objectives:

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157 (1) Emphasis should be placed on enhancing the appearance of the commercial
158 corridor through innovative building design utilizing a range of colors, textures and
159 materials to break up the monotony often found in large commercial and
160 multifamily residential buildings.

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162 (2) Building Exterior. At least 3 of the following categories of architectural features
163 shall be incorporated into street-facing facades:

164
165 (a) Porches or porticos

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167 (b) Balconies

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169 (c) Dormers

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171 (d) Gables

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173 (e) Bay or bow windows

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175 (f) Door and Window Ornamentation which may include surrounds, pediments,
176 lintels and sills, hoods, and/or shutters.

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178 (g) Rooftop treatments such as cupolas or balustrades.

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180 (3) The roof pitch of new residential buildings shall range between 7:12 and 12:12. The
181 roof pitch of porches, wings and other projections shall equal or exceed that of the
182 lowest pitch of the principal roof.

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184 (4) No exterior stairways shall be visible from a public street.

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- (5) At least 30% of the surface area of each building façade shall be brick, natural stone or faux stone veneer.
 - (6) Individual balconies shall not span more than 1/3 the length of the façade. Balconies that face an interior driveway, or which are not visible from a street, are exempt from this requirement.
 - (7) Street-facing facades shall include offsets in the wall plane to break down the mass of residential buildings into smaller units:
 - (a) For every 40 feet of horizontal wall plane, there must be façade variations of at least 2 feet in depth and 6 feet in width.
 - (b) For every 120 feet of horizontal wall plane, there must be façade variations of at least 8 feet in depth and a total of at least 24 feet in width.
 - (8) For every 40 feet of horizontal roof plane (measured at the roof eave) on street-facing facades, a gable, dormer, or other change in roof plane must be provided.
 - (9) A minimum of three different and significantly contrasting colors shall be used on all façades of a building.
 - (10) The use of split face concrete block is prohibited for use in the construction of any building within a mixed use development.
 - (11) The Planning Commission may approve building designs that do not meet the specific requirements of Subsection H, if the developer proposes innovative designs that are consistent with the spirit and intent of Subsection H and incorporate New Urbanist and traditional neighborhood design principles.

216 I. Mechanical Equipment, Trash Receptacles and Loading Areas.

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- (1) Mechanical equipment is not allowed to be mounted above the roof surface, unless architectural treatments fully obscure the equipment from horizontal view.
 - (2) Ground level mechanical equipment shall not be mounted above the ground surface, and shall be obscured by fences or walls.
 - (3) Loading and Refuse/Recycling Areas. Commercial loading areas, recycling areas, and refuse storage facilities for the commercial and other nonresidential uses shall be located a minimum of 100-feet from residential units and shall be substantially screened from view from the residential portion of the project. Where appropriate, the project may provide for the shared use of recycling and refuse storage facilities. Trash enclosures shall be obscured from view by a fence or wall at least 6 feet in height.

- 231
232 (4) Commercial uses shall provide sufficient loading areas that do not interfere with
233 drive aisles or parking.

234
235 **J. Building Placement and Orientation.**

- 236
237 (1) The roof eave overhang of new residential buildings shall be at least 1 foot.
238
239 (2) Buildings shall be setback from arterial and collector roads a minimum of 60-feet.
240
241 (3) Rear and side yard setbacks shall be approved by the Planning Commission.
242
243 (4) A multifamily residential building shall be limited to 5 stories, including any
244 commercial levels.

245
246 **K. Open Space.**

- 247
248 (1) A minimum of 10% of the parcel shall be dedicated to open space within the project.
249 A total of 50% of the required open space shall be in the form of active open space.
250 This provision can be met through the installation of macadam based walking trails,
251 recreational courts, or similar amenities.
252
253 (2) The open space areas and amenities may be shown on a separate plan, or
254 incorporated as part of the landscape plan for approval by the Planning Commission.
255
256 (3) Bicycle racks shall be provided at or near the entrance to every building in the
257 project.

258
259 **L. Parking.**

- 260
261 (1) Mixed use developments shall comply with the parking standards set forth in
262 Chapter 122, Off-street Parking, for each residential and nonresidential use
263 included in the project.
264
265 (2) The Planning Commission may reduce the parking requirement for multifamily
266 units that are specifically designed to be occupied by senior citizens or the disabled.
267 Parking shall not be reduced below 1 space for one-bedroom units and 2 spaces for
268 all other units.
269
270 (3) Shared parking provisions. A portion of the required residential parking may be
271 provided on an adjacent property provided that:
272
273 (a) The underlying zoning of the adjacent property permits parking for the
274 principal use of the site being developed.
275
276 (b) There is adequate parking to meet the parking requirements for all uses
277 served by the parking.

- 278
279 (c) The shared parking area is located less than 300 feet from the entrance of the
280 primary building located on the site being developed.
281
282 (d) The shared parking area is subject to a shared parking agreement made
283 between current owners of the properties. The agreement shall be recorded
284 in the Land Records of the County. The agreement shall be reviewed and
285 approved by the City Attorney prior to recordation. All shared parking
286 agreements must also contain a provision for maintenance of the parking
287 area.
288
289 (e) The parking area must have safe vehicular or pedestrian access from the
290 shared parking area to the subject property.
291
292 (f) The required parking area shall be paved with an impervious surface.
293
294 (g) Parking for residential uses shall be clearly designated.
295
296 (h) The shared parking area shall have sufficient lighting to ensure safety for
297 pedestrians.
298

299 **M. Lighting. A lighting plan shall be submitted at the time of Site Plan application for**
300 **approval by the Planning Commission.**

- 301
302 (1) The plan shall provide a description of the type and location of lighting fixtures and
303 the light intensity and shielding provisions to be used.
304
305 (2) Lighting fixtures shall be compatible and consistent with the architecture of the
306 proposed buildings.
307
308 (3) Lighting shall be designed, installed and maintained in a manner not to cause a glare
309 or reflection on adjacent parcels.
310
311 (4) Dark sky lighting practices shall be utilized and specified on the lighting plan;
312 including the shielding and dimming of light fixtures.
313

314 **N. Landscaping. A landscaping plan shall be submitted at the time of site plan application.**

- 315
316 (1) Street trees or individual tree landscaping shall be provided at a ratio of 1 tree per
317 5 parking spaces.
318
319 (2) Street trees shall also be provided along all public roads and internal drives at a
320 ratio of 1 tree per 30-feet of road or driveway.
321
322 (3) All islands internal to the parking area shall be landscaped with street trees.
323

324 (4) Native trees that are 2-inch caliper at the time of planting shall be used for all street
325 tree plantings. Street trees species shall be suitable for planting adjacent to
326 sidewalks and approved by the Department of Planning.

327
328 (5) Foundation plantings shall be provided for all buildings.

329
330 O. Maintenance of Common Facilities. Where there is more than one (1) property owner
331 with shared interest in maintaining common facilities related to lighting, fencing, signs,
332 landscaping, stormwater management, shared parking, etc., a joint owner's association
333 shall be formed and a maintenance agreement executed outlining the responsibilities and
334 duties. The agreement shall clearly identify those individuals or entities obligated and
335 responsible for maintaining the common facilities in accordance with the standards and
336 requirements of this chapter and the conditions of any applicable permit. The agreement
337 shall be subject to review and approval by the City Attorney.

338
339 P. Approval. The Planning Commission shall approve all site plans for a mixed use
340 development in the C/Commercial District in accordance with Chapter 155 of the City
341 Code.

342
343
344
345 In accordance with the provisions of the Maryland Ann. Code, Land Use Article, §4-203 and the
346 City Charter, and so long as this ordinance is not vetoed by the Mayor, these amendments shall
347 become effective on the date of the approval by City Council after the second reading, except that
348 if the date of the City Council approval is less than ten days after the close of the City Council's
349 public hearing on these Zoning Code amendments, the effective date of the amendment shall be
350 ten days after the close of the public hearing on the Zoning Code amendments.

351
352 ATTEST: THE MAYOR AND CITY COUNCIL
353 OF HAVRE DE GRACE

354
355
356
357 PATRICK D. SYPOLT WILLIAM T. MARTIN, MAYOR
358 DIRECTOR OF ADMINISTRATION

359
360 First Reading:
361 Public Hearing:
362 Second Reading/Adoption:
363



INTER-CITY MEMORANDUM

To: City Council President David W. Glenn
From: Mayor William T. Martin
Date: November 5, 2019
RE: Proposed Budget Amendment 2020-04

The City has applied for a grant from the State Highway Administration State Aid Program to repave Bern Drive. This award was not contemplated by the budget as we have only recently been notified of pending approval.

I am therefore requesting a budget increase to the paving program, account 01-1251-7013 of \$81,900, the amount of the grant. To fund the repairs, I am asking that the estimated State Grant Revenues, account 01-0001-48-34 also be increased by \$81,900.

Please contact me or George DeHority should you have any additional questions.

BUDGET AMENDMENT

November 5, 2019

Amendment # 2020-04

SOURCE OF FUNDS

Account Number	Account Title	Amount
	General Fund 1	
01-0001-48-34	State Grants	\$81,900.00
Total Sources		\$81,900.00

USE OF FUNDS

Account Number	Account Title	Amount
	General Fund 1	
01-1251-7013	Paving Program (Bern Drive)	\$81,900.00
Total Uses		\$81,900.00

REASON FOR ADJUSTMENT

To record SHA State Aid Award for paving Bern Drive.

AUTHORITY

City Council on 11/18/19.

APPROVAL

MAYOR	_____	Date: _____
ADMINISTRATION	_____	Date: _____
FINANCE	_____	Date: _____

PRESIDING OFFICER'S ORAL STATEMENT

FOR CLOSING A MEETING

UNDER THE OPEN MEETINGS ACT (General Provision Article 3-305)

I make a motion to go into a closed session of the City Council on Monday, November 18, 2019 at ___ p.m. at the Havre de Grace City Hall located at 711 Pennington Avenue Havre de Grace, Maryland 21078.

This meeting will be closed under General Provisions Article Section 3-305(b)

Subsection (7)---“To consult with counsel to obtain legal advice”;

And

Subsection (8) --- “To consult with staff, consultants, or other individuals about pending or potential litigation”;;

The reasons for closing the meeting are:

Discussions concerning specific advice of counsel and action to be taken in potential litigation is entitled to attorney client privilege and confidentiality.

IF ANY ACTION IS TO BE TAKEN BASED ON ADVICE OF COUNSEL, THE CITY COUNCIL WILL RESUME OPEN SESSION TO RECORD THE VOTE IN PUBLIC.

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. Complete items 1 – 4:

- 1. Recorded vote to close the meeting:** Date: November 18, 2019; Time: pm;
Location: City Hall Council Chambers, 711 Pennington Avenue, Havre de Grace, MD 21078;
Motion to close meeting made by: Mr. David Glenn; Seconded by: ;
Members in favor: ;
 ;
 ;
Opposed: None ; Abstaining: None ; Absent: None .

- 2. Statutory authority to close session (check all provisions that apply):**

This meeting will be closed under General Provisions Art. § 3-305(b) only:

(1) "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2) "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3) "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4) "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5) "To consider the investment of public funds"; (6) "To consider the marketing of public securities"; (7) X "To consult with counsel to obtain legal advice"; (8) X "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9) "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10) "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11) "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12) "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13) "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14) "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

Continued ⑦

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session
§3-305(b) (7)	To consult with Counsel and obtain legal advice regarding status of litigation and attorney client waiver of privilege	Attorney/Client communication is entitled to privilege and confidentiality
§3-305(b) (8)	To consult with staff, consultants, or other individuals about pending or potential litigation	Council needs to ask questions of staff and City attorney to determine best course of action and these communications entitled to protection of attorney client privilege
§3-305(b) ()		
§3-305(b) ()		
§3-305(b) ()		

4. This statement is made by Mr. David Glenn, Presiding Officer.

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT MUST BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING

Time of closed session: _____

Place: Havre de Grace City Hall, Council Chambers (711 Pennington Avenue, Havre de Grace, MD)

Purpose(s): to discuss status of pending litigation relating and waiver of attorney client privilege.

Members who voted to meet in closed session: _____

Persons attending closed session: _____

Authority under § 3-305 for the closed session: subsections (7) attorney consultation; and (8) consultations with staff and attorney about status of litigation

Topics actually discussed: Actions taken: _____

Each recorded vote: _____

For a meeting recessed to perform an administrative function (§ 3-104): Time: _____

Place: _____ Persons present _____

Subject matter discussed: _____