CITY COUNCIL

OF

HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1039

Introduced by Council Member Ringsaker

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER, FOR THE PURPOSE OF AMENDING SECTIONS 1, 2, 3, 4, 6, 7, 8 TO MAKE CERTAIN TECHNICAL AND GRAMMATICAL CORRECTIONS AND TO ADD SECTION 127-10 FOOD TRUCK REQUIREMENTS OF THE CITY CODE CHAPTER 127 TITLED PEDDLING AND SOLICITING

On: 7/20/2020

at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

A Public Hearing is scheduled for 8/3/2020 at 7:00 p.m.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

Public Hearing

WHEREAS, the Mayor and City Council desire to amend the Peddling and Soliciting Chapter 127 of the City Code for technical and grammatical corrections; and

WHEREAS, the Mayor and City Council desire to add Section 127-10 Food Truck Requirements to the Peddling and Soliciting Chapter 127 of the City Code;

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. Chapter 127 of the City Code shall be amended and added to as follows:

§ 127-1 **Definitions.**
As used in this chapter, the following terms shall have the meanings indicated:

FOOD TRUCK OPERATOR

Includes any vendor that sells any sort of food product for consumption in the City limits from a truck, trailer, mobile smoker/grill or pull-behind cart such as a hot dog cart.

HAWKER

A peddler who sells his/her wares by outcry in the streets and public places.

ITINERANT VENDOR or TRANSIENT MERCHANT

A person who is established**[s]** **[himself]** in business in the City with the intention and determination to remain for a short period of one or more weeks or months, or until a particular stock of merchandise is disposed of or until the local market for the commodity handled by the dealer has been exhausted, and who, for such limited period, engages or occupies a lot of ground or the improvements thereon or a part thereof for the exhibition and sale of his goods or wares.

PEDDLER

A person who goes from place to place and/or from house to house carrying for sale and/or exposing for sale goods, wares and merchandise which he/she carries; or a vendor of goods who sells and delivers to customers the identical goods which he/she carries. **[with him]**

PERSON

An individual, corporation, business trust, estate trust, partnership, association, two or more persons having a joint or common interest or any legal or commercial entity.

SOLICITOR

A person who, going from person to person, house to house, or place to place, seeks orders, subscriptions, contributions or any other kind of support, or who, without necessarily having the intention of making a direct sale, distributes literature, pamphlets, handbills, samples and the like for commercial purposes.

§ 127-2 **Licenses required.**

A. It shall be unlawful for any peddler, hawker, itinerant vendor, transient merchant, **[or]**

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solicitor, or food truck operator to operate within the limits of the City without a license issued by the Director of Planning. **[Mayor and City Council of Havre de Grace.]**

B. It shall be unlawful for any peddler, hawker, itinerant vendor, transient merchant, **[or]** solicitor, or food truck operator to operate within any area for which an area license has been granted, including any area for which an approved City special event permit has been granted, unless such person operates pursuant to the area license. Area licenses shall be issued in accordance with §127-6B of this chapter. [Amended 3-20-2017 by Ord. No. 987]

§ 127-3 **Application and issuance of licenses.**

A. Application requirements.

(1) Applications for a vendor's or solicitor's license may be obtained from the **[City Manager]** Department of Planning.

(2) Application for a vendor's or solicitor's license may require such information and proof of identification as the Director of Planning **[Chief of Police and the City Manager]** may deem appropriate.

(3) Applications may require the disclosure of location of the permanent residence of all persons operating pursuant to the license.

B. The Director of **[Economic Development and]** Planning shall issue the license applied for after:

(1) The applicant provides the information as requested by the application and any further information requested by the **[Chief of Police]** Planning Director as may be necessary in the judgment of the Planning Director **[Chief of Police]** to identify persons or vehicles operating pursuant to the herein required license.

(2) The applicant pays the required license fee.

(3) **[The application is approved by the Mayor and City Council.]** At the discretion of the Director of Planning, applications may be referred to the Mayor and City Council at any time for final determination.

§ 127-4 **Form of license; display upon demand.**

The license shall be in a form to be determined by the Director of Planning **[City Manager].** The form of the license may vary with the type or class of license. The license shall state the date of issue, the date of expiration and the limits of the area of operation. Anyone to whom a license is issued shall present the license to any person for inspection upon demand.

§ 127-5 **Fees; bond.**

Fees for such licenses shall be as set by the Mayor and City Council from time to time. Fees shall

Public Hearing

be based upon the number of persons, vehicles and days of operation. The Mayor and City Council may require the posting of cash or other appropriate bond to insure compliance with the provisions of this chapter.

§ 127-6 **Classification of licenses.** **<u>(excluding Food Trucks – see Section 127-10)</u>**

A. Individual licenses.

(1) A one-year license shall permit up to two persons and one vehicle to operate within the City for a period of one year. Additional persons and vehicles may operate pursuant to any such license for an additional fee.

(2) A six-month license shall permit up to two persons and one vehicle to operate within the City for a period of six months. Additional persons and vehicles may operate pursuant to any such license for an additional fee.

(3) A daily license shall permit up to two persons and one vehicle to operate within the City for a period of one day. Additional persons and vehicles may operate pursuant to such license for an additional fee.

B. Area licenses. An area license shall be issued for three or more itinerant vendors or transient merchants who will operate in a defined area for the period specified in the license. The license shall be issued to a person, the licensee, who shall determine and make available to the <u>Director of Planning</u> **[Chief of Police]** the name and address of all merchants operating pursuant to the license. The licensee shall be responsible for any violation of this chapter.

C. Group licenses. A group license shall be issued for 20 or more persons who will operate within the City limits for a period specified in the license. The license shall be issued to a person, the licensee, who shall determine and furnish the names and addresses of all persons to operate pursuant to the license prior to the issuance of the license. The licensee shall be responsible for any violation of this chapter.

§ 127-7 **Exceptions.**

A. All persons engaged in a business or occupation for which they are required to obtain a state license shall be exempt from the fees imposed under § **127-5** hereof provided that application is made for a license, and the requisite state license is presented for inspection by the Director of **[Economic Development and]** Planning prior to issuance of the license required herein.

B. Nothing in this chapter shall apply to hawkers, peddlers, itinerant vendors, transient merchants, **[or]** solicitors <u>or food truck operators</u> while dealing in oysters and fish in their unpreserved and natural condition or fresh fruits, vegetables or other country produce or home produce, provided that the seller is the grower, harvester or home producer thereof.

Draft Revisions

§ 127-8 **Hours of operation.**
It shall be unlawful for any peddler, hawker, itinerant vendor, transient merchant, **[or]** solicitor or food truck operator to operate within the City of Havre de Grace between the hours of 8:00 p.m. and 8:00 a.m.

§ 127-9 **Violations and penalties.**
Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

§ 127-10 **Food truck requirements.**
A food truck operator must comply with the following requirements to operate within the Havre de Grace City Limits:

A. https://ecode360.com/30009192 - 30009192Licenses

(1) Food truck operators must possess a current Harford County Health Department license

(2) Food truck operators must possess a current insurance certificate and be in good standing with the State of Maryland

(3) Food truck operators must obtain a license to operate at one of the City's approved locations. (Exhibit A)

i. Four spaces at Hutchins Park

ii. Three spaces at the North Park (Conesteo Street loop)

(4) Food truck operators may operate on private property, but must have in their possession a signed written document from the property owner providing permission to operate and a current Harford County health department license.

(5) Food truck operators must keep the area within a twenty-five-foot radius of his/her truck free of trash and food scraps.

(6) Food truck operators will not conduct business in a residentially zoned portion of the City.

(7) Food truck operators will not display any signature other than what is lettered on his/her or her food truck and up to two sandwich- style boards or similar signs for the purpose of posting a food menu. Such sandwich board signs must be located no farther than 15 feet from the food truck.

(8) Food Truck's operators must be self-contained, meaning that all water, wastewater and electric shall be produced and managed by the food truck.

(9) Waste cooking oil shall be removed by the operator daily.

B. License Term and Conditions

(1) A license shall be issued under this Chapter for a period of 90 Days. The license shall be $50.00 per 90 day period per truck.

i. Locations will be assigned on a first come-first serve basis.

(2) Renewals will only be accepted within 5 business days of an expiring license.

C. Approved City Special Events

(1) Any approved City Special Event, whereby a food truck operator wishes to participate will require a separate participation fee.

Signed by the Mayor and attested by the Director of Administration this _____ day of _____, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND

_____

Patrick D. Sypolt
Director of Administration

_____

William T. Martin
Mayor

Introduced/First Reading: 7/20/2020
Public Hearing: 8/3/2020
Second Reading/Adopted:

Effective Date:

Legislative History
Ordinance No. 987, enacted 3/20/2017
Ordinance No. 732, enacted 6/5/1989
Ordinance No. 604, enacted 1/5/1981
Ordinance No. 506, enacted 7/6/1959
Ordinance No. 463, enacted 4/19/1948
Ordinance No. 408, enacted 3/2/1936
Ordinance No. 270
Ordinance No. 188 enacted 12/18/1905

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Exhibit A

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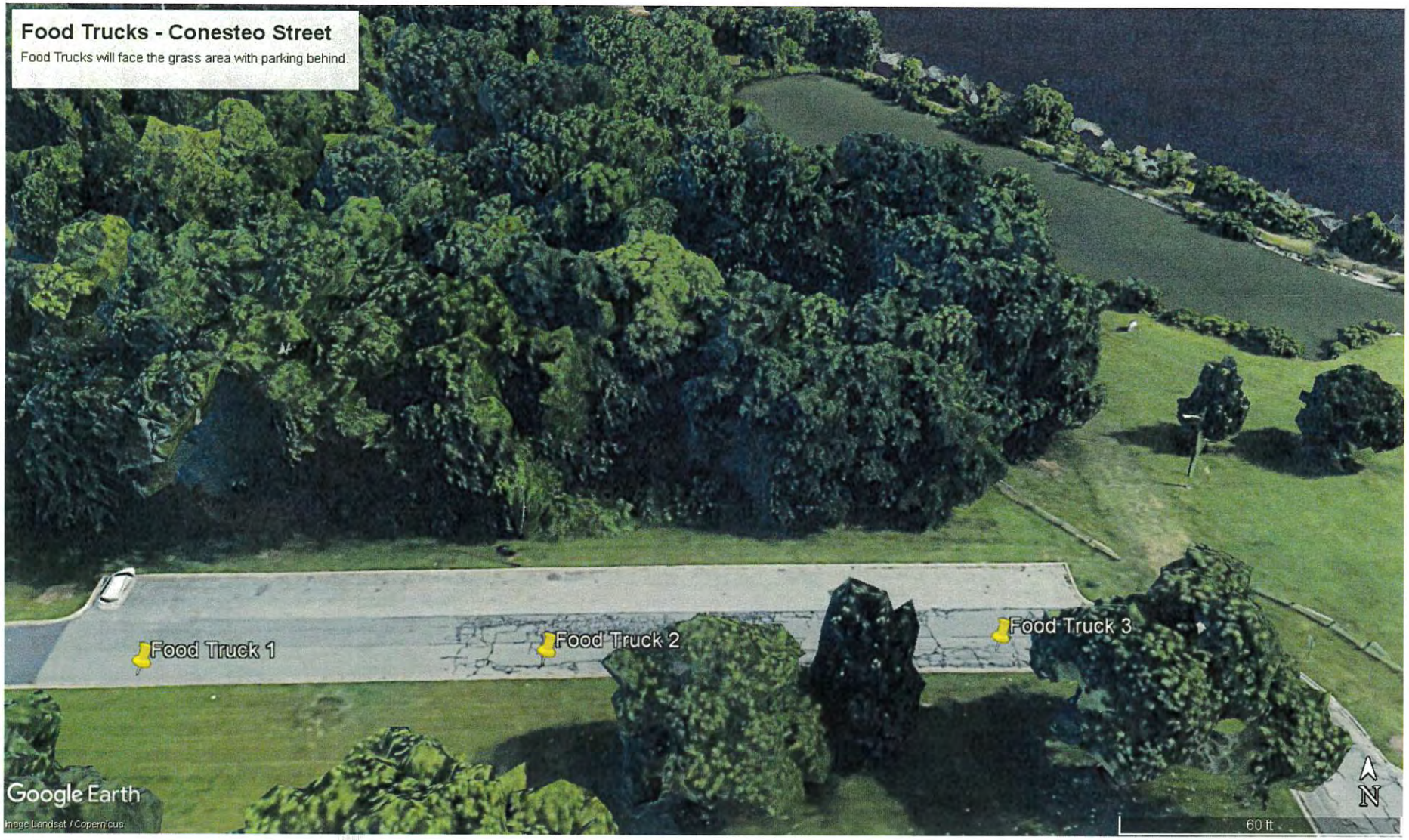
Food Trucks - Conesteo Street
Food Trucks will face the grass area with parking behind.
Food Truck 1
Food Truck 2
Food Truck 3
Google Earth
Image Landsat / Copernicus
60 ft
N

210

Chapter 127 - Peddling and Soliciting

Suggestions from Chuck Maslin - 410-459-6463
These suggestions are based on the proposed changes as provided to me on 7/7/21

127-10 Food Truck Operator
Proposed: "Includes any vendor that sells any sort of food product for consumption in the City limits, from a truck, trailer, mobile smoker/grill or pull-behind cart such as a hot dog cart.

Consider This: "Includes any operator that sells or gives away any sort of food or beverage product for individual consumption, from any form of food truck, trailer, mobile smoker/grill or push cart, bicycle vending unit, golf cart, or any other transient or mobile food operation." Any operator who seeks to conduct business in any location other than directly adjacent to its local Havre de Grace business property, must comply with Section 127-10.

127-7 end of line 1 add: .....***after*** state license.."**other than Health Department licenses"**...
Comment: This removes a possible loophole that could result in not having to pay fees under certain licensing scenarios.

127-7B do not include food trucks in this exemption.

127-8 Hours of Operation.
Proposed: "It shall be unlawful for any peddler, hawker, itinerant vendor, transient merchant, solicitor <u>or food truck operator</u> to operate within the City of Havre de Grace between the hours of 8:00 pm and 8:00 am.

Consider This: "It shall be unlawful for any peddler, hawker, itinerant vendor, transient merchant, solicitor to operate within the City of Havre de Grace between the hours of 8:00 pm and 8:00 am <u>or for any food truck operator to operate within the City of Havre de Grace between the hours of 12:00 am and 7:30 am. No food truck is permitted to park overnight within the designated food truck spaces.</u>
Comment: This allows the possibility of operating during some prime hours which could encourage more late night patronage at local businesses. This will not interfere with residential areas as the food truck locations are strictly controlled.

127-10 A
a - Looks good!

b - Looks good!

c - Consider This: "Food truck operator's must obtain a license to operate at ***any*** of the City's approved locations. (Exhibit A)

c - ***Consider This: Hutchins Park is a decent location North park is probably never going to get used in the foreseeable future as it will not have the necessary customer count. If you want to make this work, add some spots by Tydings Park, or consider putting 2 spots at David Craig Park.***

f - Delete: Does not need to be there. You have covered this when you limited the locations.

g - Proposed: "Food truck operator's will not display any signature other than what is lettered on his/her or her food truck and up to two sandwich-style boards or similar signs for the purpose of posting a food menu. Such sandwich board sighs must be located no further than 15 feet from the food truck.
I really am not sure what that means, lol

Consider This: "All food truck operators are required to display legible signage stating all prices. All signage must be attached to the food truck with the exception of 2 sandwich board menus which must be placed within 15 feet of the food truck and not blocking the sidewalk or other food trucks.

h. Proposed: "Food truck operators must be self contained, meaning that all water, wastewater and electric shall be produced and managed by the food truck

Consider this: "Food truck operators must be self contained. No food trucks are permitted to connect to City water, electric or sewer and must remove all trash, waste water and used cooking oil from the premises

i. ***Remove this as covered above***

B. License Term and Conditions
Proposed: "It A license shall be issued under this Chapter for a period of 90 days
The license shall be $50.00 per 90 day period per truck
i. Locations will be assigned on a first come -first serve basis.
b. Renewals will only be accepted within 5 business days of an expiring license.
Comment: this has several implications that could become a problem. For one, it allows City employees to determine who is allowed to participate.

Consider This: "It A license shall be issued under this Chapter for a period of 90 days
a. The license shall be $50.00 per 30 day period per truck, or $150.00 per year per truck.
b. The purchase and possession of a City license does not promise or guarantee an available food truck parking space on any particular day.
c. Locations will be available on a first come -first serve basis. No food trucks can park between the hours or 12:30 am and 7:00 am.

C. Approved City Special Events.
Proposed: \a. Any approved City Special Event, whereby a food truck operator wishes to participate will require a separate participation fee.

Consider this: "a. No provisions of this Chapter shall apply in any way to food trucks operating at any approved City Special Events

Comment: This is not needed, if denied it goes to Board of Appeals. No criteria listed for sending to Council. Why would Council want to get involved in the approval process?

July 20, 2020
Council Meeting Minutes

Public Hearing on Ordinance 1037 concerning Sustainable Landscaping was called to order at 7:00 PM on July 20th, 2020 with Mayor Martin presiding.

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

Comments from Citizens: Joe Kochenderfer of 819 Tydings Road shared his feelings on Ordinance 1037.
Kirk Smith of 120 S. Washington Street, sent over his comments to be read into record regarding Ordinance 1037. With no further comments from citizens the public hearing was closed at 7:06 PM.

Public Hearing on Ordinance 1038 concerning Forest Conservation was called to order at 7:06 PM on July 20th, 2020 with Mayor Martin presiding.

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

Comments from Citizens: Kirk Smith of 120 S. Washington Street shared his comments on Ordinance 1038. With no further comments from citizens the public hearing was closed at 7:08 PM.

The regular meeting of the Mayor and City Council was called to order on July 20th, 2020 at 7:09 PM with Council Members present: CP Glenn, CM Zinner, CM Martin, CM Ringsaker, CM Robertson and CM Boyer.

The Pledge of Allegiance was recited, and opening prayer was given by Reverend Mark Specht of Grace Reformed Episcopal Church.

Approval of Minutes:
CM Ringsaker moved to approve the Council Meeting minutes of July 6th, 2020. Seconded by Robertson. Motion carries 6-0

CM Zinner moved to approve the Closed Session Meeting minutes of July 6th, 2020. Seconded by CM Boyer. Motion carries 6-0

Comments made by citizens on agenda items:
Tammi Coit of 1724 Scenic Manor, expressed her feelings on the development of the Patrone Property.

Appointments: CM Robertson moved to reappoint Warren Hartenstine, Michael Allen and Julia Ruhnke to the Economic Development Advisory Board. Second made by CM Ringsaker. Motion carries 6-0

A Presentation was made by: Director of Planning Shane Grimm gave an overview of the Single Concept Plan and his Staff Report approving the Concept Plan for the development of the Green/Ianniello/Patrone parcels. The City Council is required to approve the Single Concept Plan under Annexation Resolution 277. Don Sample spoke in favor of the Concept Plan on behalf of Johnathan Green. Peter Ianniello presented an overview of his vision for his portion of the development and his concerns with the Concept Plan. Mr. Green spoke in favor of the Concept Plan. Mr. Ianniello's attorney Chris Mudd summarized Mr. Ianniello's concerns for the Council. City Attorney April Ishak recommended four options to Council on how they could proceed based on the presentations given. Mr. Grimm conveyed to Council his recommendations on a path forward.

Mayor Martin asked for a short recess at 8:51. Meeting reconvened at 9:03PM.

Ordinance:
An Ordinance concerning Peddling and Soliciting: (CM Ringsaker) AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER, FOR THE PURPOSE OF AMENDING SECTIONS 1, 2, 3, 4, 6, 7, 8 TO MAKE CERTAIN TECHNICAL AND GRAMMATICAL CORRECTIONS AND TO ADD SECTION 127-10 FOOD TRUCK REQUIREMENTS OF THE CITY CODE CHAPTER 127 TITLED PEDDLING AND SOLICITING.
A motion to introduce on first reading Ordinance 1039 was made by CM Ringsaker with a second by CM Martin. Motion carries 6-0. Ordinance 1039 was read into the record. A motion to adopt Ordinance 1039 on first reading was made by CM Ringsaker with a second by CM Zinner. Motion carries 6-0. A Public Hearing is scheduled for August 3, 2020 at 7:00 PM.

New Business: License Agreement for Porch in the Right-of-Way at 351 Bourbon Street. CM Ringsaker made a motion to approve. Seconded by CP Glenn. Motion carries 5-0. CM Boyer was out of Chambers at this time and did not vote.

Directors Report:
Patrick Sypolt Director of Administration: Mr. Sypolt encouraged citizens to stay connected via the City website for the latest information. At this time due to COVID-19, we are not permitting any Special Events in the City. He asked that citizens continue to exercise CDC guidelines by practicing social distancing and wearing a face covering.

Mr. Shane Grimm Deputy Director of Planning: No comments were shared this evening.

Mrs. Erika Quesenbery-Sturgill Director of Economic Development: Absent from the meeting.

Mr. George DeHority Director of Finance: The current financial condition of General Fund 1, Water/Sewer Fund 9 and Marina Fund 8 were presented by Mr. DeHority.

Mr. Tim Whittie Director of the Department of Public Works: Mr. Whittie shared the latest on current City projects. CM Boyer asked about paving projects to include Freedom Lane. Mr. Whittie said they are prioritizing by paving the worst streets first.

Chief Teresa Walter Havre de Grace PD: Chief Walter spoke on National Night Out which is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie. National Night Out enhances the relationship between neighbors and law enforcement while bringing back a true sense of community. Chief Walter stated furthermore, it provides a great opportunity to bring police and neighbors together under positive circumstances. However, due to the COVID-19 pandemic, it is being strongly recommended that for this year National Night Out be celebrate on October 6th, the first Tuesday in October.

Business from Mayor Martin: Mayor Martin was away on vacation for the past two weeks on a cross country trip. He said it was an inspiring trip and good to see how great America really is.

Business from Council:
Council Member Ringsaker: CM Ringsaker talked about parking at the yacht basin. He asked citizens not to block parking spots. To see seven blocked is unacceptable. CM Ringsaker was upset to learn about the removing of the Warrior Mascot from the Havre de Grace High School. He is Warrior Proud.

Council Member Boyer: CM Boyer said **T**he Green Team met this past week regarding the community gardens which are full. All projects for The Green Team are moving forward. The Green Team has openings for leadership positions. CM Boyer recommended a family friendly bike lane downtown. The Twinning Association is meeting virtually on the 27th.

Council Member Zinner: CM Zinner said currently we have three positions available on the Historic Preservation Commission. If anyone is interested, please submit an application to Resa Laird at City Hall. With the 2020 Census, Harford County is 3rd in state for total responses. Havre de Grace is 31st out of 158 municipalities. If you haven't filled in your Census please do so; October 31st is the deadline.

Council Member Robertson: CM Robertson said the Youth Commission will meet this Thursday the 23rd of July at 6PM. The meeting will be live streamed via Zoom for the public.

Council Member Martin: CM Martin welcomed back Mayor Martin.

Council President Glenn: CP Glenn announced all City Council Committee Assignments for the 2020-2021 year. Council President paid tribute to our Havre de Grace Police Officers. He wanted it to go on record that we are all currently living in turbulent times and what the media has done is to take isolated incidences regarding police officers and present that as the norm. This is simply not true and our police officers are living proof of that. CP Glenn encouraged citizens to thank them for their service.

CP Glenn made a statement concerning his feelings on the change about to take place in the school. He said "it appears that when they open the doors of the new school, we will still be the "HOME OF THE WARRIORS," but a recent article by the Baltimore Sun indicated that some of the long lasting traditions are going away. As stated in the article, "While the image of a Native American has been used by the high school in the past, we are opening a new building this fall and have not included the image of a Native American in those designs. The bronze bust, spear-adorned helmets and headdresses at homecoming will be gone. The article also stated that I would accept whatever the decision makers decide which isn't entirely true. I stated that I wasn't part of the decision-making process and I was without a doubt disappointed. I will always be a "Warrior at Heart." I reached out to Superintendent Bulson and Principal Jim Reynolds and found out that not all that was stated in the article was true. The bronze bust will be going to the new school. CP Glenn stated his primary purpose for reaching out was to reinforce that everything we have done in the past associated with the Warrior name has always been positive. It has never been negative. We have always strived to do the right thing for all the right reasons. It is the Havre de Grace way of doing things and leading by example. The Susquehannock Warrior was considered noble and heroic and we try to exemplify those traits in all daily interactions. Once a Warrior, always a Warrior and I am extremely proud of the way we have represented their heritage. He said in closing we have always said it best…WARRIOR PROUD.

Comments from Citizens:
John Lee of 437 Battery Drive – spoke on his personal history living here in Havre de Grace at Battery Village. Mr. Lee spoke against ever defunding the Police. He urged Council and Mayor Martin to please come to his community. He would like changes made for the better in Battery Village. He wishes for peace and not division. He also invited the Mayor and Council to a service honoring veterans.

Howard Caldwell Jr**.** of 806 Shawnee Brooke Drive – Spoke on understanding the trauma African – Americans have had with the police. He wants to reach out and build bridges instead. After meeting with Chief Walter and officers, he agrees with CP Glenn that the Havre de Grace police are not like the officers depicted in the media.

Adjournment: A motion was made by CP Glenn and seconded by CM Ringsaker to adjourn at 10:13 PM. Motion carried 6-0
Video recording of the City Council Meeting may be viewed online through Harford Cable Network.

Respectfully Submitted by,
Resa Laird

City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078 410-939-1800
WWW.HAVREDEGRACEMD.COM

Public Work Session
July 27, 2020
7:00 p.m. Council Chambers, City Hall
711 Pennington Avenue, Havre de Grace, MD 21078

Purpose: To discuss the Single Concept Plan for the Green, Ianniello and Patrone properties.

Mayor, City Council and City Staff Present: Mayor Martin, CM Boyer, CM Martin, CM Ringsaker, CM Robertson, CM Zinner, Shane Grimm, Director of Planning, Patrick Sypolt, Director of Administration, and April Ishak, City Attorney.

CM Ringsaker opened the meeting, made agenda amendments, and read ground rules of the meeting. The meeting was public, but no additional submissions would be accepted nor would any member of the audience be allowed to speak unless called upon. All questions to audience members in attendance must be direct and any response should be brief and address only the questions asked.

The questions before the Council:

- Does the single concept plan, as submitted, meet all the requirements of Annexation Resolution 277 (AR 277)?
- Does it have the required open space (not less than a quarter of the property)?
- Is the remaining balance of the property distributed between residential and business use?
- Is there a public park five acres in size?
- Is there an extension of the Lower Susquehanna Heritage Greenway trail?
- Does the road network connect to Scenic Manor?

Other items to be discussed:

- Recoupment agreements on infrastructure;
- Open Space requirements; and
- Access.

The Single Concept Plan was submitted by Mr. Ianniello on behalf of the three respective property owners. It wasn't signed. The parties agreed they would not sign until the City Council approved. The Single Concept Plan is nothing more than the shell moving forward. The associated details should follow in future Public Works agreements and site plans.

Purpose of Single Concept Plan under AR 277 (compared to Site Plan)
Shane Grimm reported the purpose was the parties would come together to present a plan conceptually. The plan would not show any level of detail such as the building lots. A concept plan would have to come before the Council for any plans involving public roads. A concept plan shows the general distribution of land usage and roads. A site plan would have more details and would require approval from the Board of Appeals and/or the Planning Commission depending on the type of development.

Mandatory Elements Captured in the Submitted Plan

Shane Grimm reported in AR 277 there were mandatory elements listed: zoning, proposed uses, at least a quarter as open space, remaining distributed between residential and business uses with no more than two-thirds balance to either one use, city park of 5 acres, public park can be used as one quarter of open space, extension of Lower Susquehanna Heritage Greenway trail for public use (location may change), public road connection into Scenic Manor, consistent with approved concept plan, Patrone property have access to Chapel Road until there is public road access, Ianniello property retain right to access Rt. 155. Mr. Grimm reported that all these elements were captured in the submitted concept plan and meet the requirements of AR 277. CM Robertson asked Mr. Grimm to go in depth on the open space requirements; Mr. Grimm commented the 5 acres will be a centrally located public park dedicated to the City and other open space is 61 acres, which is exceeded on the site plan. The 50 acres Maryland environmental easements can be included in the open space plan so that will be the bulk of the 61 open space acres. CM Robertson inquired about the roads (a, b, c, d, e); Mr. Grimm commented they will be built to county code standards and then upon completion, dedicated to the City and become part of the City road network – there shouldn't be any cost to the City for the construction, only the maintenance once dedicated to the City.

Concerns Raised at Last Council Meeting

April Ishak reported on the concerns: 100 ft density on Ianniello property, timing of when park would be completed and if it could be moved to another location, road access, temporary utility easement, development agreement (not part of City agreement). Shane Grimm explained the process for each property after the concept plan is accepted. CM Martin inquired about waste water management and DNR/environmental requirements; Mr. Grimm clarified there will be storm water review and waste water review to meet minimal requirements. CM Robertson commented he was in agreement to take out the density requirement until the site plan, he prefers there be a timeframe for when the park would be dedicated instead of based on the number of units built. Mr. Grimm responded to CM Martin that minor revisions to the plan can be done administratively. CM Ringsaker, CM Robertson, and CM Zinner inquired about road access; Ms. Ishak and Mr. Grimm explained the different possibilities and process.

Can the Concerns be Addressed within the Purposes of the Submitted Plan

Mr. Grimm commented the Council could move forward with the plan and address concerns with proposed amendments to the recommended conditions found in the staff report from the Department of Planning. Ms. Ishak commented the big pieces are in place and minor tweaks will address concerns and the development agreement is not part of AR 277 and doesn't need to be considered by the Council.

Path Forward

The next step would be a resolution to accept the concept plan. There was discussion of when the resolution would be available for vote.

Questions from Council Members or Staff

None.

CM Robertson made a motion to adjourn at 7:47 p.m. with a second by CM Boyer. Motion carries 5-0.

Respectfully submitted: Tamara Brinkman

Video recording of the Public Hearing may be viewed online through the City of Havre de Grace YouTube channel.

CITY COUNCIL

OF

HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2020-_____

Introduced by Council Member Ringsaker

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34 TO APPROVE A SINGLE CONCEPT PLAN FOR THE GREEN, IANNIELLO AND PATRONE PROPERTIES AS REQUIRED BY ANNEXATION RESOLUTION 277 (AS AMENDED)

WHEREAS, the City Council adopted Annexation Resolution 277 (as amended) on April 21, 2014, which became effective on June 5, 2014 ("AR 277" or "Annexation Resolution"), assigning the Residential Business RB zoning designation ("RB Zoning") to the Green, Ianniello and Patrone properties ("Property"), subject to certain conditions; and

WHEREAS, pursuant to Section 2 of the Annexation Resolution, all zoning designations are provided on the condition that prior to the submission of any site plan for the Property, the owners/developers shall have previously submitted a concept plan for the Property to the Mayor and City Council for approval by the Mayor and City Council by resolution." ("Concept Plan"); and

WHEREAS, the "single concept plan shall show proposed uses with not less than one-quarter of the property use for open space, and the remaining balance of the Property distributed between residential uses and business uses, with no more than two-thirds (2/3) of the remaining balance devoted to either one use"; and

WHEREAS, the single Concept Plan shall also show a 5-acre public park to be dedicated to the City, an extension and construction of the Lower Susquehanna Heritage Greenway Trail, and a road network connecting to the Scenic Manor subdivision; and

WHEREAS, the owners of the respective properties jointly submitted a single Concept Plan to the Director of Planning on or about March 10, 2020 for review by the Department of Planning; and

WHEREAS, the Director of Planning issued a Staff Report dated July 14, 2020 and made a presentation to the City Council on July 20, 2020 recommending approval of the Concept

Plan on the terms and conditions set forth therein and noting that all AR 277 conditions had been met; and

WHEREAS, the City Council held a public work session on July 27, 2020 to consider concerns raised by one of the property owners; and

WHEREAS, after consideration of the concerns raised, the City Council requested the Staff Report be amended to address certain issues; and

WHEREAS, the Staff Report was amended on July 29, 2020 to reflect the Council's deliberations in addressing those issues ("Amended Staff Report") (Attached as Exhibit A); and

WHEREAS, based on review of Concept Plan and the Amended Staff Report, the Council is satisfied that the conditions for the Concept Plan set forth in AR 277 have been met, and the parties now have a path forward to develop their respective properties.

NOW THEREFORE, it is determined, decided, and resolved by the Mayor and City Council that the Concept Plan for the Green/Ianniello/Patrone properties dated March 10, 2020 is hereby approved.

ADOPTED by the City Council of Havre de Grace, Maryland this 3rd day of August, 2020.

SIGNED by the Mayor and Attested by the Director of Administration this ____ day of _____, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

_____

Patrick D. Sypolt
Director of Administration

_____

William T. Martin
Mayor

Introduced: 08/03/2020
Passed/Adopted: 08/03/2020

Effective Date: 08/03/2020

Exhibit A

City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078 410- 939-1800
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July 31, 2020

REVISED DEPARTMENT OF PLANNING STAFF REPORT

PERMIT NO. 20200249

PROJECT: Green-Ianniello-Patrone Single Concept Plan

APPLICANTS/OWNERS:

Owner	Tax ID	Legal Description	Acreage	Parcel
Estate of Charlotte Patrone	6006108	1715 Chapel Road	4.21	238
Peter J. & Mary C. Ianniello	6003133	2000 Level Road	13.96	443
Tierra Verde Enterprises LLC	6003605	2000-D Level Road	1.59	584
Ann W. Green	6003737	2010 Level Road	110.55	237
Marianne Hellauer Schmitt Trustee	6078478	2026 Level Road	22.77	709
Ann W. Green Trustee	6003729	Level Road	18.95	198
Montgomery C. M. Green et al	6003664	Off W S Level Road	15.01	697
Montgomery C. M. Green	6003710	S S Route 155	13.54	311
Montgomery M. Green Trustee	6003702	W S Level Road	33.32	33.32

LOCATION: South side of Level Road (MD Route 155) and east side of Bulle Rock Parkway
Tax Map: 602 / Parcel: 1504

ACREAGE: 233.9+/- acres total

ZONING: RB/Residential Business District

DATE FILED: March 18, 2020

PUBLIC MEETINGS: Planning Commission: 5/19/2020
Mayor and City Council: 7/20/2020

1. APPLICANTS' REQUEST:

Approval of Single Concept Plan ("Concept Plan") by Mayor and City Council in accordance with the requirements of Annexation Resolution No. 277 ("AR277" or "Annexation Resolution"). The Concept Plan and a copy of AR277 are attached to this Staff Report (Attachments 1 and 2).

For the purposes of this Staff Report, all those parcels not owned by Ianniello or Patrone shall be known collectively as the "Green Property".

2. ZONING & ADJACENT USES:

The subject parcels are all zoned RB/Residential District as shown on the enclosed copy of the Zoning Map. The undeveloped parcels on the west side of Bulle Rock Parkway are zoned MOE/Mixed Office Employment District and are not subject to the single concept plan requirement under AR277. The single-family dwellings within Bulle Rock on the west side of the Parkway are zoned R1/Urban Residential District. The Scenic Manor single-family residential subdivision abuts the Patrone and Green Properties to the south and is zoned R1. The Grace Harbour subdivision abuts the Green Property to the east and is zoned R1 and R2. The Grace Harbour subdivision contains a mixture of single-family dwellings, townhomes and condominiums. The parcels on the north side of Level Road are outside the City and are owned by the Arundel Corporation (Vulcan Materials). The parcels are zoned R1/Urban Residential District under county zoning. The Vulcan Materials quarrying operation is located on parcels adjacent to those fronting Level Road. The Susquehanna Hills subdivision, also outside the City limits, is located on the west side of Lapidum Road and is similarly zoned R1 under county zoning. Attached to this report is a copy of the zoning map showing the surrounding area (Attachment 3).

3. EXISTING LAND USE & ENVIRONMENTAL FEATURES:

The Green Property comprises 171.2+/- acres of the overall tract and is currently an active farming operation with pastures and cropland. The property is improved with five (5) dwellings and various agricultural accessory building such as barns and silos. The historic dwelling known as Sion Hill (HA-25) is located on the Green Property and will be discussed in further detail later in this report. The Green Property has several thousand feet of road frontage along Level Road and Bulle Rock Parkway. Access to the property is currently from Level Road, with farm lanes accessing Bulle Rock Parkway. Attached to this report are 2019 aerial photos of the Green Property (Attachment 4A-C).

There are environmentally sensitive areas located on the Green Property in the form of streams and associated non-tidal wetlands that are part of the Swan Creek Watershed. Development of the property would be subject to the State's 25-foot buffer required along streams and non-tidal wetlands. Any proposed disturbance to these areas may require the issuance of approvals and permits by the Maryland Department of the Environment (MDE) or the Army Corps of Engineers (ACOE). No mapped 100-Year Floodplain is present on the Green Property. In addition, there are approximately 52+/- acres of mature forest on the Green Property. The

topography of the Green Property ranges from gently to moderately sloping, which is typical in this area of the county. It is important to note that 50 acres of the Green Property are encumbered by a Maryland Environmental Trust (MET) easement. Attached to this report is a topography map with tributaries shown (Attachment 5).

The Ianniello Property is approximately 13.96+/- acres and is the location of the Mount Felix Winery and vineyard. The subject property is improved with the historic dwelling known as Mount Felix (HA-526) which will be discussed in further detail later in this report. There are also several outbuildings associated with the winery. Access to the Ianniello Property is by way of a 50-foot right-of-way from Level Road. Attached to this report are 2019 aerial photos of the Ianniello Property (Attachment 6A-B).

Currently, there does not appear to be any environmentally sensitive areas on the Ianniello Property. However, there are tributaries adjacent to the Ianniello Property and portions of the property are underlain with potentially hydric soils, which may indicate the presence of non-tidal wetlands. Further analysis will be required prior to the submission of site and/or preliminary subdivision plans. While no forest is present on the Ianniello Property, there are several mature trees throughout and landscaping around the dwelling. The topography of the property is gently to moderately sloping, with steep slopes of approximately 15 to 20%, especially adjacent to the historic dwelling. Attached to this report is a topography map with tributaries shown (Attachment 7A-B).

The Patrone Property is approximately 4.21+/- acres in size and is accessed by way of a driveway from Chapel Road. The Patrone Property is improved with three dwellings. The remainder of the property is open lawn and mature forest. Currently, there does not appear to be any environmentally sensitive areas on the Patrone Property. However, there are tributaries adjacent to the Patrone Property and portions of the property are underlain with potentially hydric soils, which may indicate the presence of non-tidal wetlands. Further analysis will be required prior to the submission of site and/or preliminary subdivision plans. Approximately 2.9+/- acres of the property consists of mature forest. The topography of the property is flat to gently sloping. Attached to this report are 2019 aerial photos of the Patrone Property and a topography map (Attachment 8A-B & 9).

The development of these properties will be subject to the Forest Conservation requirements of Chapter 81 of the City Code. The developers of the respective properties will be required to submit separate Forest Stand Delineation (FSD) and Forest Conservation Plan (FCP) for each property prior to submission of any site or preliminary subdivision plans. Environmental features, such as streams, non-tidal wetlands and steep slopes, and existing forest must be shown on the FSD and quantified.

4. LAND USE & COMPREHENSIVE PLAN ANALYSIS:

The Concept Plan involves nine (9) parcels that are all zoned RB/Residential Business District. The parcels were annexed after the last update to the Comprehensive Plan ("Plan"). In the Plan, the parcels were discussed within the Municipal Growth Element section, which the state

requires in all municipal comprehensive plans. The proposed development is consistent with the Comprehensive Plan and the Municipal Growth Element.

The parcels comprising the Concept Plan were identified as being within a Phased Growth Area in the Plan. The Plan offered the following considerations regarding land use for the relevant parcels at the time of its writing in 2011:

> *"Immediately east of the I-95 Interchange parcels (Barker/Abel Annexation, which is currently in City limits) are three parcels owned by the Green family which will abut Bulle Rock Parkway. It is recommended that these parcels be considered for employment uses, if future annexation by the property owner is requested. It is desired that any future development at this location be of a scale and layout that is sensitive to the adjoining Sion Hill National Register Historic Landmark and the Maryland Environmental Trust (MET) conservation parcel. This site should be of a transitional nature between the proposed Employment/Industrial uses directly adjacent to the I-95 Interchange and Sion Hill. A new zoning classification may be necessary to ensure that an appropriate scale of development is achieved. Industrial and retail uses are not recommended at this location. Alignment of Bulle Rock Parkway with Lapidum Road is also desired."*

The parcels were subsequently zoned RB/Residential Business District upon annexation into the City. The district provides the most flexibility in permitted residential and commercial uses. Although the City desired employment/industrial uses for the parcels prior to annexation, they are now better suited for residential development due to changing trends in employment and significantly diminished demand for office and retail space. There is currently demand for new single-family residential housing, as evidenced by the pace of construction and buildout of the adjacent Scenic Manor development. The Concept Plan does, however, build in flexibility for incorporating a mix of commercial and institutional uses, with 40.6+/- acres of business use proposed along Level Road and Bulle Rock Parkway. In addition, the Green family has designated an additional 28.67+/- acres as "To Be Determined", which will allow further flexibility to adapt to inevitable market changes and potentially compliment the development of other lands in the area.

5. HISTORIC CONTEXT & PRESERVATION:

The properties annexed under AR277 are unique in that they include two of the remaining examples of large manor estates that surrounded Havre de Grace following the Revolutionary War. As noted on the Concept Plan, the historic structures known as Mount Felix and Sion Hill are intended to be preserved and protected during the development of the properties. Future development of the properties must also consider context sensitive preservation of not only the historic buildings, but the surrounding property and viewsheds.

Sion Hill, the only National Historic Landmark in Harford County, is significant to the nation's history due to its association with the Rodgers family. The "Father of the American Navy", Commodore John Rodgers, called Sion Hill his home along with generations of Rodgers descendants. The development of the surrounding property must be designed in a manner that protects the historic structures, their context and viewsheds. The development also presents a

unique opportunity to integrate the past with the present in a complimentary manner while also providing educational and interpretive potential through adaptive reuse strategies.

The City's current Comprehensive Plan offers the following information related to protection of the historic resources of Sion Hill (HA-525) and Mount Felix (HA-526). Attached to this report is additional background information concerning Sion Hill (Attachment 10).

1). From the Comprehensive Plan, Chapter 3, The Plan narrative description:

"Sion Hill is a National Register Historic Landmark, which is the highest recognition that can be applied to any historic structure in the United States. The significance of this structure does not hinge only on the time period in which it was built and its architectural elements, but the significance of the family who inhabited it and their relationship to Revolutionary History, the War of 1812, and later military history. ***Maintaining the grounds around Sion Hill and Mount Felix (which is the structure that is located on the rise in the middle of the farm fields, and is also historically significant) is important in terms of preserving the context of these structures and the visual beauty of this entrance into the City. Future use as passive or active open space of the grounds is desired, with a careful preservation of historic structures.*** *"* (p. 3-29)

2). From the Comprehensive Plan, Chapter 9, Historic Preservation, Historic Preservation for Rural Properties:

"New development is occurring in the outlying rural areas that surround the City. Once grand estates are now becoming residential neighborhoods due to growing population demands and increased development pressures in areas where public infrastructure, such as public water and sewer, already exists. This Comprehensive Plan accommodates growth through annexation of the surrounding large farm tracts. ***However, preservation of the historic manor houses with some surrounding acreage (to set historic structures apart from newer homes) is greatly desired during the subdivision and development process."*** (p. 9-11)

"Protection of the historic manor houses is important, as they include some excellent examples of various periods in history and are the visible remnants of historically significant families both locally and, in some cases, nationally. Many of these structures have been documented (as denoted by HA, meaning Harford, and a sequence number), and are part of the inventory of historic structures complied by the Maryland Historical Trust. One structure, Sion Hill, is a National Historic Landmark, the highest designation of historical importance, because of the significance of the various family members in relation to national history." (p. 9-12)

"It is imperative that elected City officials and staff representatives work with the individual property owners during future annexation processes to preserve the important historic assets located on the remaining tracts." (p. 9-12)

"It is also desirable to have outbuildings and some of the land surrounding the main manor housed preserved, so that the original historic setting or context can remain." (p. 9-16)

"It is a policy as outlined in this Comprehensive Plan that the historic resources of these manor houses be preserved. In return for these preservation measures, new development designed to complement the historic resources could be allowed on the remaining acreage. *The result would allow for the preservation of historic properties, while allowing additional development opportunities."* (p. 9-16)

6. ANNEXATION CONDITIONS AND REQIREMENTS:

The subject parcels were annexed into the City's corporate limits in 2013 under AR277. The overall tract, consisting of nine (9) parcels, contains 233.9+/- acres based on State Department of Assessments and Annexation records. However, the total acreage of the subject parcels is 244.37+/- acres based on the metes and bounds description included in the Annexation Plan.

AR277 placed certain conditions and requirements on the development of the subject properties. The conditions and requirements were condensed for brevity and included below. The Department of Planning has provided commentary concerning each condition or requirement.

a. *All zoning designations are provided on the condition that prior to the submission of any site plan for the property, the owner/developers shall have previously submitted a concept plan for the property to the Mayor and City Council for approval by the Mayor and City Council by resolution.*

   The parties have jointly submitted a Concept Plan for consideration by the Mayor and City Council. The Concept Plan was forwarded to the Planning Commission for review and comment. The Commission's comments are attached to this Staff Report (Attachment 11).

b. *The Concept Plan shall show proposed uses.*

   The Concept Plan shows a general distribution of land uses and road network that will serve the future development of the subject properties. Land uses include residential, commercial and open space.

c. *Not less than one quarter of the property used for open space.*

   Based on the 244.37+/- acres, the development of the overall tract requires a total of 61.1 acres of open space. A total of 50 acres of the Green Property is encumbered by a Maryland Environmental Trust Easement (MET). The 50-acre MET easement can be counted towards the open space requirement per a written opinion by a former City Attorney dated December 6, 2018 (Attachment 12). The Concept Plan also proposes a 5-acre park in accordance with another requirement of the Annexation Resolution.

   In addition, the Annexation Resolution requires the construction of a 6-foot wide paved trail as part of an extension of the Lower Susquehanna Greenway that will connect Level Road to Chapel Road. The trail is shown conceptually on the plan; however, the final alignment of the trail will be determined during detailed engineering and site design. The

acreage of the trail will be counted towards the open space requirement. It is likely that additional open space areas will be necessary to meet the total 61.1-acre requirement, which can be achieved through the development of other amenities such as pocket parks, that should be provided throughout the community in a coordinated fashion.

d. *Remaining balance of the property distributed between residential uses and business uses, with no more than two-thirds (2/3) of the remaining balance devoted to either one use.*

The allocation of the respective uses amongst the parcels must be determined by a private agreement by the property owners. If the property owners cannot agree upon an allocation, then the requirement would be applied to each of the annexed parcels. The Department of Planning recommends that this requirement be removed. In 2013, the City Council relied on certain assumptions regarding development of these properties and the University of Maryland-Upper Chesapeake Health (UM-UCH) property located on the west side of Bulle Rock Parkway. The demand for commercial space has significantly diminished since 2013, and the future development of the UM-UCH property is unknown at this time. Therefore, it is the opinion of the Department of Planning that the market should determine the appropriate uses for the subject property. Further, the RB zoning of the subject property allows for maximum flexibility in both residential and commercial uses.

e. *On the property there shall be "dedicated" to the City a public park five (5) acres in size, exclusive of any area used for parking or stormwater management.*

A 5-acre centrally located park is shown on the Concept Plan. The park must be available for public use and dedicated to the City upon construction of Road 'C'. Prior to the City accepting the park, a Phase I Environmental Assessment shall be performed by the developer(s) and submitted to the City.

The park shall be graded in a manner that allows for passive recreation. The grading plan for the park shall be approved by the Director of Public Works. The existing structures shown within the 5-acre open space area on the plan shall be demolished by the developer and all debris and material removed from the site prior to dedication. Alternatively, the City may consider a lease agreement request to rehabilitate the structures for adaptive reuse with uses that benefit and are open to the public.

f. *The public park area may be used to partially satisfy the requirements that one quarter of the property be used for open space.*

See Subsection c above.

g. *There shall be constructed and dedicated for use by the public, an extension of the Lower Susquehanna Greenway trail by a six-foot wide paved trail that will connect to Level Road to the closest point the property comes Chapel Road. The construction and dedication of the trail connection may be used to partially satisfy the requirement that one quarter of the property be used for open space.*

See Subsection c above.

h. *The road network across the property must reflect a public road connection into the Scenic Manor subdivision allowing for traffic to make access from Scenic Manor to Bulle Rock Parkway.*

The plan demonstrates a road connection to Scenic Manor Drive as well as three other connections to Bulle Rock Parkway. Final alignments will be determined at the time of engineering and design.

i. *Any site plan submitted by any owner must be consistent with the approved Concept Plan.*

The Department of Planning will review each site and preliminary subdivision plans to ensure consistency with the approved Concept Plan. The Planning Commission will also review each plan that is submitted. Certain uses may require review and approval by the Board of Appeals.

j. *The Patrone Property shall retain the right to access Chapel Road until such time an alternative public road access is provided through the Green Property.*

Until such time that an alternative public road access is provided through the Green Property as part of the overall development of the respective properties under the Concept Plan, the Patrone Property shall retain the right to access Chapel Road.

k. *The Ianniello development shall retain the right to access Route 155 utilizing their existing 50-foot easement until such time an alternative public road access is provided through the Green Property.*

Prior to the issuance of a Use and Occupancy Permit for any building on the Ianniello Property, a public road shall be constructed to serve the Ianniello development. The road shall be constructed to Harford County Road Code standards. A full movement access will not be supported at this intersection. The City will recommend to the State Highway Administration (SHA) that a right-in/right-out intersection be constructed. The City's preference is to encourage traffic to be routed to the signalized intersection of Bulle Rock Parkway and MD Route 155.

7. PROPOSED ROAD NETWORK, ACCESS & TRAFFIC

The Concept Plan proposes an internal road network with five (5) access points to existing roads. All proposed roads will be required to be constructed to Harford County Road Code standards. The developer of each project will be required to submit a Traffic Impact Analysis (TIA) to the City for review and approval. The TIA must be prepared in accordance with the County TIA guidelines and approved prior to the submission of site or preliminary subdivision plans, unless the City has adopted specific TIA guidelines.

Access to Level Road (MD Route 155) will be in the location of the existing driveway that serves the Ianniello Property and Green Property (Road "D"). This access will be reviewed and approved by the State Highway Administration (SHA). The Departments of Public Works

and Planning will recommend to the State that the access be right-in/right-out only, as it is preferred that vehicles generally be directed to Bulle Rock Parkway and the controlled access intersection with Level Road. The design of Road "D" should consider the context sensitivity of Sion Hill, Mount Felix and the MET Easement.

As stated previously in this report, Scenic Manor Drive will be extended into the Green Property and connect to the internal road network (Road "A"). The developer shall design the road with consideration to traffic calming and safety. Road "A" is proposed to connect to Bulle Rock Parkway; however, an opportunity exists to connect Road "B" to Chapel Road at the existing 3-way intersection that will improve operational issues at the intersection. The City will initiate discussions with the owner of the property adjacent to the Bulle Rock water tower in order to facilitate the connection during the detailed design phase of the project. Road "B" will be required to be stubbed to the property line of Parcel 296.

There are two other connections proposed along Bulle Rock Parkway; one across from Monarchos Drive (Road "E") and another approximately 1,000-feet southwest of the Parkway/Level Road intersection (Road "C"). Road "C" must be constructed as a collector road in accordance with Harford County Road Code standards. No residential units will be permitted to directly access Road "C" with driveways. The proposed traffic circle or roundabout shown on the Green Property shall be moved to the south adjacent to the proposed park.

Future site and preliminary subdivision plan submissions shall be generally consistent with the approved Concept Plan. The City acknowledges that road alignments may be adjusted during preliminary engineering and site design. Substantive changes to the road network may require the submission of a revised Concept Plan for review and approval by the Mayor and City Council.

8. WATER AND SEWER INFRASTRUCTURE

The developers of the respective projects will be required to construct water and sewer infrastructure to serve their projects. Water and sewer will be extended from existing mains within the Scenic Manor subdivision. Temporary drainage and utility easements will be required across the Green Property in order to provide service to the Ianniello Property. The temporary easements must be executed between the respective parties and a copy of the executed document forwarded to the City within 90-days of the signing of the Single Concept Plan.

The Department of Public Works is currently performing a study of the water system to determine the necessary infrastructure to serve the entire tract. Significant infrastructure construction and improvements will be necessary to serve the Ianniello Property and the portions of the Green Property to the north and west of the Ianniello Property. At their discretion, the Director of Public Works may require the respective developers of each project to perform additional analysis to determine the phasing of infrastructure and timing of improvements. It is strongly recommended that the developers meet with the Director of

Public Work early in the development of these projects to discuss their proposals, construction timelines and the parameters of any required analyses.

9. SCHOOLS

The development of the subject properties for residential uses will generate pupils that will attend Meadowvale Elementary School and the new Havre de Grace Middle-High School based on the Board of Education's current school districts.

10. RECOMMENDED CONDITIONS OF APPROVAL

The Concept Plan was reviewed by the Departments of Planning and Public Works. The plan was also reviewed by the Planning Commission at a work session on May 19, 2020. Attached to this report is a memo outlining the Commission's recommendations to the Mayor and City Council (Attachment 9). It is important to note that the Commission's recommendations may differ or conflict with the recommendations of the Departments of Planning and Public Works.

The Department of Planning recommends approval of the Concept Plan subject to the conditions outlined below. The Departments of Planning and Public Works will recommend more specific conditions of approval to the Planning Commission, and Board of Appeals if applicable, at the time site and/or preliminary subdivision plans are submitted for formal review. The recommended conditions are as follows:

Department of Planning

1. In acknowledging their agreement to the terms and conditions of approval of the Concept Plan by the Mayor and City Council, all parties shall sign the Concept Plan and return the original signed document to the Department of Planning within 30-days of approval.

2. A temporary drainage and utility easement is required across the Green Property to serve the Ianniello Property with water and sewer should the development of the Ianniello Property move forward first. The temporary easement is delineated on the Concept Plan. The easement must be fully executed by the parties and a copy of the executed easement agreement forwarded to the City within 90-days of approval of the Concept Plan.

3. The Department of Planning encourages the developers to utilize innovative concepts or incorporate New Urbanist or Traditional Neighborhood Design Principles (TND) in the design of their project. The Department of Planning may propose amendments to the zoning code necessary to accommodate innovative designs that will enhance the development; such as reduced front yard setbacks to encourage a "town" aesthetic and reduced parking requirements.

4. The density for any project that is not presently listed as a permitted or conditional use in the City Code will be addressed as part of the Department of Planning's review process prior to the submission of subdivision or site plans for review by the Board of Appeals and/or Planning Commission.

5. Landscaping plans are required for each project and must be approved by the Department of Planning. If the Mayor and City Council have not adopted a landscape ordinance prior to submission of site or preliminary subdivision plans, then the following requirements shall apply.

    a. Street trees are required along each side of a public road at a spacing of one (1) tree per 30-feet for small trees, and 50-feet for large trees. Street trees shall be planted on residential and commercial lots and not within the right-of-way, except for trees along Road 'A' which may be within the right-of-way subject to approval by the Department of Public Works.

    b. For Road 'A', trees may be planted in a center median in lieu of planting on both sides of the road if a median is proposed.

    c. Tree species are subject to approval by the Department of Planning.

6. All streetlighting within the each development project shall be coordinated and consistent. Light poles shall utilize designs that are attractive and complimentary to the historic structures. All internal lighting within a project shall be designed so that lighting is shielded and directed down and away from adjacent properties. Dark-sky friendly lighting practices will be required in all projects.

7. Within 18-months of approval of the Concept Plan, the Green family or their developer shall complete a Phase I Environmental Assessment for the 5-acre area to be dedicated to the City as a public park. The area of the proposed park has historically been used for agricultural operations. If the Assessment determines that remediation of the 5-acres is necessary, then the Green family or their developer shall provide a cost estimate for the remediation to the City. A performance bond in an amount equal to the remediation costs shall be posted with the City. All remediation work shall be completed prior to the dedication of the park to the City. A Public Works Agreement (PWA) will be prepared by the City that shall be executed at the time of submission of the remediation bond. The PWA shall provide for the timing and expectation of improvements; including the demolition of existing structures, grading, stabilization and opening to public use. Alternatively, the Green family or their developer may recommend another location for the 5-acre public park subject to the City's approval.

8. The 5-acre public park must be dedicated in-fee to the City of Havre de Grace and accessible to the public by a public road prior to the issuance of a building permit for the 251st cumulative unit between the Green-Ianniello-Patrone properties. The park shall be graded in a manner that allows for passive recreation. The grading plan for the park shall be approved by the Director of Public Works. The existing structures shown within the 5-acre open space area on the plan shall be demolished by the developer and all debris and material removed from the site prior to dedication. Alternatively, the City may consider a

lease agreement request to rehabilitate the structures for adaptive reuse with uses that benefit and are open to the public.

9. The Department of Planning recommends that the Mayor and City Council consider removing the condition of AR277 that required the remaining balance of the property, after determining open space requirements, be distributed between residential uses and business uses, with no more than two-thirds (2/3) of the remaining balance devoted to either one use.

10. No commercial or institutional uses shall be permitted south of the intersection of Monarchos Drive and Bulle Rock Parkway.

11. The City supports the adaptive reuse of Sion Hill with uses that will respect the architecture and history of the dwelling and property. The architecture of any new commercial or multifamily residential buildings within 400-feet of Sion Hill, or within any area labeled as "Business" shall incorporate similar design elements and materials found on the historic dwelling.

12. The City prefers that Sion Hill, its contributing structures and context be permanently preserved through protective easements and covenants while still allowing for adaptive reuse. The Mayor and City Council may consider tax or other incentives to encourage the permanent preservation of the structure.

13. Architectural renderings of any proposed commercial or multifamily buildings shall be submitted to the Department of Planning for review and comment at the time a project is submitted for site plan review. The architecture of the buildings on the Ianniello Property shall incorporate similar design elements found on the historic Mount Felix; such as dormers, porticos and materials such as brick and stone.

14. The design of each development shall consider context sensitivity and viewsheds as they relate to the historic structures on each property.

15. Forest conservation easements and state wetland buffer shall not be located within any residential lots.

16. The Department of Planning encourages the developer of the Patrone Property to consider the establishment of a 20-foot landscaped buffer along the rear of the lots along Scenic Manor Drive. It is recommended that the existing vegetation be maintained within the buffer.

17. The Department of Planning recommends that a 20-foot landscaped buffer be established along Bulle Rock Parkway adjacent to any residential uses. It is recommended that a landscape berm be constructed along Bulle Rock Parkway. 20-foot buffer yards should be established between residential and commercial uses.

18. Construction traffic shall not utilize Scenic Manor Drive at any time during construction.

19. It is likely that rock blasting will be necessary for the development of these properties. If rock blasting is necessary, the developer shall only contract with a licensed blasting contractor. At least 24 hours prior to blasting, the developer or contractor shall notify the City and the HOA's of all adjacent communities.

Department of Public Works

Roads

1. A Traffic Impact Analysis (TIA) will be required prior to submission of site plans and/or preliminary subdivision plans. The intersections to be studied will be determined by the Departments of Planning and DPW in consultation with the Maryland State Highway Administration (SHA). The TIA shall be prepared in accordance with the County's Traffic Impact Analysis Guidelines, unless the City has adopted an adequate public facilities ordinance with specific guidelines.

2. The proposed roundabout shown on the plan shall be relocated adjacent to the park.

3. Road "C" must be constructed as a collector road in accordance with Harford County Road Code standards. No residential units will be permitted to directly access Road "C" with driveways.

4. The Department of Planning and DPW will not support a full movement road intersection at Road "D" and Maryland Route 155. The City will only support a right-in/right-out only road intersection at MD Route 155. The City will consider a limited number of right-in/right-out driveway entrances to serves future commercial uses along MD Route 155.

5. All roads shall be designed and constructed in accordance with the Harford County Road Code Volumes I and II and dedicated to the City upon completion. All roads shall be inspected by DPW or a consultant approved by the City and found to be in compliance with the Road Code and approved plans prior to acceptance by the City.

6. All intersections on Bulle Rock Parkway and Roads "A", "C", "D" and "E" as well as all public roads to be proposed in the site plans shall meet the Harford County Road Code requirements for stopping and intersection sight distance based on the posted speed limit and design speed limit (10-miles over posted speed).

7. A SHA Access Permit will be required for the intersection of Road "D" and Maryland Route 155.

8. The roundabout on Road "C" shall be designed in accordance with State Highway Design Standards for roundabouts.

9. The City desires to modify the intersection of Bulle Rock Parkway and Chapel Road to improve operations and safety at the intersection. Therefore, the City will require that Road

"B" be stubbed at the property line of Parcel 296 with the intention of the road connecting through to the intersection in the future. The City will consider alternative road alignments for Roads "A", "B" and "C" during the review of the TIA's for each development to achieve the most appropriate road network and intersection designs to serve the ultimate buildout of the Green-Ianniello-Patrone properties.

10. All internal driveways and parking areas within the Ianniello Property shall be owned and maintained by the property owner.

11. Upon obtaining final site plan approval and after all bonding requirements of the Public Works Agreement are met, the owner or developer of the Ianniello Property shall be permitted to construct Road D within the existing 50' Right of Way Easement. If the State Highway Administration denies full access or restricts the intersection at the Level Road/Route 155 entrance to the Ianniello parcel to "right in/right out" movement at Road D, then the owner/developer of the Ianniello Property may design and construct that portion of Road "C" from Bulle Rock Parkway to the intersection with Road D at the public park. Any cost sharing or recoupment for costs associated with the consrtuciton of Road C will be documented in the Public Works Agreements for the development of parcels connecting to Road C.

Stormwater Management

1. Stormwater Management for any project shall be designed in accordance with the latest Maryland Department of the Environment (MDE) and City of Havre de Grace requirements and regulations.

2. DPW will consider innovative designs that reflect a more creative approach to stormwater management, such as Regenerative Stormwater Conveyance Systems (RSC). The Department will assist the engineer in obtaining the necessary MDE approvals for such designs.

Water and Sewer Design

1. All water mains and sewer mains shall be designed in accordance with the Harford County Water and Sewer Design Guidelines and the Harford County Water and Sewer Standard Specifications and Details dated November 10, 2014.

2. All utility easements, including the proposed temporary drainage and utility easement, are subject to approval by the City. PWA's must be prepared and executed for the construction of all temporary and permanent utilities. All proposed utilities shall be sized for capacity as determined by the Department of Planning and Department of Public Works based upon proposed uses of the properties consistent with the Concept Plan and any subsequently submitted site plans. No party may deny another party's right to access the temporary or permanent drainage and utility easements as may be necessary to construct public water or sanitary sewer for the development of their respective parcels. .

3. DPW believes that there is presently adequate capacity in the existing water and sewer system for an additional 250 units. Once the 250 unit threshold has been reached between the development of the Green-Patrone and Ianniello properties, a capacity analysis study of the water and sewer distribution system, inclusive of sanitary pump and booster pump stations will be required.

4. For multi-floor apartments, the developer shall perform a flow test to determine what additional improvements to the system will be required to provide adequate domestic service and fire flow, such as booster pumps. The results must be submitted to DPW for review and approval. All required improvements shall be owned and maintained by the property owner.

5. Single-family and townhouse units shall be subject to one capital cost recovery charge per unit. For apartment buildings, the capital cost recovery fees will be calculated using the Commercial Water Fixture Count Application.

6. DPW will require that domestic water and fire meters and backflow preventers be located in the utility closet for each apartment building in lieu of a meter vault. The developer shall execute an agreement with the City granting access to inspect and repair the meters by City staff.

7. The Ianniello development shall utilize the existing sewer system located in Scenic Manor Drive. The utility easements associated with the construction of the sewer from Scenic Manor development to the Ianniello Property shall be deeded to the City. The City will own and maintain the sewer from Scenic Manor Drive to the property line of the Ianniello property.

8. An existing twelve (12) inch water main is located at the end of Scenic Manor Drive. The utility easements associated with the construction of the water line from Scenic Manor Road to the Ianniello property shall be dedicated to the City by special warranty deed. Once the water line is constructed and dedicated, City shall own and maintain the water line from Scenic Manor Drive to the property line of the Ianniello Property.

9. The existing water model required that the buildout of the Green Property will require a 12-inch water line to be constructed from MD Route 155 to the existing water line at Monarchos Drive that dead-ends at Bulle Rock Parkway. The model is presently being updated. If the study demonstrates that the connection will still be necessary, the City will require that a waterline be constructed from MD Route 155 along Road "D" and Road "E", and connect to the twelve (12) inch water line at Monarchos Drive.

10. Several improvements were recommended by a previous water model and sewer study that considered the buildout of the Green Property and the University of Maryland Medical System properties located on the north side of Bulle Rock Parkway. The improvements included upgrades to the pumps at Native Dancer and Bryan Road pump stations, construction of the 12-inch water line from MD Route 155 to Chapel Road, construction of a water tower, upgrades to the booster pumps at the Graceview tank, and replacement

of the water line from along MD Route 155 that serves the Lapidum tank. These improvements are not specifically required at this time, but are described herein for context as it relates to the ultimate buildout of developable properties near the I-95 and MD Route 155 interchange. The Department previously updated the sewer model for this area and is has engaged a consultant to update the water model. DPW will provide additional comments on required improvements once the developers provide more detailed information on total number of units and unit types.

7-14-2020

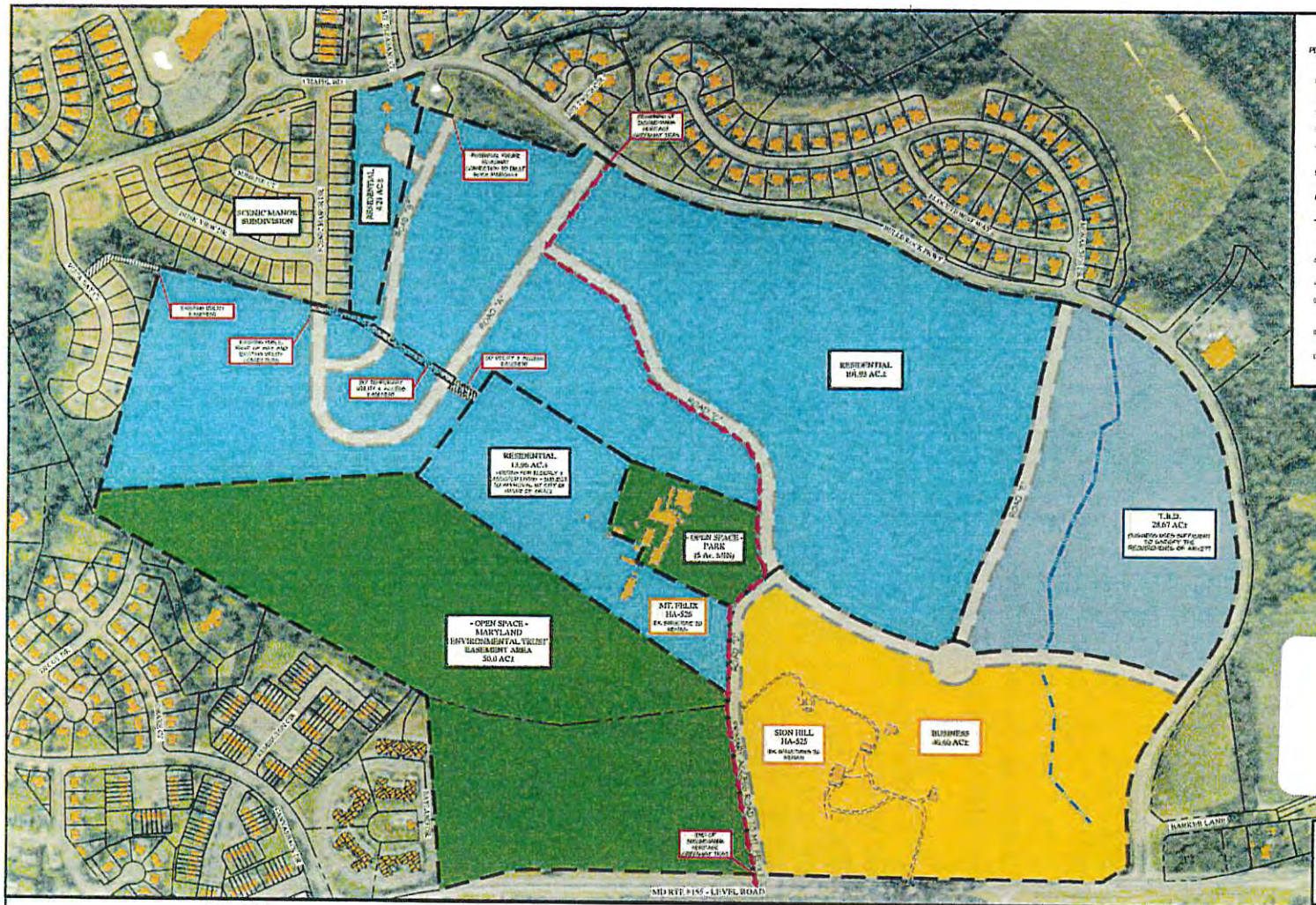
Shane P. Grimm, AICP — Date
Deputy Director
Department of Planning

7-14-2020

Timothy Whittie, P.E. — Date
Director
Department of Public Works

SPG

cc: Mayor and City Council
Patrick Sypolt, Director of Administration
Steve Gamatoria, Chief of Staff
April Ishak, City Attorney
Tim Whittie P.E., Director, Public Works
Marisa Willis, CFM, Planning Technician
Jonathan Green, et al., Owner, Green Property
Peter Ianniello
Terrance Nolan, Attorney for Patrone Family



CONCEPT PLAN CONDITIONS

PER ANNEXATION RESOLUTION NO. 277, THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND HAVE DETERMINED THAT THE ANNEXATION OF THE 244.372 ACRES OF LAND MORE OR LESS, INCLUDING THE LAND OF GREEN, IANNIELLO AND PATRONE IS IN THE BEST INTEREST OF THE HEALTH AND WELFARE OF THE CITIZENS OF HAVRE DE GRACE.

1. ALL ZONING DESIGNATIONS ARE PROVIDED ON THE CONDITION THAT PRIOR TO THE SUBMISSION OF ANY SITE PLAN FOR THE PROPERTY, THE OWNER/DEVELOPER SHALL HAVE PREVIOUSLY SUBMITTED A CONCEPT PLAN FOR THE PROPERTY TO THE MAYOR AND CITY COUNCIL FOR APPROVAL BY THE MAYOR AND CITY COUNCIL BY RESOLUTION.
2. THE SINGLE CONCEPT PLAN SHALL SHOW PROPOSED USES.
3. NOT LESS THAN ONE QUARTER (244.372 ± 25± ACS) MINUS OF THE PROPERTY USED FOR OPEN SPACE
4. REMAINING BALANCE OF THE PROPERTY DISTRIBUTED BETWEEN RESIDENTIAL USES AND BUSINESS USES, WITH NO MORE THAN TWO-THIRDS (2/3) OF THE REMAINING BALANCE DEVOTED TO EITHER ONE USE.
5. ON THE PROPERTY THERE SHALL BE "DEDICATED" TO THE CITY A PUBLIC PARK FIVE (5) ACRES IN SIZE (INCLUSIVE OF ANY AREA USED FOR WINTERS ON SIGNIFICANT WATER MANAGEMENT.)
6. THE PUBLIC PARK AREA MAY BE USED TO PARTIALLY SATISFY THE REQUIREMENTS THAT ONE QUARTER OF THE PROPERTY BE USED FOR OPEN SPACE.
7. THERE SHALL BE CONSTRUCTED AND DEDICATED FOR USE BY THE PUBLIC, AN EXTENSION OF THE LOWER SUSQUEHANNA HERITAGE GREENWAY TRAIL OR A SIMILAR OTHER PAVED TRAIL THAT WILL CONNECT TO LEVEL ROAD TO THE CLOSEST POINT THE PROPERTY LEAVES CHAPEL ROAD. THE CONSTRUCTION AND DEDICATION OF THE TRAIL CONNECTION MAY BE USED TO PARTIALLY SATISFY THE REQUIREMENT THAT ONE QUARTER OF THE PROPERTY BE USED FOR OPEN SPACE.
8. THE ROAD NETWORK ACROSS THE PROPERTY MUST REFLECT A PUBLIC ROAD CONNECTION INTO THE SCENIC MANOR SUBDIVISION ALLOWING FOR TRAFFIC TO HAVE ACCESS FROM SCENIC MANOR TO DALLE ROCK PARKWAY
9. ANY SITE PLAN SUBMITTED BY ANY OWNER MUST BE CONSISTENT WITH THE APPROVED CONCEPT PLAN
10. PROPOSED USES WITH NOT LESS THAN ONE QUARTER OF THE PROPERTY USED FOR OPEN SPACE AND THE REMAINING BALANCE OF THE PROPERTY DISTRIBUTED BETWEEN RESIDENTIAL USES AND BUSINESS USES, WITH NO MORE THAN TWO-THIRDS OF THE REMAINING BALANCE DEVOTED TO EITHER ONE USE PER THE ANNEXATION RESOLUTION NO. 277.
11. THE PATRONE PROPERTY SHALL RETAIN THE RIGHT TO ACCESS CHAPEL ROAD OVER SUCH TIME AN ALTERNATIVE PUBLIC ROAD ACCESS IS PROVIDED THROUGH THE GREEN PROPERTY
12. THE IANNIELLO DEVELOPMENT SHALL RETAIN THE RIGHT TO ACCESS RT. 155 UTILIZING THEIR EXISTING 50' EASEMENT OVER SUCH TIME AN ALTERNATIVE PUBLIC ROAD ACCESS IS PROVIDED THROUGH THE GREEN PROPERTY.

ATTACHMENT 1

BAY STATE LAND SERVICES
Civil & Structural Engineers
Land Planners & Land Surveyors
Environmental Engineers
Geo-Technical, Materials Testing and Inspections
2012 Rock Spring Road
Suite B
Forest Hill, Maryland 21050
Phone: 410-879-4747
Fax: 410-420-2949
www.baystatelandservices.com

PATRONE

The undersigned hereby collectively submit this Single Concept Plan in accordance with the requirements contained within Annexation Resolution No. 277 (As Amended), which became effective on June 5, 2014. This Single Concept Plan delineates the proposed internal road network (including road connectivity among the Green, Ianniello and Patrone properties), general distribution of land uses for the future development of the annexed properties shown on the Plan, which are respectively owned/controlled by the undersigned, as indicated below. Any substantive changes to the Single Concept Plan that are determined to be material by the City Staff in consultation with the Mayor and City Council will require approval by the Mayor and City Council. The undersigned hereby agree that all future developments of their respective properties (i.e., each undersigned owner agrees solely as to the property that it owns and controls) will comply with the approved Single Concept Plan. The undersigned further understand and agree that, the extensive overall development of all properties shall be subject to site specific performance requirements contained within Annexation Resolution No. 277 (As Amended), notwithstanding the final submission of the Single Concept Plan by the undersigned following approval of this Single Concept Plan (including the provisions contained within hereto by the Mayor and City Council, each of the undersigned may therefore submit separately for various site plans, site plans and all related approvals for the development proposed on their respective properties, without the requirement that the other owners/properties pursue approvals at the same time. The undersigned are signing the Single Concept Plan with the express understanding that the construction of each phase/project is dependent upon the installation of necessary infrastructure to serve the various phases of the overall development. The parties acknowledge that easements, easements and rights-of-way may be necessary to construct roads and utilities across another parties lands in order for an individual project to move forward.

SAMUELOTE PATRONE - OWNER DATE

GREEN

The undersigned hereby collectively submit this Single Concept Plan in accordance with the requirements contained within Annexation Resolution No. 277 (As Amended), which became effective on June 5, 2014. This Single Concept Plan delineates the proposed internal road network (including road connectivity among the Green, Ianniello and Patrone properties), general distribution of land uses for the future development of the annexed properties shown on the Plan, which are respectively owned/controlled by the undersigned, as indicated below. Any substantive changes to the Single Concept Plan that are determined to be material by the City Staff in consultation with the Mayor and City Council will require approval by the Mayor and City Council. The undersigned hereby agree that all future developments of their respective properties (i.e., each undersigned owner agrees solely as to the property that it owns and controls) will comply with the approved Single Concept Plan. The undersigned further understand and agree that, the extensive overall development of all properties shall be subject to site specific performance requirements contained within Annexation Resolution No. 277 (As Amended), notwithstanding the final submission of the Single Concept Plan by the undersigned following approval of this Single Concept Plan (including the provisions contained within hereto by the Mayor and City Council, each of the undersigned may therefore submit separately for various site plans, site plans and all related approvals for the development proposed on their respective properties, without the requirement that the other owners/properties pursue approvals at the same time. The undersigned are signing the Single Concept Plan with the express understanding that the construction of each phase/project is dependent upon the installation of necessary infrastructure to serve the various phases of the overall development. The parties acknowledge that easements, easements and rights-of-way may be necessary to construct roads and utilities across another parties lands in order for an individual project to move forward.

MARK GREEN, HOMEOWNER FOR GREEN ELEVEN IN PARTS GREEN, JOHN RICHARD HEIDI GREEN, JR. JONATHAN GREEN, MARK GREEN & MARIANNE SCHMIDT HELLMAN INVESTORS, HOMEOWNER AT GREEN, ROBERT HAYMAN SCHMIDT HELLMAN INVESTORS, & JOSEPH H. JONATHAN H. GREEN SPANGLER PROPERTIES, TERRA VERDE ENTERPRISES LLC.

IANNIELLO

The undersigned hereby collectively submit this Single Concept Plan in accordance with the requirements contained within Annexation Resolution No. 277 (As Amended), which became effective on June 5, 2014. This Single Concept Plan delineates the proposed internal road network (including road connectivity among the Green, Ianniello and Patrone properties), general distribution of land uses for the future development of the annexed properties shown on the Plan, which are respectively owned/controlled by the undersigned, as indicated below. Any substantive changes to the Single Concept Plan that are determined to be material by the City Staff in consultation with the Mayor and City Council will require approval by the Mayor and City Council. The undersigned hereby agree that all future developments of their respective properties (i.e., each undersigned owner agrees solely as to the property that it owns and controls) will comply with the approved Single Concept Plan. The undersigned further understand and agree that, the extensive overall development of all properties shall be subject to site specific performance requirements contained within Annexation Resolution No. 277 (As Amended), notwithstanding the final submission of the Single Concept Plan by the undersigned following approval of this Single Concept Plan (including the provisions contained within hereto by the Mayor and City Council, each of the undersigned may therefore submit separately for various site plans, site plans and all related approvals for the development proposed on their respective properties, without the requirement that the other owners/properties pursue approvals at the same time. The undersigned are signing the Single Concept Plan with the express understanding that the construction of each phase/project is dependent upon the installation of necessary infrastructure to serve the various phases of the overall development. The parties acknowledge that easements, easements and rights-of-way may be necessary to construct roads and utilities across another parties lands in order for an individual project to move forward.

PETER J. & MARY L. IANNIELLO - OWNERS DATE

SINGLE CONCEPT PLAN PER
ANNEX RESOLUTION NO. 277

GREEN - PATRONE - IANNIELLO PROPERTIES

CITY OF HAVRE DE GRACE, MD.

SIXTH ELECTION DISTRICT — HARFORD COUNTY, MARYLAND

NO.	DATE	REVISIONS DESCRIPTION

DATE: 07-11-2022
SCALE: N/A
DRAWN BY: TRL
DESIGNED BY: COUPME
DRAWING NO: CP01
SHEET 1 OF 1
PROJ. JOB NO: 1004

ANNEXATION RESOLUTION NO. 277
(AS AMENDED)

(Charter Amendment — First 2014 Annexation)

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 WHICH AUTHORIZE THE LEGISLATIVE BODY OF A MUNICIPALITY TO ANNEX PROPERTY, IN THIS CASE PROPERTY BETWEEN CHAPEL ROAD AND LEVEL ROAD AND BY AMENDING THE CHARTER OF THE CITY; SPECIFICALLY APPENDIX A OF THE HAVRE DE GRACE CHARTER BY ADDING "SUBSECTION A.30 THE FIRST 2014 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 BY ANNEXING THE LAND OF ANN W. GREEN, MONTGOMERY C.M. GREEN, ELIZABETH WATTS GREEN, JOHN RODGERS MEIGS GREEN, R. JONATHAN M. GREEN, ANN W. GREEN & MARIANNE SCHMITT HELLAUER TRUSTEES, MONTGOMERY M. GREEN, TRUSTEE, MARIANNE SCHMITT HELLAUER TRUSTEE & 2003 R. JONATHAN M. GREEN SPINOFF TRUSTEE ("GREEN"), PETER J. IANNIELLO & MARY C. IANNIELLO ("IANNIELLO") AND CHARLOTTE PATRONE ("PATRONE") CONSISTING OF A TOTAL OF 244.372 ACRES OF LAND MORE OR LESS ADJOINING THE EXISTING CORPORATE BOUNDARIES OF THE CITY OF HAVRE DE GRACE.

WHEREAS, the requisite owners of the later described land herein have either petitioned for or consented to the annexation of their land into the corporate boundaries of the City of Havre de Grace ("City"); and

ATTACHMENT 2

WHEREAS, the land subject to this annexation resolution is eligible for annexation since the land is contiguous to and adjoining the existing corporate boundaries of the City, and the annexation will not create an unincorporated area bounded on all sides by: (i) property presently within the corporate limits of the City; (ii) real property proposed to be within the corporate limits of the City as a result of the proposed annexation; or (iii) any combination of such properties; and

WHEREAS, the owners of not less than twenty-five percent of the assessed value of the real property to be annexed have petitioned for or consented to the annexation and the signatures on the petitions or consents have been verified and the petitions or consents meets the requirements of Sections 4-403 and 4-404 of the Local Government Article of the Annotated Code of Maryland; and

WHEREAS, The Mayor and City Council of Havre de Grace, Maryland have previously adopted an Annexation Plan for the Property subject to this Annexation Resolution pursuant to City of Havre de Grace Resolution No. 2013-12 (Ianniello) and Resolution 2013-13 (Green/Patrone); and

WHEREAS, The Mayor and City Council of Havre de Grace, Maryland have determined that the annexation of the 244.372 acres of land more or less, including the land of Green, Patrone and Ianniello is in the best interest of the health and welfare of the citizens of Havre de Grace.

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

SECTION 1. The Appendix to the Charter of the Mayor and City Council of Havre de Grace, Maryland is hereby amended to add a new Subsection A.30 The First 2014 Addition to the City Boundaries to read as set forth in the legal description attached hereto as Exhibit A and incorporated by reference herein. ("Property").

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

(a) The Property within the area hereby annexed is currently zoned Agricultural in Harford County. The zoning designation in the City that the Mayor and City Council shall assign to the Property is Residential Business RB. The Property shall be zoned RB as defined in the Havre de Grace Zoning Ordinance. Upon the expiration of the five year period of County land use authority after the

passage of the Annexation Resolution, as defined in Local Government Article of the Annotated Code of Maryland Section 4-416 or upon a waiver of this requirement obtained from the Harford County Council by the owners and/or the City, land use shall then be regulated by the City and not Harford County. Notwithstanding the above, should the City create an Agricultural zoning designation during the five year period, two parcels of Green listed in paragraph one (1) and three (3) in Resolution 2013-13, the Annexation Plan for the Green Property, which is attached hereto as part of exhibit B, may be given the City's proposed Agricultural zoning designation with the property owner's consent in lieu of the zoning designation RB. All zoning designations are provided on the condition that prior to the submission of any site plan for the Property, the owners/developers shall have previously submitted a concept plan for the Property to the Mayor and City Council for approval by the Mayor and City Council by resolution. The single concept plan shall show proposed uses with not less than one quarter of the Property used for open space, and the remaining balance of the Property distributed between residential uses and business uses, with no more than two-thirds (2/3) of the remaining balance devoted to either one use. In addition, on the Property there shall be dedicated to the City a public park, five (5) acres in size, exclusive of any area used for parking or storm water management, for use by the

public for leisure and relaxation, akin to Tydings Park in the City along Commerce Street (Public Park). The Public Park area may be used to partially satisfy the requirements that one quarter of the Property be used for open space. Furthermore, on the Property there shall be constructed and dedicated for use by the public an extension of the Lower Susquehanna Heritage Greenway Trail by a six foot wide paved trail that will connect Level Road to the closest point the Property comes to Chapel Road. The construction and dedication of the trail connection may be used to partially satisfy the requirement that one quarter of the Property be used for open space. The road network across the Property must reflect a public road connection into the Scenic Manor subdivision allowing for traffic to make access from Scenic Manor to Bulle Rock Parkway. Other requirements for public facilities will be addressed in the future public works agreement(s). Any site plan submitted by any owner must be consistent with the approved concept plan.

(b) City water and sewer service shall be provided to the Property at generally applicable rates and pursuant to conditions generally applicable to other properties within the corporate boundaries of the City of Havre de Grace. The cost to construct any facilities necessary to provide water and sewer service to the Property shall be paid according to the laws, rules, regulations and policies, specifications, standards and approvals (including state and county, if any),

existing or required at the time of construction, including any applicable recoupment agreements, and in accordance with the Annexation Plans attached hereto and marked Exhibit B. In addition to constructing the on-site improvements that are required, the owners of the properties hereby annexed or their heirs, assigns or transferees shall at their own expense construct any off-site public water and sewer lines, and make any improvements to public roads and other facilities as may be required by the City to serve the properties hereby annexed, which lines, improvements and facilities must be approved by, and where appropriate, dedicated to the Mayor and City Council of Havre de Grace, Maryland in accordance with public works agreements to be entered into between the owners and the Mayor and City Council of Havre de Grace, Maryland and which public work agreements must be entered into prior to the submission of any concept plan or site plan for review by the Mayor and City Council. No site plan is authorized to be approved by the City or any City Director – unless a public works agreement that addresses the construction of adequate public facilities and bonding for the development or construction shown on the plan, has been approved by the Mayor and City Council, and executed by the Mayor and the party seeking approval of the site plan. Annexation agreements addressing costs sharing or recoupment may be entered into by the parties and the Mayor and City Council after passage of this

annexation resolution. Any new recoupment agreement shall be authorized for consideration by the Mayor and City Council only for those facilities that have not yet been dedicated to the City, and which remain with the owner prior to the execution of the recoupment agreement by the City.

(c) The Mayor and City Council of Havre de Grace, Maryland acknowledge that the Petitioners have provided the Mayor and City Council of Havre de Grace, Maryland with a legal description of the Property by an exhibit prepared by their professional engineer.

(d) The terms and conditions of this Resolution shall supersede the Annexation Policy of the Mayor and City Council of Havre de Grace, Maryland established by Resolution 97-7 ("Annexation Policy"), a copy of which is attached hereto as Exhibit C to the extent the Annexation Policy is inconsistent with the terms and conditions of this Resolution.

SECTION 3. AND BE IT FURTHER RESOLVED that, promptly after the introduction and first reading of this Resolution by the Mayor and City Council of Havre de Grace, Maryland, the Director of Administration shall create a public notice, briefly and accurately describing the proposed change and the conditions and circumstances applicable. The aforesaid notice shall be published four (4) times at not less than weekly intervals in a newspaper or newspapers of general

circulation in the City of Havre de Grace and the area to be annexed, as the area to be annexed is greater than 25 acres. The aforesaid public notice shall state a time, not less than fifteen (15) days after the fourth (4th) publication thereof, a place within the City of Havre de Grace at which a public hearing shall be held to consider public comment to consider this Resolution. The public hearing may be continued or rescheduled in accordance with the requirements set forth in Local Government Article of the Annotated Code of Maryland. Immediately upon the first publication of the specified public notice, a copy of the public notice and other relevant documents shall be provided to the Harford County Council, the Harford County Executive, the Director of the Harford County Department of Planning and Zoning, the Planning Commission of the City of Havre de Grace, and to any other regional or state planning agency having jurisdiction over the property, including the Executive Director of the Baltimore Metropolitan Council.

SECTION 4. AND BE IT FURTHER RESOLVED that,

(a) For a ten (10) year period after passage of this Annexation Resolution the City is authorized to reduce the City's real property tax bill for each parcel of the Property as follows: year one through year ten – one hundred percent reduction("ten year waiver period"). Thereafter the regular City real property tax rate shall apply. Notwithstanding the above, should any parcel of the Property be

the subject of a recorded subdivision plat, during the ten year waiver period, then upon the recordation of the plat, the subject parcel shall then be subject to the City's real property tax at the full rate.

SECTION 5. AND BE IT FURTHER RESOLVED that, this Annexation Resolution shall become effective forty-five (45) days after its enactment by the Mayor and City Council of Havre de Grace, Maryland, provided this Resolution is read and passed by an affirmative vote of a majority of the Council members present at a second reading of the Resolution at a regular City Council meeting after the conclusion of the public hearing and any continuation thereof as prescribed by the Local Government Article Section 4-407 of the Annotated Code of Maryland (as amended) and also provided that a proper petition for referendum calling for an election related to the annexation is not filed as permitted by law.

SECTION 6. AND BE IT FURTHER RESOLVED that, if any section, subsection, paragraph, sentence, clause, phrase or word of this Resolution or its application to any person or circumstances is held invalid by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, phrases, and words of this Resolution, or the application of the provision

to other persons or circumstances then in effect, shall continue in full force and effect.

SECTION 7. AND BE IT FURTHER RESOLVED, by the Mayor and City Council of Havre de Grace, Maryland, that the Director of Planning shall promptly register the original and the new corporate boundaries of the City of Havre de Grace with the Clerk of the Circuit Court of Harford County and the Department of Legislative Reference for the State of Maryland when this Resolution takes effect.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

James Newby
Director of Administration

By: Wayne H. Dougherty, Mayor

Date Introduced:	December 2, 2013
Dates of Public Hearings:	January 21, 2014, February 3, 2014, April 7, 2014
Date of Second Reading and Adoption, Enacted:	April 21, 2014
Effective Date:	June 5, 2014

List of Exhibits

Exhibit A:	Legal Description
Exhibit B:	Annexation Plan Resolution 2013-12 and 2013-13
Exhibit C:	Annexation Policy Resolution 97-7

Subsection A.30 The First 2014 Addition to the City Boundaries

The Corporate Boundaries of The City of Havre de Grace were enlarged to include those certain areas lying contiguous and adjacent to The City of Havre de Grace and are particularly described as follows:

BEGINNING for the same at a point at the intersection of the southeasterly right of way line of Bulle Rock Parkway, 60 feet wide, with the forty-first or South 28° 48' 58" West 787.24 foot line of the land described in Resolution No. 225 (Charter Amendment: 2000 Annexation 2nd Addition), as recorded among the Land Records of Harford County, Maryland in Charter Amendments of the City of Havre de Grace Liber 1, Page 119, said point also being at the end of the thirteenth or curve to the left with a radius of 720.00 feet and an arc length of 132.24 feet line of the first parcel described in Resolution No. 252 (Charter Amendment: 2006 Annexation), as recorded among the said Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Page 320, said point also being in the northwesterly outline of the land conveyed by and described in a deed and covenant from Montgomery M. Green to Montgomery M. Green, Trustee, dated August 16, 1969 and recorded among the said Land Records in Liber 823, Page 545, thence binding on the said southeasterly right of way line, binding reversely on the thirteenth through ninth lines of the said Resolution No. 252, and binding on the northwesterly outline of the land described in the said deed, as now surveyed, with bearings referred to the Maryland Coordinate System (NAD'83/91), five courses, viz:

1. By a non-tangent curve to the right with a radius of 720.00 feet and an arc length of 132.24 feet, said curve being subtended by a chord bearing North 66° 48' 39" East 132.05 feet, to a point of tangency,

2. North 72° 04' 20" East 354.56 feet to a point of curvature,

3. By a tangent curve to the left with a radius of 591.72 feet and an arc length of 391.23 feet, said curve being subtended by a chord bearing North 53° 07' 51" East 384.15 feet, to a point of tangency,

4. North 34° 11' 22" East 199.61 feet, and

5. South 89° 49' 22" East 131.07 feet to a point and to intersect the southwesterly right of way line of Level Road, Maryland Route 155, thence binding thereon, and binding in part on the northeasterly outline of the land described in the first mentioned deed, in part on the northeasterly outline of the land conveyed by and described in a deed from Marianne Schmitt Hellauer, Trustee to Marianne Schmitt Hellauer, Trustee, dated June 1, 2004 and recorded among the aforesaid Land Records in Liber 7151, Folio 0351, and in part on the northeasterly outline of the land conveyed by and described in a deed from Ann W. Green, Personal Representative to Ann W. Green, dated February 20, 1995 and recorded among the aforesaid Land Records in Liber 7151, Folio 0336, in all, twelve courses, viz:

6. By a non-tangent curve to the right with a radius of 11425.16 feet and an arc length of 92.96 feet, said curve being subtended by a chord bearing South 54° 24' 56" East 92.96 feet, to a point of tangency,

7. South 54° 33' 56" East 419.19 feet,

8. South 45° 44' 02" East 40.45 feet,

9. South 48° 41' 33" East 41.19 feet,

10. North 41° 26' 45" East 10.05 feet,

11. South 48° 58' 28" East 108.46 feet,

12. North 35° 44' 08" East 16.00 feet,

13. South 53° 43' 08" East 210.01 feet,

14. South 52° 45' 05" East 1287.45 feet,

15. North 35° 44' 07" East 7.00 feet,

16. By a non-tangent curve to the left with a radius of 1375.00 feet and an arc length of 291.16 feet, said curve being subtended by a chord bearing South 58° 59' 17" East 290.62 feet, and

17. By a non-tangent curve to the left with a radius of 2310.59 feet and an arc length of 225.53 feet, said curve being subtended by a chord bearing South 58° 41' 16" East 225.44 feet, to a point distant 20 feet northwesterly from the thirty-fourth or North 45E 27' 37" East 35.53 foot line of the land described in Resolution No. 138, Subsection A.8. The Third 1987 Addition to the City Boundaries, as recorded among the aforesaid Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Page 35, thence leaving the said Level Road and running parallel to and 20 feet distant northwesterly from the southeasterly outline of the land conveyed by and described in the last mentioned deed and running parallel to and 20 feet distant northwesterly from the said thirty-fourth and the thirty-third lines of the said Subsection A.8,

18. South 32° 38' 56" West 835.51 feet, thence continuing to run parallel to and 20 feet distant southwesterly from the existing City Boundaries as described in the aforesaid Resolution No. 138 and in Resolution No. 143, Subsection A.10, The (First) 1995 Addition, as recorded among the aforesaid Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Page 51, and running parallel to and 20 feet distant southwesterly from the northeasterly outline of the land conveyed by and described in a deed from Ann W. Green, Personal Representative of the Estate of Montgomery Meigs Green to Ann W. Green and Marianne Schmitt Hellauer, Trustees u/a Montgomery M. Green - Family Trust, dated November 13, 1995 and recorded among the aforesaid Land Records in Liber 4817, Folio 0302, three courses, viz:

19. South 23° 53' 41" East 656.11 feet,

20. South 24° 24' 01" East 929.41 feet, and

21. South 13° 21' 12" West 19.39 feet to a point and to intersect the southerly outline of the land conveyed by and described in the last mentioned deed and to intersect the third or North 50° 42' 40" East 1096.67 foot line of Resolution No. 243, Subsection A.22, The 2003 Addition to

The City Boundaries, as recorded among the aforesaid Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Page 271, thence binding reversely on the third and second lines of the said Resolution No. 243, binding on the southeasterly and southwesterly outline of the land described in the last mentioned deed, and binding on the northwesterly and northeasterly outline of the land shown on the plats entitled "Final Plat One, Scenic Manor," Final Plat Two, Scenic Manor," and Final Plat Three, Scenic Manor" and recorded among the aforesaid Land Records in Plat Book 121, Folios 19, 18 and 20, respectively, two courses, viz:

22. South 50° 44' 10" West 1064.03 feet to a pin & cap set, and

23. North 39° 38' 02" West 804.77 feet to a point at the northeast corner of the land conveyed by and described in a deed from Charlotte Patrone, Personal Representative of the Estate of Elena Butler Patrone, to Charlotte Patrone, dated May 21, 1988 and recorded among the aforesaid Land Records in Liber 1477, Folio 0843, thence continuing to bind on the outline of the aforesaid Resolution No. 243 and binding on the easterly outline of the land described in the said deed,

24. South 37° 18' 21" West 956.04 feet to a point in or near the center of Chapel Road and to intersect the ninety-fourth or South 71° 13' 46" East 671.08 foot line of Resolution No. 178, The Second 1999 Addition, recorded among the aforesaid Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Folio 82, thence running in the center of the said Chapel Road, binding on the southerly outline of the land described in the last mentioned deed, and binding reversely part of the said ninety-fourth and all of the ninety-third lines of the said resolution No. 178,

25. North 71° 13' 46" West 127.48 feet to a point at the end of the forty-ninth or South 18° 46' 14" West 25.00 foot line of the aforesaid Resolution No. 225, thence leaving the said Chapel Road and binding on the southerly and westerly outline of the land described in the last mentioned deed and binding reversely on the forty-ninth through forty-sixth lines of the said Resolution No. 225, four courses, viz:

26. North 18° 46' 14" East 25.00 feet,

27. By a non-tangent curve to the left with a radius of 1457.40 feet and an arc length of 160.03 feet, said curve being subtended by a chord bearing North 74° 22' 30" West 159.95 feet,

28. North 54° 36' 27" East 137.27 feet to a stone heretofore planted, and

29. North 34° 13' 29" West 32.60 feet to a stone heretofore planted at the southwest corner of the land described in the aforesaid Liber 4817, Folio 0302, thence binding reversely on part of the forty-fifth line of the aforesaid Resolution No. 225 and on the southwest side of the said deed,

30. North 35° 14' 15" West 876.81 feet to a point on the northeasterly right of way line of the aforesaid Bulle Rock Parkway and at the end of the third or tangent curve to the right with a radius of 1330.00 feet and an arc length of 613.08 feet line of the second parcel described in the

aforesaid Resolution No. 252, thence leaving the said forty-fifth line and binding reversely on the third and second lines of the said second parcel described in Resolution No. 252, and continuing to bind on the southwesterly outline of the land described in the aforesaid Liber 4817, Folio 0302, two courses, viz:

31. By a non-tangent curve to the left with a radius of 1330.00 feet and an arc length of 613.08 feet, said curve being subtended by a chord bearing North 35° 09' 38" West 607.67 feet, to a point of tangency, and

32. North 48° 21' 58" West 3.59 feet to a point and to intersect the aforesaid forty-fifth line of Resolution No. 225, thence binding reversely thereon for part of its distance and binding in part on the southwesterly outline of the land described in the aforesaid Liber 4817, Folio 0302, in part on the southwesterly outline of the land conveyed by and described in a deed from Montgomery C. M. Green and Ann W. Green, his wife to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and Montgomery M. Green, Trustee, dated December 27, 1974 and recorded among the aforesaid Land Records in Liber 964, Page 561, and in part binding on the southwesterly outline of the land conveyed by and described in a deed of distribution from Albert J. A. Young, Successor Trustee, to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan M. Green, dated July 20, 2005 and recorded among the said Land Records in Liber 6224, Folio 0249, in all,

33. North 35° 14' 15" West 1701.08 feet to a point on the aforesaid easterly right of way line of Bulle Rock Parkway and at the end of the fourth or curve to the left with a radius of 870.00 feet and an arc length of 649.65 feet line of the third parcel described in Resolution No. 267 (Charter Amendment - First 2008 Annexation), (not recorded among the aforesaid Land Records), thence binding on the said right of way and binding reversely on the said fourth line, and in part binding on the southwesterly outline of the land conveyed by and described in the last mentioned deed of distribution and in part binding on the westerly outline of the land described in the first mentioned deed (823/545),

34. By a non-tangent curve to the right with a radius of 870.00 feet and an arc length of 649.65 feet, said curve being subtended by a chord bearing North 07° 19' 26" East 634.66 feet, to a point and to intersect the forty-third line of the aforesaid Resolution No. 225, thence continuing to bind on the said Bulle Rock Parkway and the northwesterly outline of the land described in the first mentioned deed, and binding reversely on the said forty-third line for part of its distance,

35. North 28° 42' 58" East 295.11 feet to a point at the end of the third or curve to the left with a radius of 720.00 feet and an arc length of 364.35 foot line of the second parcel described in the aforesaid Resolution No. 267, thence continuing to bind on the said Bulle Rock Parkway and binding reversely on the said third line,

36. By a tangent curve to the right with a radius of 720.00 feet and an arc length of 364.35 feet, said curve being subtended by a chord bearing North 43° 12' 47" East 360.48 feet, to a point and to intersect the forty-second line of the aforesaid Resolution No. 225, thence leaving the aforesaid Bulle Rock Parkway, binding reversely on part of the forty-second and forty-first lines of the aforesaid Resolution No. 225, and binding on the division line between the land described in the first mentioned deed and the land conveyed by and described in a deed from Michael E. Leaf, Trustee to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers

Meigs Green, and R. Jonathan M. Green, dated August 29, 2002 and recorded among the aforesaid Land Records in Liber 4122, Folio 0468, two courses, viz:

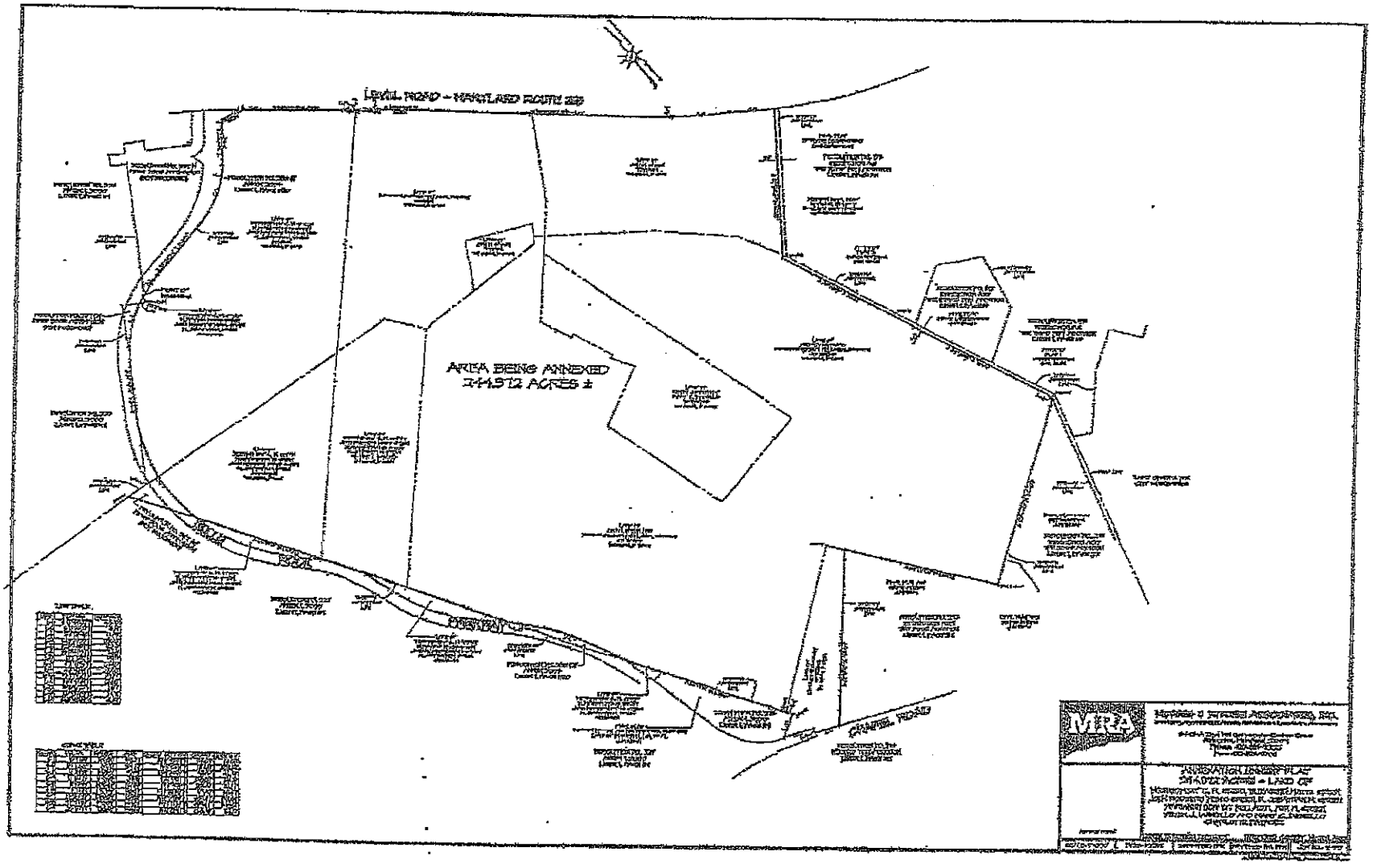
37. South 61 ° 02' 02" East 24.71 feet to a pin & cap set, and

38. North 28° 48' 58" East 41.49 feet to the place of beginning.

CONTAINING 244.372 acres of land, more or less.

BEING part of the land conveyed by and described in a deed and covenant from Montgomery M. Green to Montgomery M. Green, Trustee, dated August 16, 1969 and recorded among the Land Records of Harford County, Maryland in Liber 823, Page 545; BEING ALSO all of the land conveyed by and described in a deed of distribution from Albert J. A. Young, Successor Trustee, to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan M. Green, dated July 20, 2005 and recorded among the said Land Records in Liber 6224, Folio 0249; BEING ALSO all of the land conveyed by and described in a deed from Montgomery M. Green and Ann W. Green, his wife to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and Montgomery M. Green, Trustee, dated December 27, 1974 and recorded among the said Land Records in Liber 964, Page 561; BEING ALSO all of the land conveyed by and described in a deed from Marianne Schmitt Hellauer, Trustee to Marianne Schmitt Hellauer, Trustee, dated June 1, 2004 and recorded among the said Land Records in Liber 7151, Folio 0351, BEING ALSO part of the land conveyed by and described in a deed from Ann W. Green, Personal Representative to Ann W. Green, dated February 20, 1995 and recorded among the said Land Records in Liber 7151, Folio 0336; BEING ALSO all of the land conveyed by and described in a deed from Cornelia L. Meigs to Ann W. Green, for life, and Montgomery M. Green, dated September 1, 1967 and recorded among the said Land Records in Liber 753, Page 266; BEING ALSO all of the land conveyed by and described in a deed from Peter J. Iannielio to Peter J. Iannielio and Mary C. Iannielio, dated November 9, 2006 and recorded among the said Land Records in Liber 7095, Folio 0363; BEING ALSO part of the land conveyed by and described in a deed from Ann W. Green, Personal Representative to Ann W. Green and Marianne Schmitt Hellauer, Trustees, dated November 13, 1995 and recorded among the said Land Records in Liber 4817, Folio 0302; BEING ALSO all of the land conveyed by and described in a deed from Michael E. Leaf, Trustee to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan M. Green, dated August 29, 2002 and recorded among the said Land Records in Liber 4122, Folio 0468, BEING ALSO all of the land conveyed by and described in a deed from Charlotte Patrone, Personal Representative of the Estate of Elma Butler Patrone, to Charlotte Patrone, dated May 21, 1988 and recorded among the said Land Records in Liber 1477, Folio 0843.

(October 21, 2011)


AREA BEING ANNEXED
3.4572 ACRES ±
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RESOLUTION 2013 - 12

THE ANNEXATION PLAN FOR 13.96 ACRES, MORE OR LESS, ALONG LEVEL ROAD

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, ARTICLE 23A SECTION 19(O) WHICH REQUIRES THE LEGISLATIVE BODY OF A MUNICIPALITY SEEKING TO ANNEX PROPERTY AFTER OCTOBER 1, 2006 TO ADOPT AN ANNEXATION PLAN FOR THE SUBJECT PROPERTY, AND THAT THE ANNEXATION PLAN NOT BE PART OF THE ANNEXATION RESOLUTION.

WHEREAS, Peter J. Ianniello and Mary C. Ianniello ("Owner") have sought annexation of their land consisting of a total of 13.96 acres, more or less, as described in a deed dated June 15, 2004 and filed among the Land Records of Harford County at Liber No. 5428 Folio 0102 and also being described in a deed dated December 15, 2006 and filed among the Land Records of Harford County at Liber 7095 Folio 0363, said property assigned Harford County tax account number District 06 Account No. 003133; and

WHEREAS, the Owner's property is reflected on the attached plat marked Exhibit A and said property sits on the south side of Level Road; and

WHEREAS, the Mayor and City Council of Havre de Grace ("City") have received the annexation request for the annexation of properties along Level Road, Bulle Rock Parkway and Chapel Road which generally include the Green and Patrone properties; and

WHEREAS, the Owner now seeks to annex the Owner's property consisting of 13.96 acres, more or less into the City of Havre de Grace simultaneously with the the Green and Patrone properties, the Ianiello property as shown on the attached Exhibit A consisting of a total of 13.96 acres more or less.

NOW THEREFORE, the Mayor and City Council adopt the following Annexation Plan for the Owner's property.

THE ANNEXATION FOR 13.96 ACRES, MORE OR LESS, ALONG LEVEL ROAD

1. Introduction. The Property proposed to be annexed in this Plan is situated along Level Road. The entire area to be annexed is reflected on Exhibit A.

2. Current Conditions. Currently the Owner and their one adult child and two minor children reside on the Property. The Owner's property is improved with an historic house and unattached barn and buildings. The property is currently served by private water and sewer.

3. Current Zoning. The Owner's property is currently zoned Agricultural on the official zoning maps of Harford County. Currently a winery operation takes place on the property with a vineyard.

4. Future Proposed Use. The property is proposed to be changed to a more intensive residential use with a mix of retail business.

5. Proposed Zoning. All of the land that is subject to this Annexation Plan is proposed to be given the City zoning designation RB residential business with the caveat that prior to submission of any site plan for the property, the owner/developer shall submit a concept plan for approval of the Mayor and City Council and any site plan submitted must be consistent with the approved concept plan. The proposed zoning for the land subject to this Annexation Plan is consistent with the City's overall proposed land use already in effect for this area, pursuant to the Master Plan for Havre de Grace.

6. Public Facilities. There is currently no requirement that the land subject to this Annexation Plan be set aside for a school site, water or sewer treatment facilities, libraries, recreation, or fire, EMS, or police departments, except for a water main line from the water main line on Rt. 155 to the water main line on Chapel Road. The current annexation shall be a cause for anticipated infrastructure needs. As for water and sewer capacity, the City estimates that it currently has the water and sewer capacity for the property, however, infrastructure improvements for water pressure and volume of delivery are required. Until the site plan is approved water and sewer capacity remain uncommitted. Sewer lines must be extended to the property. If there are any required infrastructure improvements, including but not limited to water and sewer capacity, they shall all be paid for by the owners/developers of the property along with required bonding for performance and maintenance.

The owners/developers of the property shall be charged the standard capital cost recovery charges, user benefit fees and all other fees and charges associated with connection to the City's water and sewer systems. Water and sewer service rates shall be charged at the generally applicable rates and pursuant to the conditions generally applied by the City. The Owner's property may be subject to recoupment agreements for water and sewer.

7. Trash Removal. The same conditions, services, and rates applicable in the City pursuant to existing City Ordinances shall be charged to the property subject to this Plan.

8. Fire Protection. Fire protection shall continue to be provided to the property by the Susquehanna Hose Company, Inc. pursuant to conditions applicable to the other properties within the corporate boundaries of the City.

9. Schools – Library – Recreation. None are required, as the scope of the development on the property is limited in size.

10. Real Property Taxes. The property shall be taxed by the City at generally applicable rates. If the land is potentially subject to an abatement request due to an enterprise zone designation, and if a request for an abatement is made, the City acknowledges that it would consider such a request in accordance with applicable law so long as the terms of this Annexation Plan have otherwise been complied with by the Owner.

11. EMS. EMS protection shall be provided to the property by the Havre de Grace Ambulance Corps, Inc. pursuant to conditions applicable to other properties within the corporate boundaries of the City of Havre de Grace.

12. Police. Police protection shall be provided to the property by the Havre de Grace Police Department pursuant to the conditions to other properties within the corporate boundaries of the City of Havre de Grace.

13. Timing of Municipal Services. Municipal services shall be provided at the time of construction/development of the property and prior to the issuance of any new use and occupancy permit.

14. Annexation Agreement. The City and the owners/developers of the property agree to enter into an Annexation Agreement and/or a Public Works Agreement detailing the terms of this Annexation Plan and any other appropriate conditions, if required by the City. The provisions of this Annexation Plan are to be considered minimum requirements, and additional requirements or more stringent requirements may be added.

ENACTED this 16th day of September, 2013.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

JAMES NEWBY,
DEPUTY DIRECTOR OF ADMINISTRATION

WAYNE H. DOUGHERTY, MAYOR

Introduced: 9/16/13

Adopted: 9/16/13

RESOLUTION 2013 - 13

THE ANNEXATION PLAN FOR 227.628 ACRES, MORE OR LESS, ALONG LEVEL ROAD, BULLE ROCK PARKWAY AND CHAPEL ROAD

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, ARTICLE 23A SECTION 19(O) WHICH REQUIRES THE LEGISLATIVE BODY OF A MUNICIPALITY SEEKING TO ANNEX PROPERTY AFTER OCTOBER 1, 2006 TO ADOPT AN ANNEXATION PLAN FOR THE SUBJECT PROPERTY, AND THAT THE ANNEXATION PLAN NOT BE PART OF THE ANNEXATION RESOLUTION.

WHEREAS, Ann W. Green, Mary Ann Schmitt Hellauer, Montgomery C.M. Green, Elizabeth Watts Green, John Rodgers Meigs Green and R. Jonathan M. Green ("Owners") have sought annexation their land and that of Charlotte Patrone consisting of a total of 227.628 acres, more or less, partially described in eight deeds as follows:

1. Deed dated June 1, 2004, recorded among the Land Records in Liber JJR No. 7151, folio 351, from the 1999 Ann W. Green Irrevocable Property Trust, unto Marianne Schmitt Hellauer, as Trustee of the 2003 R. Jonathan M. Green Descendant's Spin-Off Trust, as shown on Harford County tax map 44 parcel 709 Account I.D. district 06, Account No. 078478, 22.77 acres; and

2. Deed dated September 1, 1967, recorded among the Land Records of Harford County, Maryland (the "Land Records") in Liber GRG No. 753, folio 266, from Cornelia L. Meigs, unto Ann W. Green, as shown on Harford County tax map 44 parcel 584 Account I.D. district 06, Account No. 003605, 1.59 acres; and

3. Deed dated February 20, 1995, recorded among the Land Records in Liber JJR No. 7151, folio 336, from the Estate of Montgomery Meigs Green, unto Ann W. Green, as shown on Harford County tax map 44 parcel 198 Account I.D. district 06, Account No. 003729, 18.95 acres; and

4. Deed dated November 13, 1995, recorded among the Land Records in Liber JJR No. 4817, folio 302, from the Estate of Montgomery Meigs Green, unto Ann W. Green and Marianne Schmitt Hellauer, as Trustees of the Green Family Trust, as shown on Harford County tax map 44 parcel 237 Account I.D. district 06, Account No. 003737, 110.55 acres; and

5. Deed dated December 27, 1974, recorded among the Land Records in Liber HDC No. 964, folio 561, from Montgomery M. Green and Ann W. Green, unto Montgomery C. M. Green,

John Rodgers Meigs Green, Elizabeth Watts Green and Montgomery M. Green, as Trustee, as shown on Harford County tax map 44 parcel 697 Account I.D. district – 06, Account No. 003664, 15.01 acres; and

6. Deed of Distribution dated July 20, 2005, recorded among the Land Records in Liber JJR No. 6224, folio 249, from Albert J.A. Young, as Successor Trustee of a Trust created under a Deed by Montgomery M. Green, unto Montgomery C.M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan M. Green, as shown on Harford County tax map 44 parcel 311 Account I.D. district 06, Account No. 003710, 13.54 acres; and

7. Deed and Covenant dated August 16, 1969, recorded among the Land Records in Liber GRG No. 823, folio 545, from Montgomery M. Green, unto Montgomery C.M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan Green, as shown on Harford County tax map 44 parcel 210 Account I.D. district 06, Account Nos. 062903 and 003702; and

8. Deed dated May 21, 1988, recorded among the Land Records in Liber CGH No. 1477, folio 843, from the Estate of Elma Butler Patrone, unto Charlotte Patrone, as shown on Harford County tax map 44 parcel 238 Account I.D. district 06, Account No. 006108.

All of the above parcels shall hereinafter be referred to collectively as the "Property."

WHEREAS, the Property is reflected on the attached plat marked Exhibit A and said property sits on the south side of Level Road; and

WHEREAS, the Mayor and City Council of Havre de Grace ("City") had previously annexed properties along the south side of the roadway known as Level Road and along Bulle Rock Parkway as appears in the Havre de Grace City Charter Attachment 1 appendix A.27. The First 2006 Addition to the City Boundaries and A.28 the First 2008 Addition to the City Boundaries; and

WHEREAS, the Owner now seeks to annex the Property consisting of 223.418 acres of its property, more or less into the City of Havre de Grace simultaneously with the land of Charlotte Patrone consisting of 4.21 acres more or less as shown on the attached Exhibit A for a total of 227.628 acres more or less.

NOW THEREFORE, the Mayor and City Council adopt the following Annexation Plan for the Property.

THE ANNEXATION FOR 227.628 ACRES, MORE OR LESS,
ALONG LEVEL ROAD, BULLE ROCK PARKWAY AND CHAPEL ROAD

1. Introduction. The Property proposed to be annexed in this Plan is situated along Level Road and Chapel Road. For identification purposes, a total of nine (9) lots described in eight deeds, but with nine tax account numbers for a total of 227.628 acres, more or less is being considered. The entire area to be annexed is reflected on Exhibit A.

2. Current Conditions. Currently several tenants reside on the property of Charlotte Patrone and Jonathan Green and his wife and family and his mother and several tenants reside on their property. The Green parcel is improved with an historic residence and several unattached farm houses and attendant barns and farm buildings. The Patrone property is improved with a residential building. The Property is currently served by private water and sewer.

3. Current Zoning. The Property is currently zoned Agricultural on the official zoning maps of Harford County.

4. Future Proposed Use. Major changes to the buildings on the Property as planned at this time, however, the specific uses permitted by law therein may change.

5. Proposed Zoning. All of the land that is subject to this Annexation Plan is proposed to be given the City zoning designation RB residential business with the caveat that prior to submission of any site plan for the property, the owner/developer shall submit a concept plan for approval of the Mayor and City Council and any site plan submitted must be consistent with the approved concept plan. The proposed zoning for the land subject to this Annexation Plan is consistent with the City's overall proposed land use already in effect for this area, pursuant to the Master Plan for Havre de Grace

6. Public Facilities. There is currently no requirement that the land subject to this Annexation Plan be set aside for a school site, water or sewer treatment facilities, libraries, recreation, or fire, EMS, or police departments, except for a water main line from the water main line on Rt. 155 to the water main line on Chapel Road. The current annexation shall be a cause for anticipated infrastructure needs. As for water and sewer capacity, the City estimates that it currently has the water and sewer capacity for the property, however, infrastructure improvements for water pressure and volume of delivery are required. Until the site plan is approved water and sewer capacity remain uncommitted. Sewer lines must be extended to the property. If there are any required infrastructure improvements, including but not limited to water and sewer capacity, they shall all be paid for by the owners/developers of the property along with required bonding for performance and maintenance.

The owners/developers of the property shall be charged the standard capital cost recovery charges, user benefit fees and all other fees and charges associated with connection to the City's water and sewer systems. Water and sewer service rates shall be charged at the generally applicable rates and pursuant to the conditions generally applied by the City. The subject property may be subject to recoupment agreements for water and sewer.

7. Trash Removal. The same conditions, services, and rates applicable in the City pursuant to existing City Ordinances shall be charged to the property subject to this Plan.

8. Fire Protection. Fire protection shall continue to be provided to the property by the Susquehanna Hose Company, Inc. pursuant to conditions applicable to the other properties within the corporate boundaries of the City.

9. Schools – Library – Recreation. None are required, as the scope of the development on the property is relatively limited in size.

10. Real Property Taxes. The property shall be taxed by the City at generally applicable rates. If the land is potentially subject to an abatement request due to an enterprise zone designation, and if a request for an abatement is made, the City acknowledges that it would consider such a request in accordance with applicable law so long as the terms of this Annexation Plan have otherwise been complied with by the Owner.

11. EMS. EMS protection shall be provided to the property by the Havre de Grace Ambulance Corps, Inc. pursuant to conditions applicable to other properties within the corporate boundaries of the City of Havre de Grace.

12. Police. Police protection shall be provided to the property by the Havre de Grace Police Department pursuant to the conditions to other properties within the corporate boundaries of the City of Havre de Grace.

13. Timing of Municipal Services. Municipal services shall be provided at the time of construction/development of the property and prior to the issuance of any new use and occupancy permit.

14. Annexation Agreement. The City and the owners/developers of the property agree to enter into an Annexation Agreement and/or a Public Works Agreement detailing the terms of this Annexation Plan and any other appropriate conditions, if required by the City. The provisions of this Annexation Plan are to be considered minimum requirements, and additional requirements or more stringent requirements may be added.

ENACTED this 16th day of September, 2013.

ATTEST:

JAMES NEWBY,
DEPUTY DIRECTOR OF ADMINISTRATION

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

WAYNE H. DOUGHERTY, MAYOR

Introduced: 9/16/13

Adopted: 9/16/13

RESOLUTION NO.97-7

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND ESTABLISHING AND ADOPTING A POLICY ON ANNEXATION

WHEREAS, The Mayor and City Council of Havre de Grace, Maryland adopted an update of the City's Comprehensive Plan on May 6, 1996; and,

WHEREAS, the Comprehensive Plan established a vision for the orderly growth and development of the City of Havre de Grace; and,

WHEREAS, the annexation of land adjacent to the City of Havre de Grace was part of the vision for the orderly growth and development of the City of Havre de Grace as described in Chapters 3 and 4 of the Comprehensive Plan; and,

WHEREAS, further guidance was needed to ensure orderly growth and development occurs in the areas to be annexed by the City.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND THAT:

1. An Annexation Policy consistent with the Comprehensive Plan's vision is hereby established and adopted by the Mayor and City Council of Havre de Grace, Maryland;
2. Said adopted Annexation Policy shall be attached as Exhibit A to this Resolution; and
3. Said Annexation Policy shall be effective as of the date of this Resolution's passage.

ATTEST:

STANLEY T. RUCHLEWICZ, DIRECTOR
DEPARTMENT OF PLANNING

DATE: 8/18/97

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

PHILIP J. BARKER, MAYOR

Exhibit A

ANNEXATION POLICY

It is the Annexation Policy of the Mayor and City Council of Havre de Grace, Maryland to:

1. Consider all annexation requests which meet the legal criteria of the State of Maryland under Article 23A, Section 19 of the Annotated Code of Maryland and all guidelines established by the Mayor and City Council for annexation, including consistency with the City's Comprehensive Plan.

2. Encourage the annexation of all areas contiguous to the City which would eliminate the appearance or creation of enclaves. This is not to be interpreted as giving this type of annexation priority over areas which are contiguous but do not appear to be creating or eliminating enclaves.

3. Give priority to annexation requests which will increase the City's commercial or industrial base and generate employment opportunities for the residents of City.

4. Grant an abatement of City real property taxes for areas to be annexed, on a case by case basis, up to the difference between the combined City and County property taxes for a property located in the City and those taxes that would be paid to the County if the property remained solely in the County until such time that:

    a. Water and sewer service is available for connection at the annexed property, or

    b. One of the following activities has occurred:

        1) In cases of annexation where the land will remain a single parcel, the abatement shall cease when any development or construction permit is issued for other than an accessory activity or structure in support of the existing land use on the property.

        2) In cases of annexation where a subdivision of land will occur, the abatement shall cease when the final subdivision plat is approved by the Planning Commission.

5. Connect all areas to be annexed to City water and sewer service upon its availability at the property as a condition of annexation.

6. Require all applicants seeking annexation to complete a Request for Annexation application, which includes all of the legal requirements placed on annexation requests by Article 23A, Section 19 and the items described on the Annexation Checklist described in the Comprehensive Plan, and review said application for consistency with the Comprehensive Plan. The Annexation Checklist shall not be generally applicable to single lot annexations of less than 2 acres.

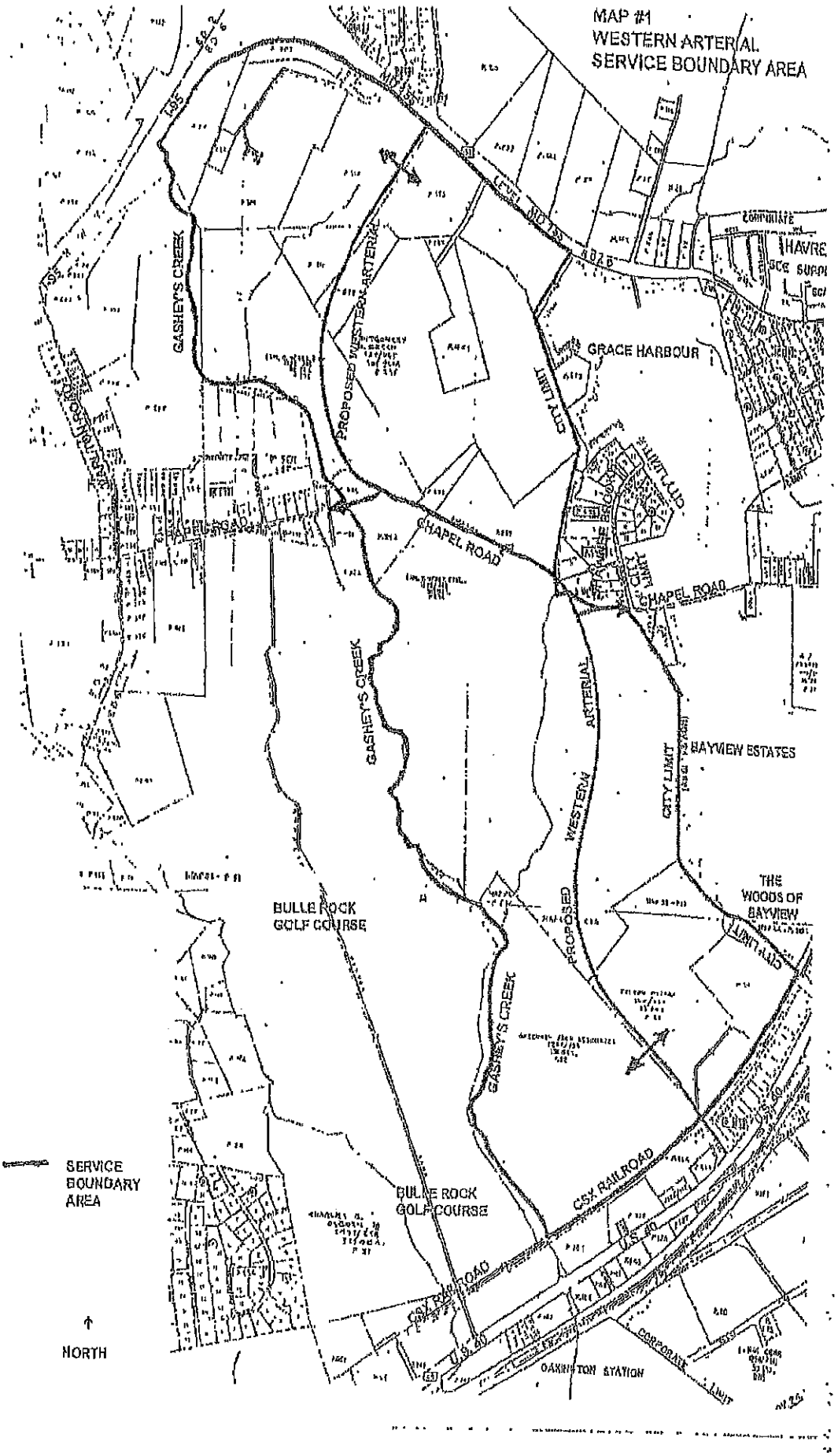
7. Advise applicants for annexation to the west of the current City boundary, and within the following designated Service Boundary Areas, that when development commences on the property proposed to be annexed, they or subsequent owners of said property shall be required to participate in a cost-sharing program to cover the costs of providing a right-of-way for and the construction of the proposed western arterial as well as upgrading the City's water and sewer facilities to allow for access and water and sewer services to their annexed property and any other foreseeable annexation sites.

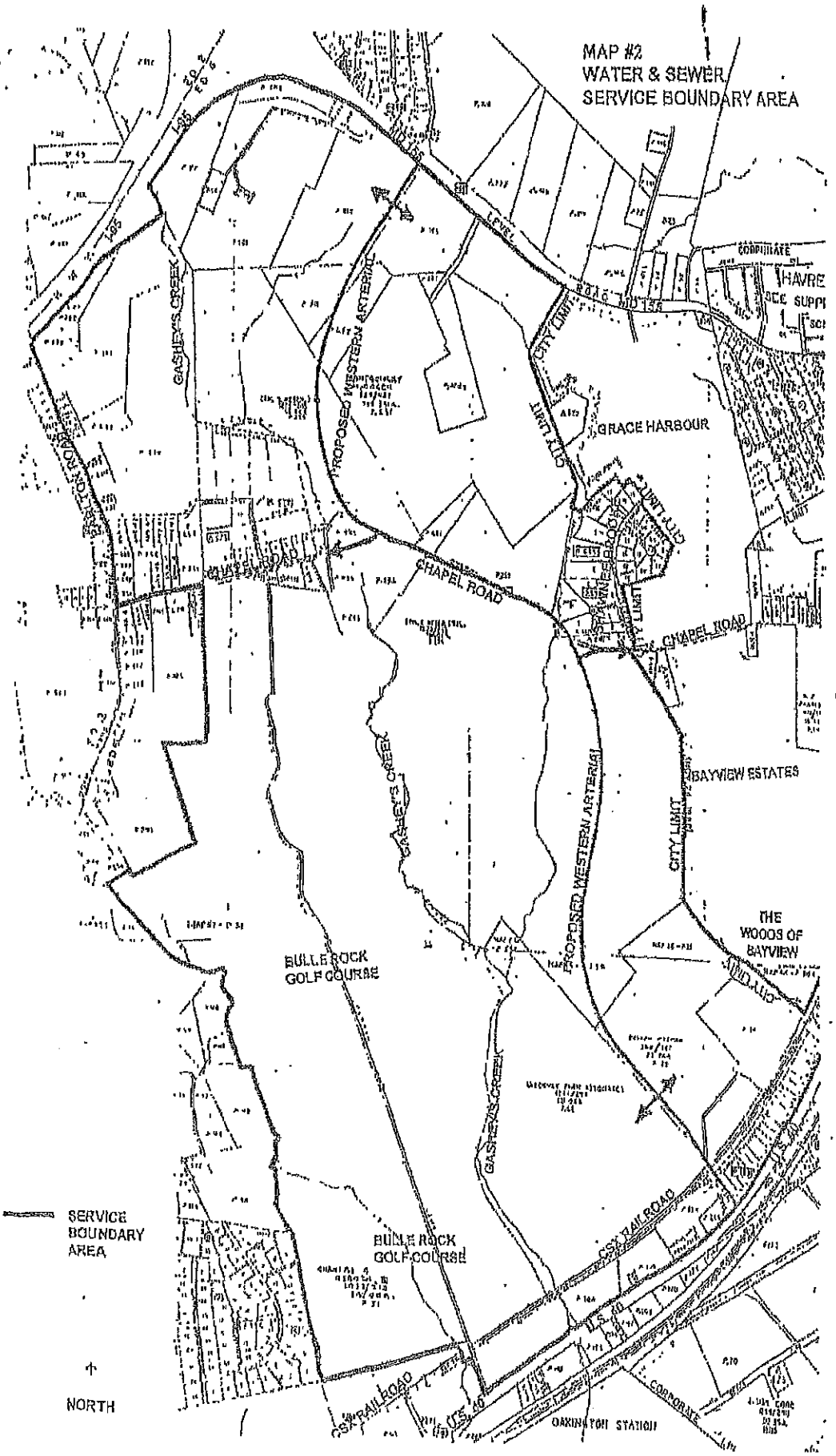
   a. This cost-share program may include the contribution of land, money or a combination of both to accomplish the construction of the western arterial and the upgrading of the necessary water and sewer facilities, such as, but not limited to, main water and sewer plant expansions, new pumping stations or upgrade of existing ones, new storage facilities, and new transmission lines which exceed the necessary capacity for the proposed project to allow for subsequent annexation opportunities beyond the property. These are above the conditions normally established in the City's Public Works Agreement.

   b. Service Boundary Areas

      1) Western Arterial - Gashey's Creek, CSX Railroad, existing City limits and I-95/MD 155 (See attached Map #1).

      2) Water and Sewer - Same as Western Arterial Service Boundary Area plus Bulle Rock golf course, Shawnee Brooke, properties on the west side of Route 40 and development along Chapel and Earlton Roads (See attached Map #2).


MAP #1
WESTERN ARTERIAL
SERVICE BOUNDARY AREA
GASHEY'S CREEK
PROPOSED WESTERN ARTERIAL
CITY LIMIT
GRACE HARBOUR
CHAPEL ROAD
HAVRE
BAYVIEW ESTATES
THE WOODS OF BAYVIEW
BULLE ROCK GOLF COURSE
CSX RAILROAD
U.S. 40
OAKINGTON STATION
CORPORATE LIMIT
SERVICE BOUNDARY AREA
NORTH


MAP #2
WATER & SEWER
SERVICE BOUNDARY AREA
GASHEYS CREEK
PROPOSED WESTERN ARTERIAL
CITY LIMIT
GRACE HARBOUR
CHAPEL ROAD
BAYVIEW ESTATES
THE WOODS OF BAYVIEW
BULLE ROCK GOLF COURSE
CSX RAILROAD
US 40
OAKINGTON STATION
CORPORATE
SERVICE BOUNDARY AREA
NORTH

RESOLUTION NO. 2013-16
AS AMENDED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE PURSUANT TO THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND SECTION 5-204(d) AND CITY CHARTER SECTION 34 AUTHORIZING AN EXTENSION OF THE FRANCHISE AGREEMENT FOR COMCAST.

WHEREAS, Comcast sought the use of the City's rights of way to conduct its business within the City; and

WHEREAS, the parties entered into a Franchise Agreement dated September 22, 1998 for a term of fifteen (15) years to allow for such use; and

WHEREAS, the City Code Chapter 38 permits a franchise fee of 3% to be charged to Comcast by the City; and

WHEREAS, the parties' agreement requires a public hearing before the term can be extended by another agreement.

NOW THEREFORE be it resolved, decided and determined that:

1. The Mayor is authorized to sign a First Amendment to Franchise Agreement in substantial form to the agreement attached hereto as Exhibit A.

Witness/Attest:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

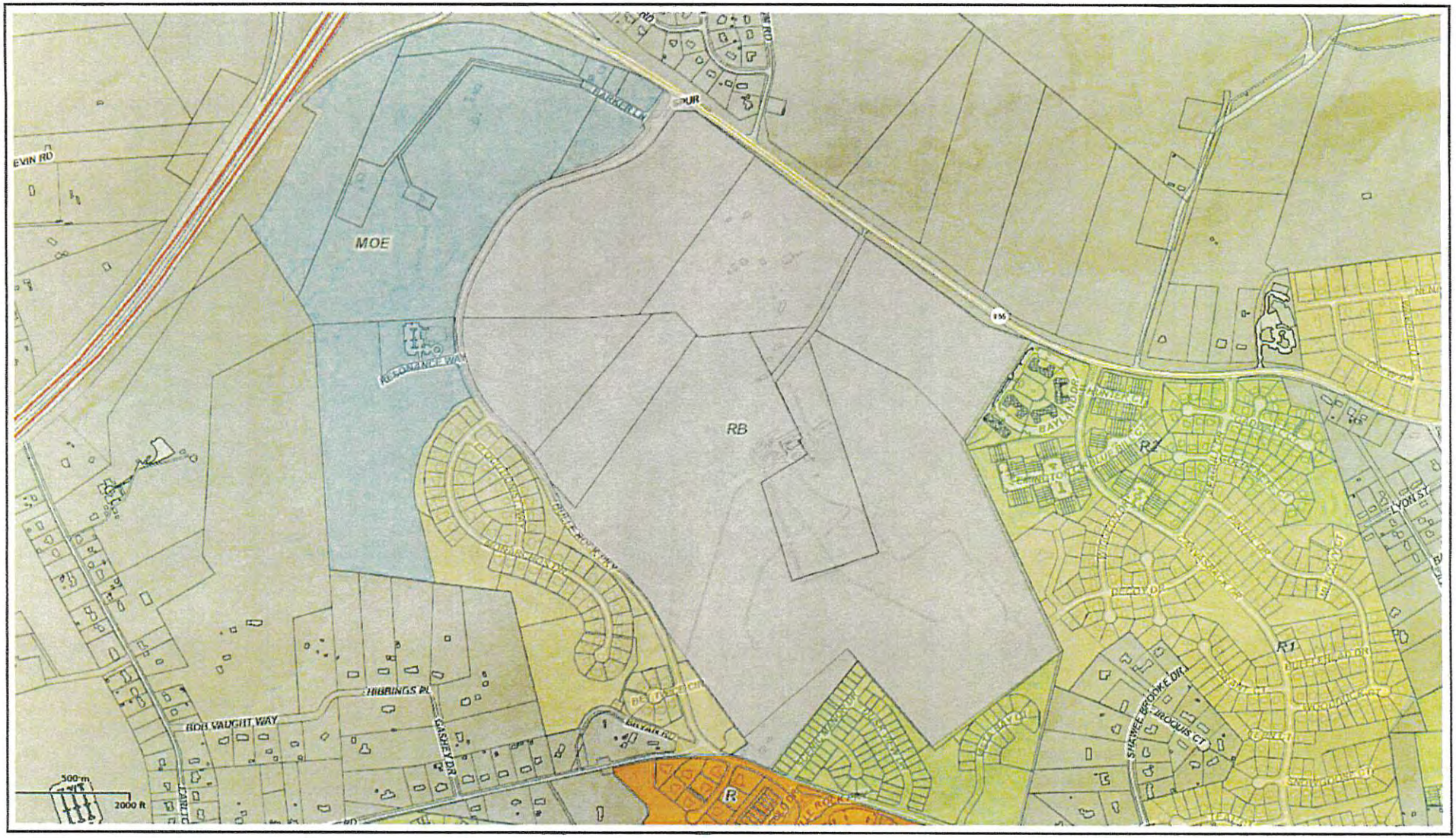
Patrick Sypolt, Interim
Director Administration

Wayne H. Dougherty, Mayor

Public Hearing : November 18, 2013

Date Enacted: December 3, 2013

12/3
waiting on
signed agreement
per Patrick.
~~add~~ attach to
Resolution.



Zoning Map

ATTACHMENT 3

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Printed: Jun 03, 2020

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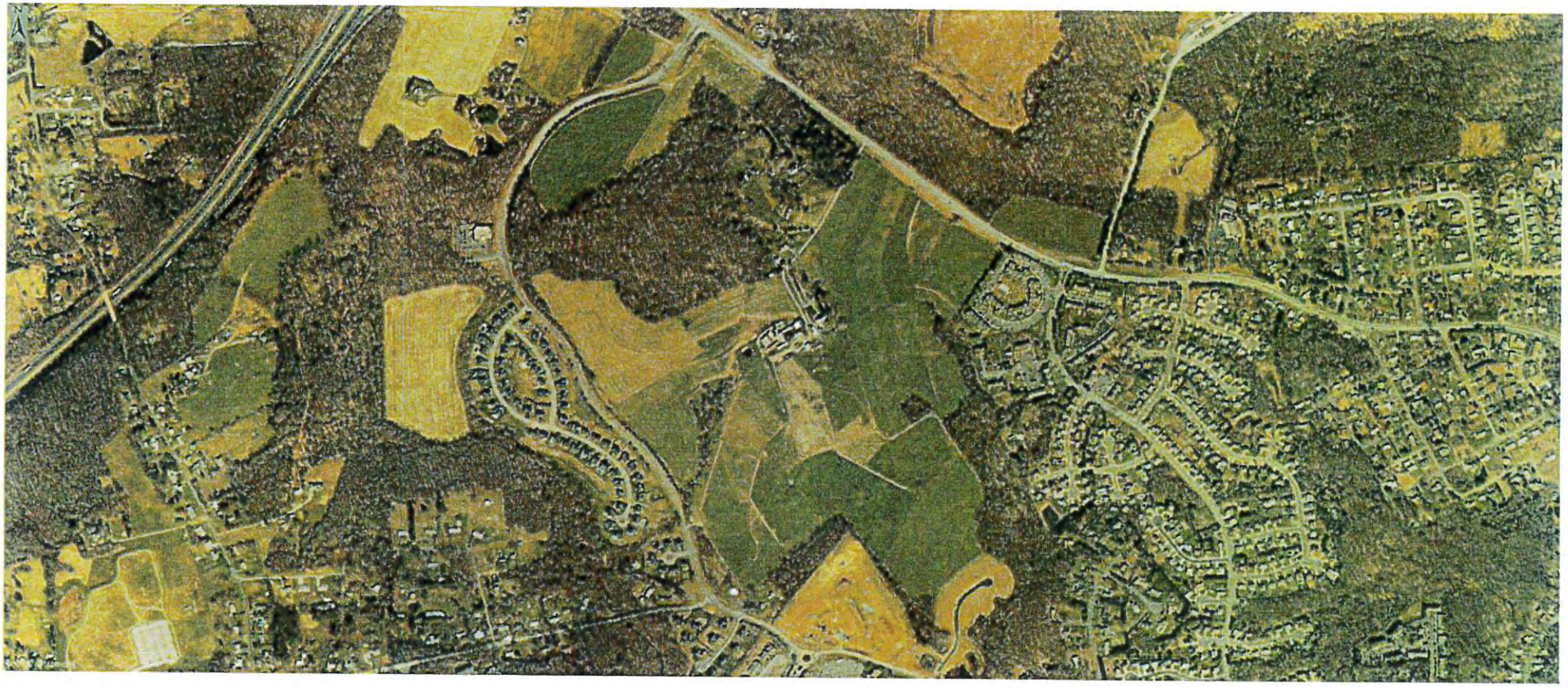
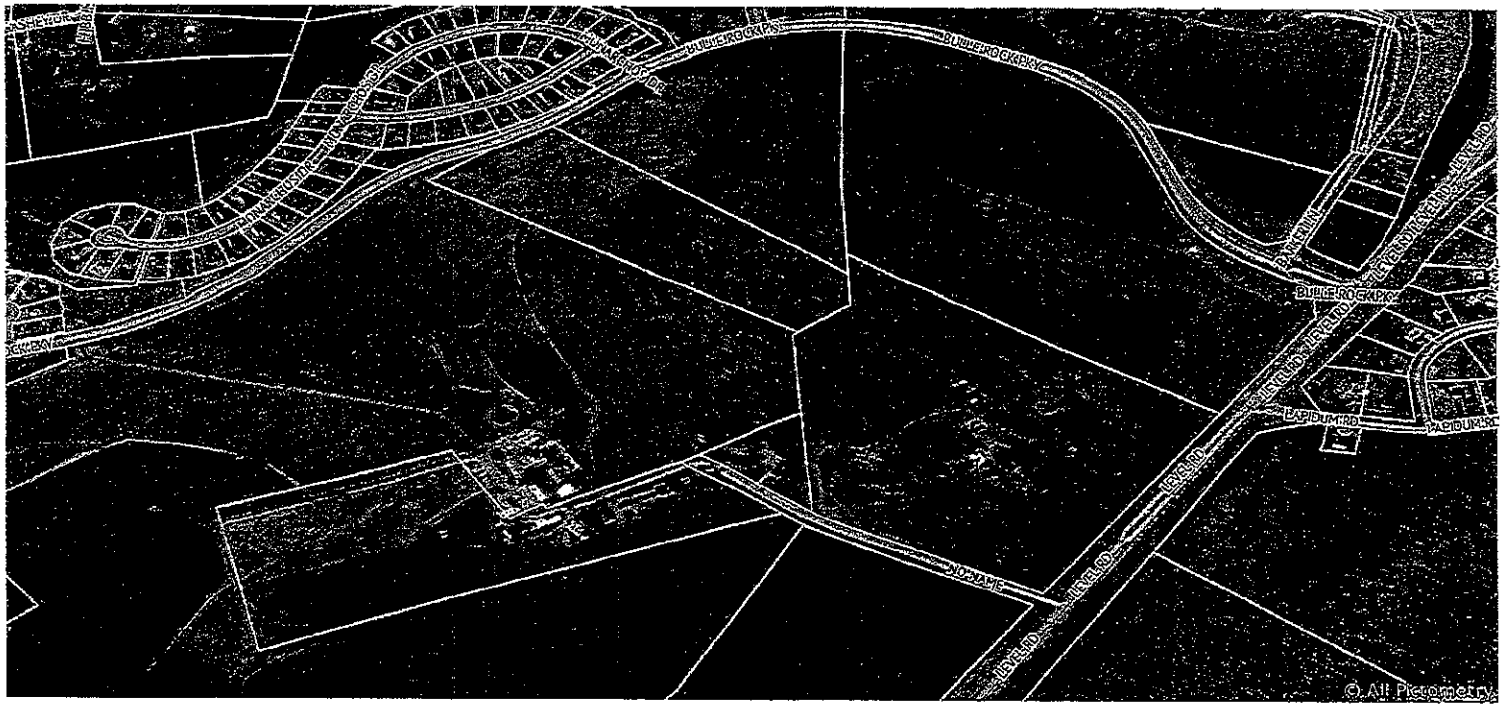
Attachment 4A- Green Property



03/12/2017 - 05/03/2017

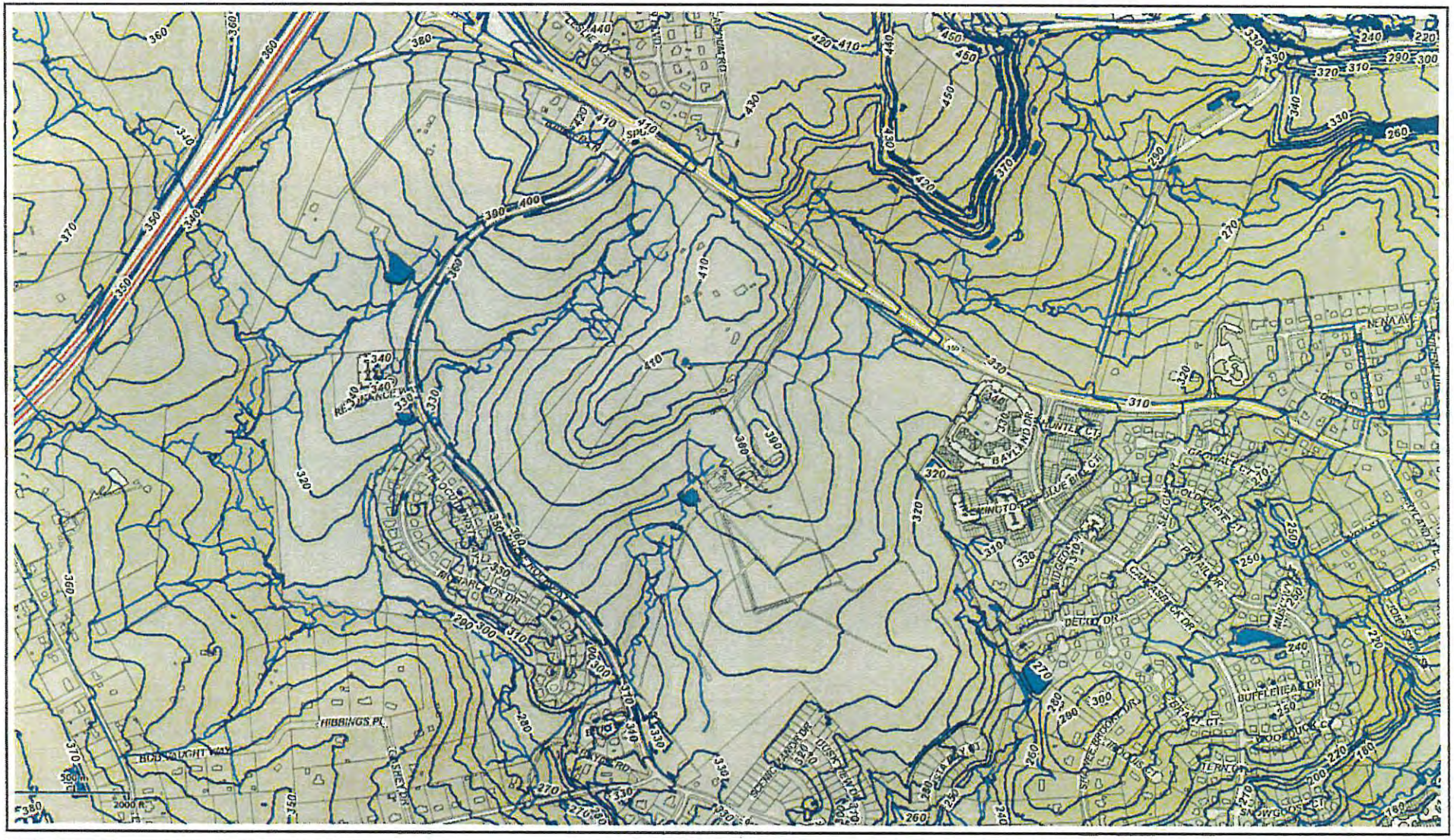
Attachment 4B - Green Property



03/23/2017

Attachment 4C - Green Property

04/16/2017



Green Property

Topography Map

Printed: Jun 03, 2020

Copyright 2012, Harford County Government

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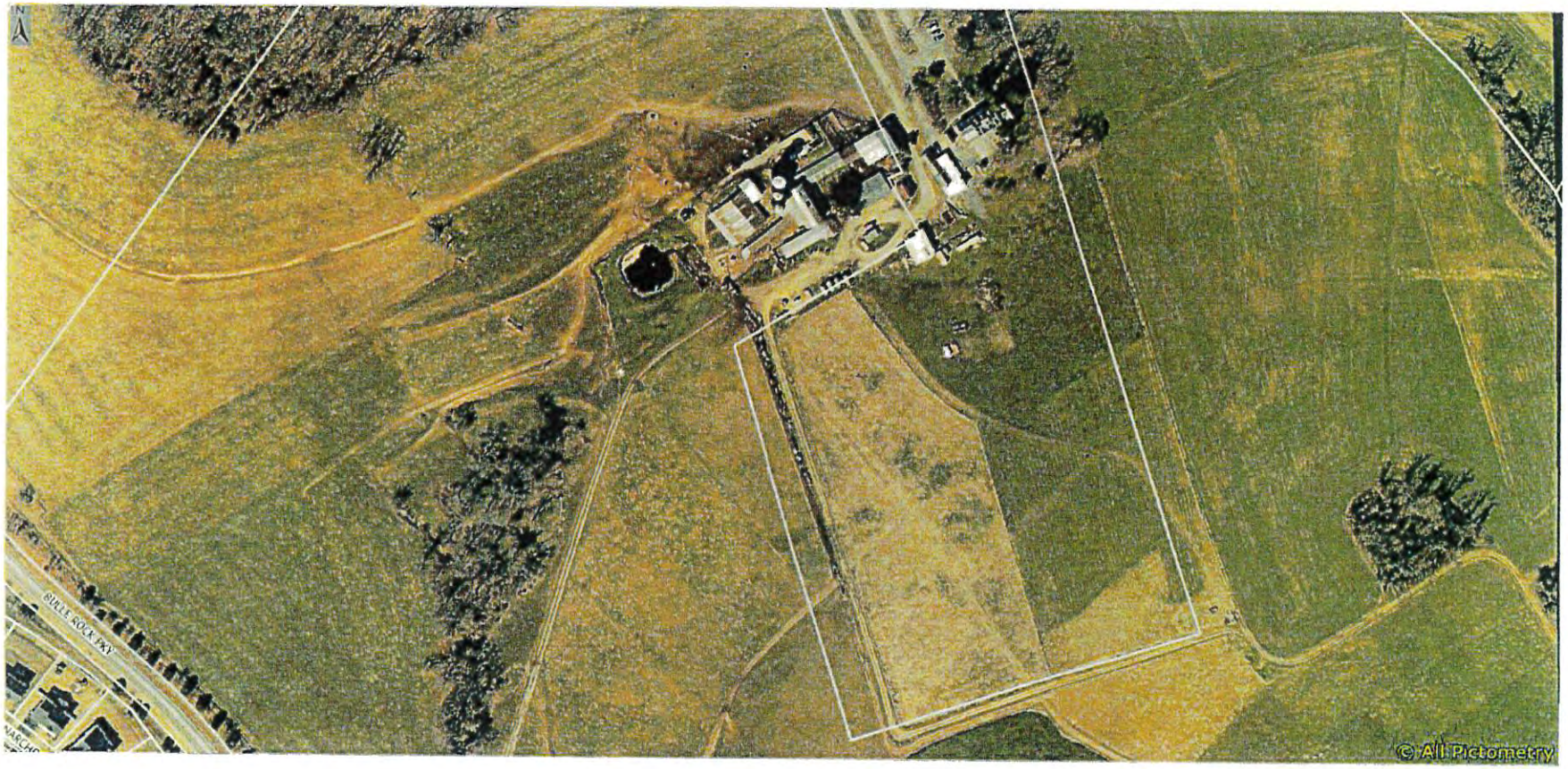
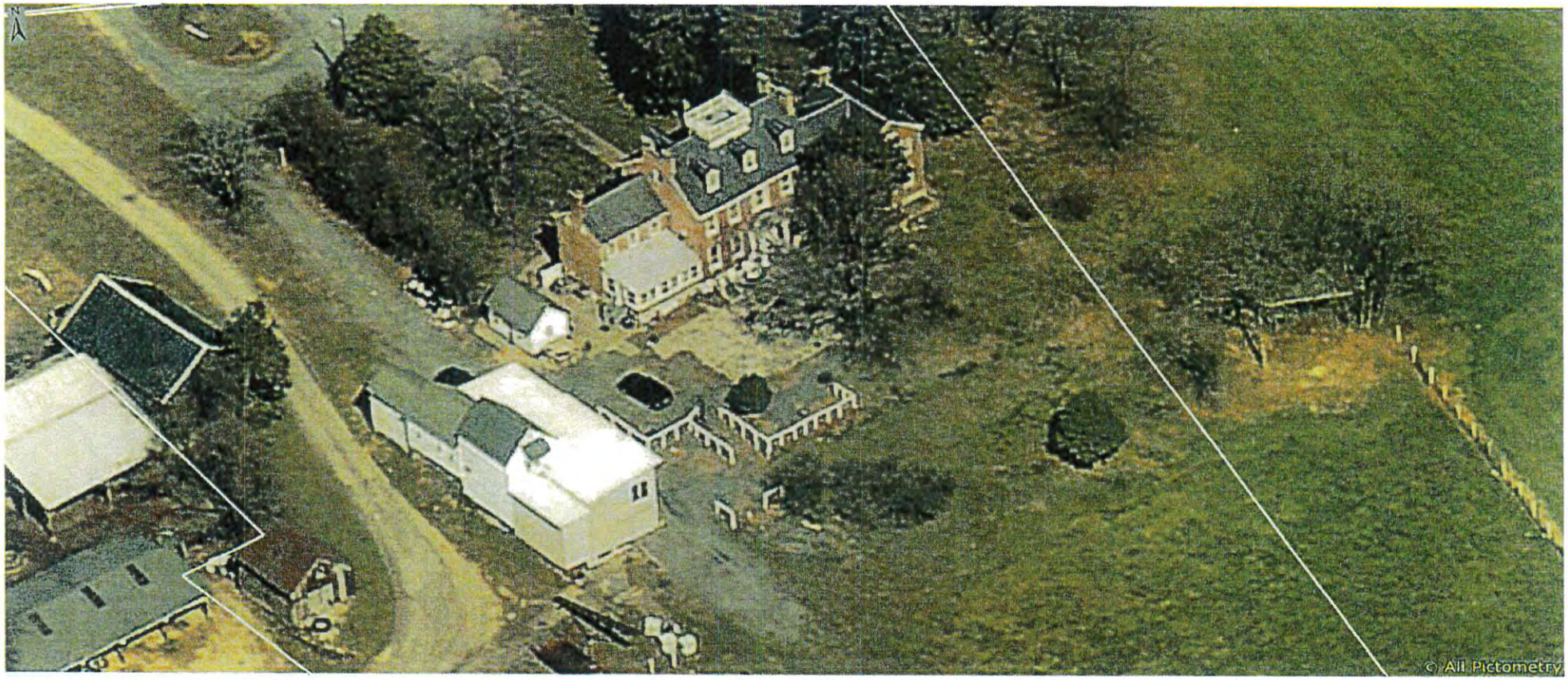
ATTACHMENT 5

Attachment 6A - Ianniello Property

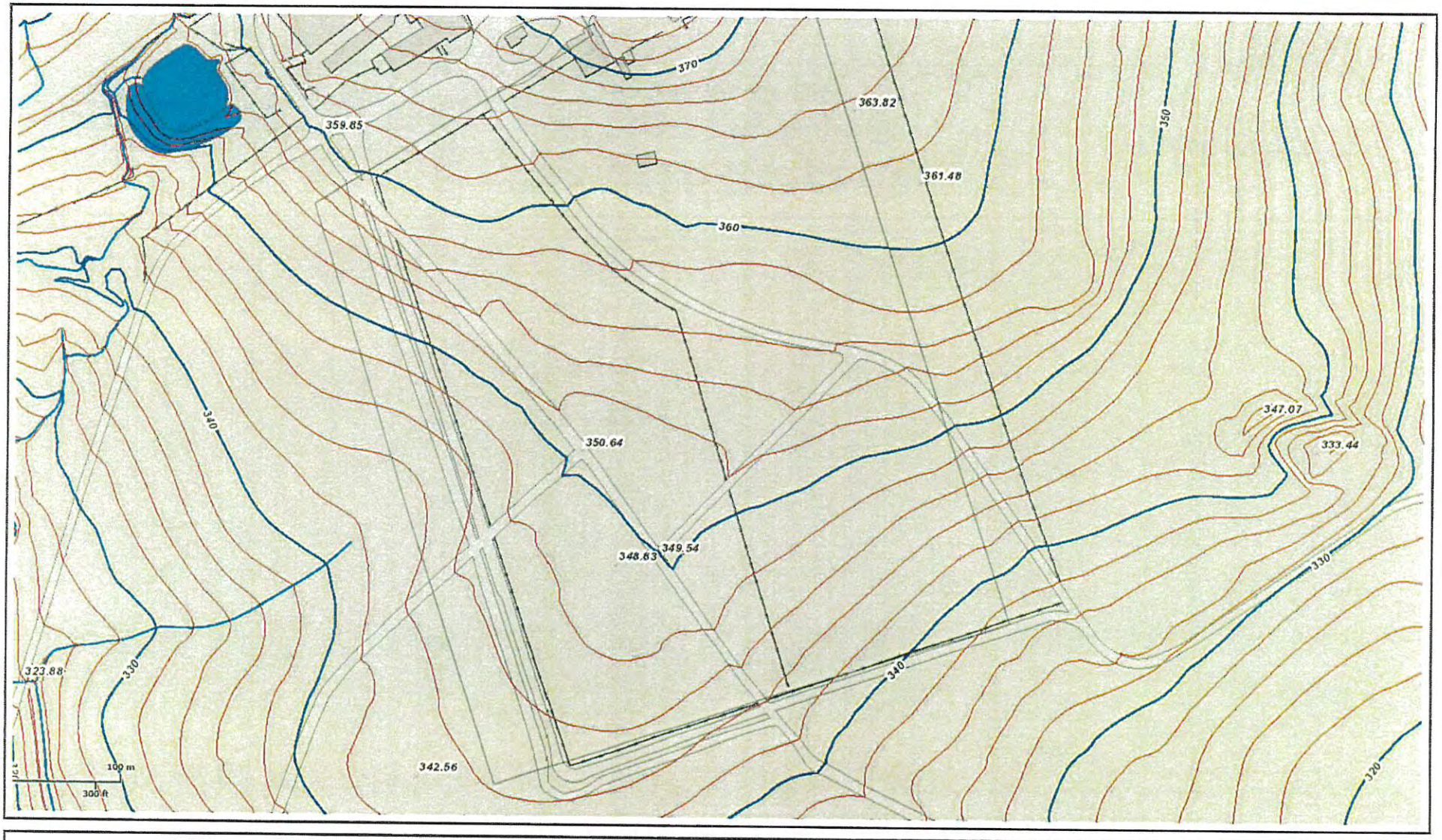


03/23/2017

Attachment 6B - Ianniello Property



03/13/2017



Ianniello Property

Topography Map A

Printed: Jun 03, 2020

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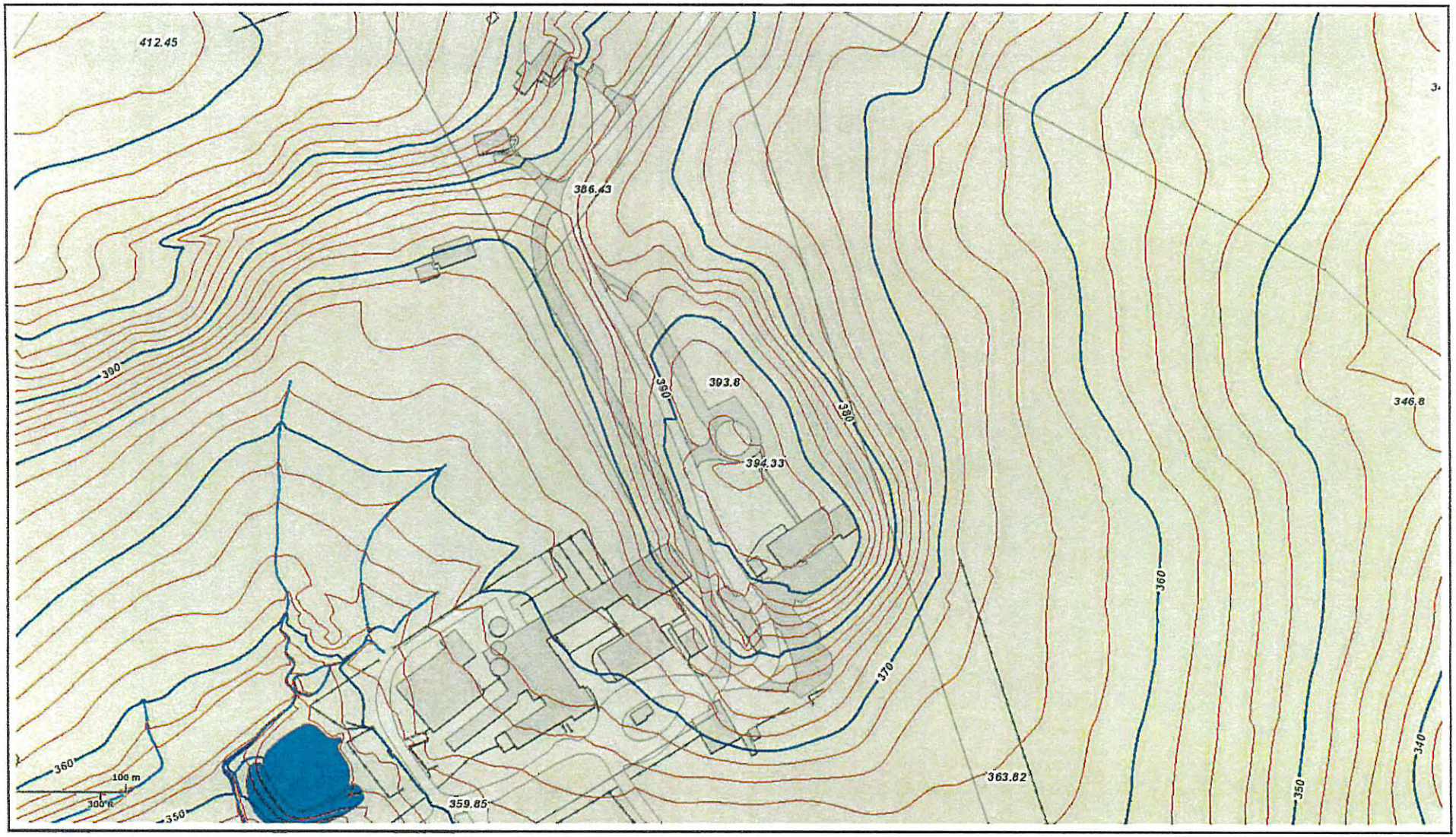
Copyright 2012, Harford County Government



Ianniello Property

Topography Map B

Printed: Jun 03, 2020

ATTACHMENT 7

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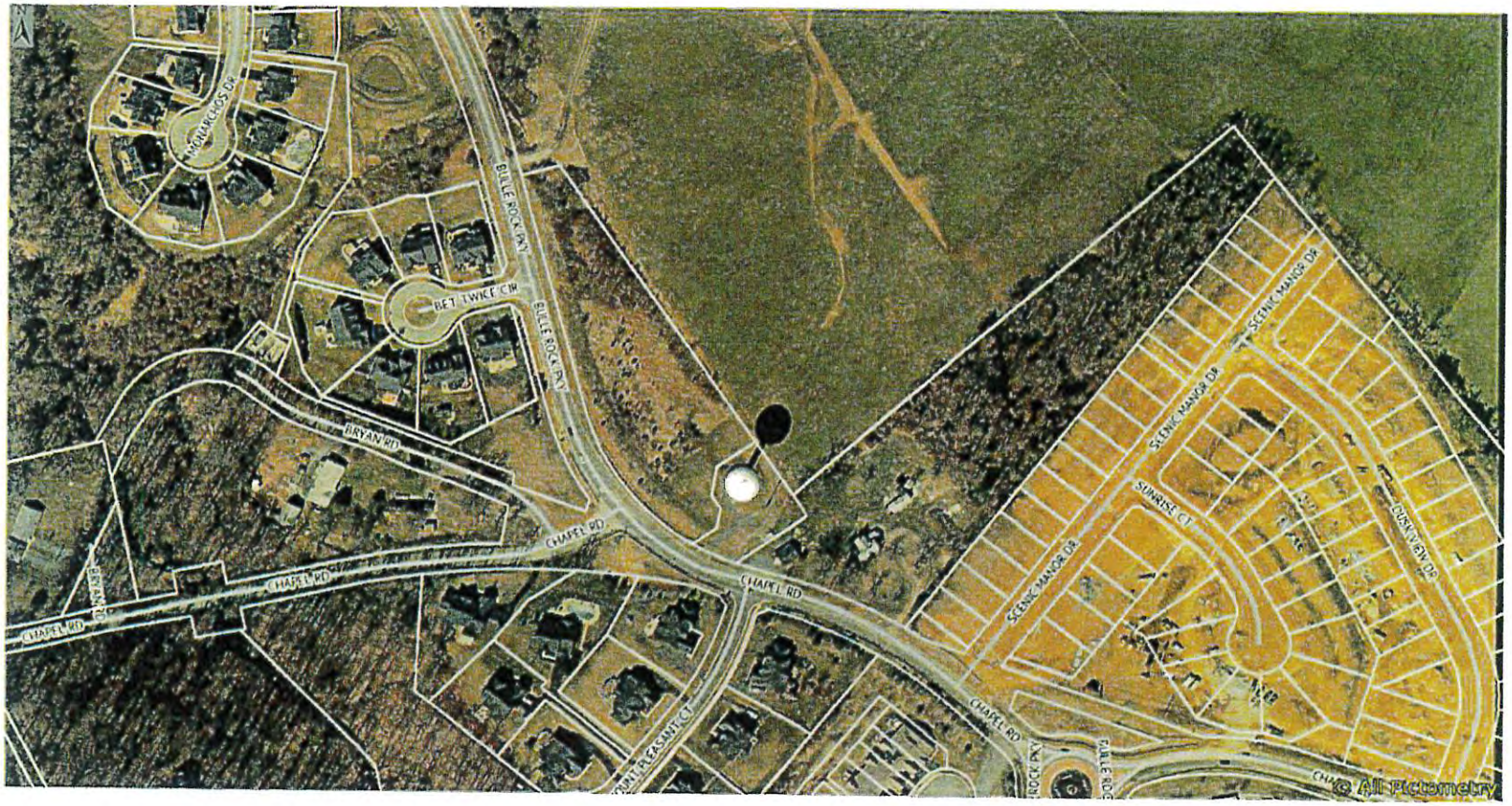
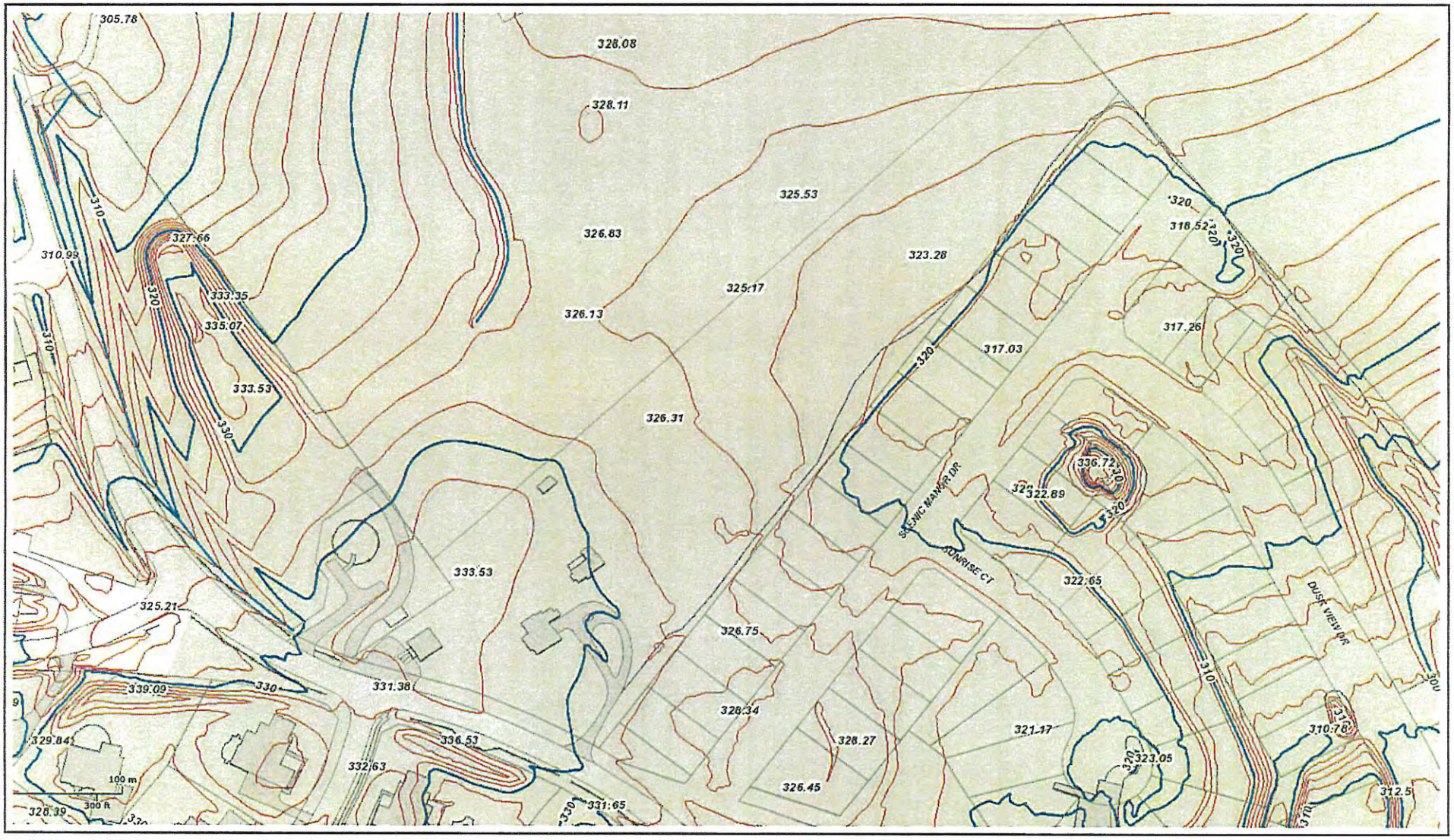
Attachment 8A - Patrone Property



03/23/2017

Attachment 8B - Patrone Property

03/13/2017



Patrone Property

Topography Map

Printed: Jun 03, 2020

ATTACHMENT 9

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ATTACHMENT 10

HISTORIC CONTEXT & PRESERVATION:

From the Comprehensive Plan, Chapter 3, The Plan narrative description:

"Sion Hill is a National Register Historic Landmark, which is the highest recognition that can be applied to any historic structure in the United States. The significance of this structure does not hinge only on the time period in which it was built and its architectural elements, but the significance of the family who inhabited it and their relationship to Revolutionary History, the War of 1812, and later military history. Maintaining the grounds around Sion Hill and Mount Felix (which is the structure that is located on the rise in the middle of the farm fields, and is also historically significant) is important in terms of preserving the context of these structures and the visual beauty of this entrance into the City. Future use as passive or active open space of the grounds is desired, with a careful preservation of historic structures."

Copies of the Land Use Plan and Comprehensive Plan Areas map are attached to this report (Attachments 3 & 4).

Sion Hill, HA-525
National Register; Historic American Building Survey; National Historic Landmark

Sion Hill is an inherently important for the City of Havre de Grace and our collective national history in that it was the home of Commodore John Rodgers, Naval hero of The War of 1812. His significance in building the nation's young Navy – from early wars with the Barbary Pirates through The War of 1812 and up to his time as the head of the then-created Board of Naval Commissioners in 1815 – cannot be overstated, where he was a critical player on a national stage for developing a solid, organized Navy. During the war, he was instrumental in the defense of Baltimore and following it, according to architectural historian Christopher Weeks,

> Rodgers used this post to establish naval hospitals in Philadelphia, Norfolk, Boston, New Your, and Pensacola, to organize the Depot of Charts and Instruments (which evolved into the Naval Observatory) and, possibly remembering his own on-the-job training, to pressure Congress to fund a professionally staffed naval academy at Annapolis.

He was the first of four generations of a Navy dynasty, and six vessels have been so-named for John Rodgers or subsequent family members. All were instrumental within their respective generation in making their own enduring marks in military and national history.

In addition to its importance as the home of Commodore Rodgers, this building is also representative of the broader historical development of Havre de Grace as an emerging town on the banks of the Susquehanna River immediately following the Revolutionary War. At the time that it was built in 1787, Havre de Grace was a newly laid-out town of two hundred acres during an exciting period of speculation and investment. Initially constructed by the Rev. John Ireland as a boy's seminary school for classical education, it was purchased by New England merchant Gideon Denison in 1795, who bought it and 1,800 acres around Havre de Grace in order to capitalize on its location in an era of canal planning and anticipated deep-water port access. This building directly reflects the era of speculation and optimism that took hold in this region as the young nation moved beyond the confines of the colonial era into a time of growth and mercantilism. It is through marriage to Denison's daughter, Minerva, that John

Rodgers comes to ownership and subsequent generations of the Rodgers' association with this substantial residence.

Detailed history of this structure can be found at:

https://mht.maryland.gov/secure/medusa/PDF/Harford/HA-525.pdf

An Architectural History of Harford County, Maryland, pp. 57-82. Christopher Weeks. 1996. The Johns Hopkins University Press.

[Two-story brick tenant house is c. 1790.]

ATTACHMENT 11

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

May 21, 2020

TO: Shane P. Grimm, AICP
Director of Planning

FROM: Volney Ford
Chair of Planning Commission

Re: Green-Ianniello-Patrone
Single Concept Plan
Recommendations to Mayor and City Council

At a public work session on May 19, 2020, the Planning Commission reviewed the Single Concept Plan that was submitted for the Green-Ianniello-Patrone in accordance with the requirements of Annexation Resolution No. 277. Mr. Grimm, Director of Planning, provided the Commission with information on the annexation and zoning history of the subject properties, the approval process, and addressed concerns from residents of the adjacent Scenic Manor community. Mr. Grimm also answered questions from the Commission. In addition, the Commission heard from the property owners and their representatives, and the Commission asked questions about their respective development projects. After hearing from Mr. Grimm and the property owners and representatives, the Commission discussed recommendations to be included with the Department of Planning's Staff Report that will be forwarded to the Mayor and City Council. The following recommendations were made by the Commission:

1. Alternative locations for the required connection of the Lower Susquehanna Heritage Greenway trail from MD Route 155 to Chapel Road should be considered. The Commission recommends that a portion of the trail be located adjacent to the Maryland Environmental Trust (MET) easement on the Ianniello Property before traversing the Green Property to connect at a point along Chapel Road.

2. The Commission recommends that the area labeled as "To Be Determined" be modified by making the tributary stream the boundary between residential and commercial uses.

3. The Commission recommends that the extension of Scenic Manor Drive be designed in a manner that discourages cut-through traffic from the proposed development, and encourages the use of other points of access proposed along Bulle Rock Parkway.

4. The Commission recommends that the future developer of the Patrone property retain the maximum amount of vegetation possible to create an undisturbed buffer from the proposed development and the existing homes along the west side of Scenic Manor Drive.

5. The Commission recommends that the condition of Annexation Resolution relating to the distribution of uses, with no more than 2/3 of the property devoted to any one use, not be removed or modified.

AC ISHAK LAW LLC

APRIL C. ISHAK, ATTORNEY AT LAW
224 NORTH WASHINGTON STREET
HAVRE DE GRACE, MD 21078

ADMITTED IN MD AND DE
833-ACISHAK OR 833-224-7425
APRIL@ISHAKLAW.COM

December 6, 2018

Peter Ianniello
2000 Level Road
Havre de Grace, MD 21078

Jonathan Green
1516 Berwick Road
Towson, MD 21204

RE: Open Space Requirements for Green/Ianniello/Patrone Properties

Dear Peter and Jonathan:

This letter is a follow up to your prior meeting with the City Council's Administrative Committee and a formal response to inquiries regarding the open space requirements of the above annexed properties.

Under Annexation Resolution 277 (As Amended) ("Resolution 277") at page 4, the development of the annexed Ianniello/Patrone/Green properties requires that prior to the submission of a site plan, a single concept plan is submitted showing "proposed uses with not less than one quarter of the Property used for open space . . ." The "Property" refers to the First 2014 addition to the City boundaries as set forth in Exhibit A to Resolution 277 and is described as 244.372 acres of land belonging to Ianniello, Patrone and Green, which includes the Green parcels subject to the Maryland Environmental Trust easement ("MET Easement"). Thus, under a plain reading of Resolution 277, the MET Easement parcels can be counted toward the open space requirement for the entire 244.372-acre property under Resolution 277.

Please let me know if you have any questions.

Very truly yours,

April C. Ishak

/aci

Cc: William T. Martin, Mayor
Patrick D. Sypolt, Director of Administration
Stephen Gamatoria, Chief of Staff
Teresa Gardner, Director of Department of Public Works
Shane Grimm, Deputy Director of Planning

ATTACHMENT 12

CITY COUNCIL

OF

HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2020-_____

Introduced by Council Member Ringsaker

A RESOLUTION BY THE 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 SECTION 4-405, AND CITY CHARTER SECTION 34 ADOPTING AN ANNEXATION PLAN FOR THE LANDS OF 1748 PULASKI HIGHWAY CONSISTING OF TWO PARCELS FOR A TOTAL OF 1.5688 ACRES MORE OR LESS

WHEREAS, the Mayor and City Council of Havre de Grace seek to annex certain property known as 1748 Pulaski Highway/Route 40 and adopt this Annexation Plan in furtherance of a proposed Charter Resolution for Annexation; and

WHEREAS, the property consists of two parcels owned by Havre de Grace Mini Storage LLC, which parcels are contiguous and are located on the east side of Pulaski Highway south of the Stack and Store mini storage facility, situate and lying in the Sixth Election District of Harford County, Maryland as set forth more fully below (collectively, the annexed areas are referred here as the "Property"); and.

WHEREAS, the Property is reflected on the attached plat marked Exhibit A and said properties sit on the east side of Pulaski Highway, Route 40, adjacent to the Stack and Store mini storage parcel and west of the Amtrak right of way, which is within the municipal limits of the City of Havre de Grace ("City"); and

WHEREAS, the annexation is consistent with the City's Comprehensive Plan, and specifically the Municipal Growth Element and expansion along Route 40;

NOW THEREFORE, the Mayor and City Council adopt the following Annexation Plan for the Property:

1. THE ANNEXATION PLAN FOR THE LANDS OF 1748 PULASKI HIGHWAY CONSISTIN OF TWO PARCELS LOCATED EAST OF PULASKI HIGHWAY, IN THE SIXTH ELECTION DISTRICT WITH TAX ID NUMBERS 06-006078 (1.2539

ACRES), 06-045057 (0.3190 ACRES), CONSISTING OF A TOTAL OF 1.5688 ACRES MORE OR LESS.

2. Introduction. The Property proposed to be annexed in this Plan are situated along Pulaski Highway (Route 40) at the eastern side of south of the Stack and Store mini storage facility. For identification purposes, the Property being annexed consists of two separate parcels known as 1748 Pulaski Highway, with the total acreage being 1.5688 acres, more or less. The entire area to be annexed is reflected on Exhibit A, acquired by the owners by virtue of and more particularly described in, the following:

   PARCEL 1: 1748 Pulaski Highway, Tax Map 52, Parcel #203, Account ID No. 06-006078, and described in a Deed dated November 16, 2018 and recorded among the Land Records of Harford County, Maryland, in Liber 13073, folio 00241, from Bayside Homes Ltd. to Havre de Grace Mini Storage LLC, consisting of 1.2539 acres more or less.

   PARCEL 2: Designated as Lot 0.3188 acres, Tax Map 52, Parcel 203, Account ID No. 06-045057, and described in a Deed dated November 16, 2018 and recorded among the Land Records of Harford County in Liber 13073, folio 241, from Bayside Homes Ltd. To Havre de Grace Mini Storage LLC, consisting of 0.03188 acres more or less.

3. Current Conditions. Currently there are no homes located on the Property and no resident voters. The Property is not currently serviced with City water or sewer.

4. Current Zoning. The Property is currently zoned CI/Commercial Industrial district on the official zoning maps of Harford County.

5. Future Proposed Use. Major change is proposed for as the developer has indicated an interest in constructing an addition to the Stack and Store mini storage located on the adjacent parcel. The specific proposed use may change and is not finalized.

6. Proposed Zoning. Proposed zoning for the Property will be C/Commercial. Amendment to the City's zoning code will not be required for the proposed use. The proposed zoning is also consistent with the Comprehensive Plan for the City of Havre de Grace.

7. Public Facilities. There is currently no requirement that the land subject to this Annexation Plan be set aside for a school site, water or sewer treatment facilities, libraries, recreation, or fire, EMS or police departments, except for a construction of a water line from the City's water line to the subject property at the property owner's expense that will serve the proposed development project. The current annexation shall be reviewed for anticipated infrastructure needs. As for water and sewer capacity, the City estimates that it currently has the water and sewer capacity for the property.

However, infrastructure improvements for water pressure and volume of delivery may be required. Until the site plan is approved, water and sewer capacity remain uncommitted and not guaranteed. Sewer lines must be extended to the property, and any recorded recoupments will need to be collected. If there are any required infrastructure improvements, including but not limited to water and sewer capacity or distribution, they shall all be paid for by the owner/developers of the property along with required bonding for performance and maintenance. The owners/developers of the Property shall be charged the standard capital cost recovery charges, user benefit fees and all other fees and charges associated with connection to the City's water and sewer systems. Water and Sewer service rates shall be charged at the generally applicable rates and pursuant to the conditions generally applied by the City. The Property may be subject to recoupment agreements for water and sewer as may be authorized by the Annexation Resolution, Annexation Agreement, or Public Works Agreement, or separate agreements for capital cost recoupment that are recorded among the Land Record for Harford County.

8. Trash Removal. The Property will be serviced by a private trash removal provider.

9. Fire Protection. Fire protection shall continue to be provided to the Property by the Susquehanna Hose Company, Inc. pursuant to conditions applicable to the other properties within the corporate boundaries of the City.

10. Schools – Library – Recreation. The scope of the development on the Property is limited in size and will not include a residential component. As such, no recreation element is required, and no additional school or library expansions will be needed as a result of the proposed development.

11. Real Property Taxes. The Property shall be taxed by the City at generally applicable rates. If the land is potentially subject to an abatement request due to an enterprise zone designation and/or extensive recoupment fees, and if a request for an abatement is made, the City acknowledges that it would consider such a request in accordance with applicable law so long as the terms of this Annexation Plan have otherwise been complied with by the owners and developers.

12. EMS. EMS protection shall be provided to the Property by the Havre de Grace Ambulance Corps, Inc. pursuant to the conditions applicable to other properties within the corporate boundaries of the City of Havre de Grace.

13. Police. Police protection shall be provided to the Property by the Havre de Grace Police Department pursuant to the conditions to other properties within the corporate boundaries of the City of Havre de Grace.

14. Timing of Municipal Services. Municipal services shall be provided at the time of construction/development of the Property and prior to the issuance of any new use and occupancy permit.

15. Annexation Agreement. The City and the owners/developers of the Property agree to enter into an Annexation Agreement and/or Public Works Agreements detailing the terms of this Annexation Plan and any other appropriate conditions, if required by the City. The provisions of this Annexation Plan are to be considered minimum requirements and additional requirements or more stringent requirements may be added and addressed in an Annexation Agreement and/or Public Works Agreements.

NOW THEREFORE, it is this 3rd day of August, 2020 determined, decided and resolved by the Mayor and City Council to adopt the Annexation Plan

ATTESTED by the Director of Administration and signed by the Mayor of the City of Havre de Grace, Maryland this ____ day of _____, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

_____

Patrick D. Sypolt
Director of Administration

_____

William T. Martin
Mayor

Introduced: 08/03/2020
Passed/Adopted: 08/03/2020

Effective Date: 08/03/2020

CITY COUNCIL

OF

HAVRE DE GRACE, MARYLAND

ANNEXATION RESOLUTION NO._____

Introduced by _____Council Member Ringsaker_____

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 BY RESOLUTION TO AMEND THE CITY CHARTER, SPECIFICALLY APPENDIX A OF THE HAVRE DE GRACE CHARTER BY ADDING "SUBSECTION A.35 THE SECOND 2020 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 1748 PULASKI HIGHWAY CONSISTING OF TWO PARCELS FOR A TOTAL OF 1.5688 ACRES MORE OR LESS

WHEREAS, the land subject to this annexation resolution is eligible for annexation since the land is contiguous and adjoining the existing corporate boundaries of the City, and the annexation will not create an unincorporated area bounded on all sides by: (i) property presently within the corporate limits of the City; (ii) real property proposed to be within the corporate limits of the City as a result of the proposed annexation; or (iii) any combination of such properties; and

WHEREAS, the owners of not less than twenty-five percent (25%) of the assessed value of the real property to be annexed consent to the annexation, and there are no resident voters on the land being annexed and therefore the annexation meets the requirements of Section 4-404 of the Local Government Article of the Annotated Code of Maryland; and

WHEREAS, The Mayor and City Council of Havre de Grace, Maryland have previously adopted an Annexation Plan for the Property subject to this Annexation Resolution pursuant to City of Havre de Grace Resolution No. 2020-__; and

WHEREAS, The Mayor and City Council of Havre de Grace, Maryland have determined that the annexation of the 1.5688 acres of land more or less consisting of two parcels, located at

First Reading

1748 Pulaski Highway as more specifically defined herein ("Property") is in the best interest of the health and welfare of the citizens of Havre de Grace.

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

SECTION 1. The Appendix to the Charter of the Mayor and City Council of Havre de Grace, Maryland is hereby amended to add a new Subsection A.45 The Second 2020 Addition to the City Boundaries to read as set forth in the legal description attached hereto as Exhibit A and incorporated by reference herein. ("Property").

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

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

(b) City water and sewer service shall be provided to the Property hereby annexed at generally applicable rates and pursuant to conditions generally applicable to other City-owned properties within the corporate boundaries of the City of Havre de Grace at such time the Mayor and City Council of Havre de Grace approve development of the Property. The cost to construct any facilities necessary to provide water and sewer service to the Property shall be paid according to the laws, rules, regulations and policies, specifications, standards and approvals (including state and county, if any), existing or required at the time of construction, including any applicable recoupment agreements authorized under the Annexation Resolution, and in accordance with the Annexation Plan adopted under Resolution 2020-__ attached hereto and marked Exhibit B.

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

(d) The terms and conditions of this Resolution are consistent with the Annexation Policy of the Mayor and City Council of Havre de Grace, Maryland established by City Code Section 20 ("Annexation Policy"), a copy of which is attached hereto as Exhibit C.

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

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after the second (2nd) publication thereof and not less than 30 days after the Annexation Plan Resolution 2020-__ is approved, provided to the regional and national planning agencies, and the place within the City of Havre de Grace at which a public hearing shall be held to consider public comment to consider this Resolution. The public hearing may be continued or rescheduled in accordance with the requirements set forth in Local Government Article of the Annotated Code of Maryland. Immediately upon the first publication of the specified public notice, a copy of the public notice and other relevant documents shall be provided to the Harford County Council, the Harford County Executive, the Director of the Harford County Department of Planning and Zoning, the Planning Commission of the City of Havre de Grace, and to any other regional or state planning agency having jurisdiction over the property, including the Executive Director of the Baltimore Metropolitan Council.

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

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

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

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

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

First Reading

Adopted by the City Council and attested the Director of Administration this 3rd day of August, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

_____
Patrick D. Sypolt
Director of Administration

_____
William T. Martin
Mayor

Introduced: 08/03/2020
Public Hearing: [__/__/2020]
Enacted: [__/__/2020]
Adopted/Effective Date (45 days): [__/__/2020]

Attachments:

Exhibit A – Property Description
Exhibit B – Resolution 2020-__ - Annexation Plan
Exhibit C – City Code Section 20 – Annexation Policy

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Exhibit A

Metes and Bounds Description

Tax Account No. 06-006078

BEGINNING for the same at a ½" iron pipe heretofore set on the southeasterly right of way line of U.S. Route 40, Pulaski Highway as shown on State Roads Commission of Maryland Plat No. 1833 at the beginning of that tract or parcel of land conveyed by Nicholas DeBonis and Grace B. DeBonis to Alfred Palumbo and Marie V. Palumbo by a deed dated March 3, 1972 as recorded among the land records of Harford County in Liber HDC 892, folio 609 and by a Confirmatory Deed dated April 29, 1972 as recorded among the land records of Harford County in Liber HDC 899, folio 24. Said point of beginning also bears coordinates, referenced to the Maryland Coordinate System (NAD83/2011) of North 680768.3727 and East 1560279.7719. Thence from the point of beginning, binding on the first course of said conveyance unto Palumbo and on the southeasterly right of way line of U.S. Route 40, as now surveyed,

1) North 57°00'53" East 199.95 feet to a ¼" iron pipe heretofore set. Thence, leaving U.S. Route 40 and binding on the second course of said conveyance unto Palumbo,

2) South 33°00'56" East, passing over a tall ½" pipe heretofore set in a stream at 267.94 feet and continuing, for a total distance of 268.19 feet to intersect the fifth or radius 8469.42 feet, distance 2785 feet course of that parcel or strip of land conveyed by the Manor Real Estate and Trust Company to the Philadelphia Baltimore and Washington Railroad Company by a deed dated January 19, 1911 as recorded among the land records of Harford County in Liber JAR 132, folio 212. Thence, binding thereon,

3) by a curve to the right, non-tangent to the previous course, in a southwesterly direction, of radius 8469.42 feet, and passing over a ¼" iron pipe heretofore set at the end of the seventh or South 53°07' West 265.60 feet chord of the curved tenth course of that tract or parcel of land conveyed by Philadelphia Baltimore and Washington Railroad Company to Isidore Samuelson by a deed dated May 3, 1962 as recorded among the land records of Harford County in Liber GRG 594, folio 07 at an arc length of 29.31 feet and continuing, for a total arc length of 200.30 feet and, subtended by a chord; South 54°26'56" West 200.29 feet. Thence, leaving the outline of the conveyance unto the Philadelphia Baltimore and Washington Railroad recorded in Liber JAR 132, folio 212 and binding reversely on the second or South 32°53' East 276.69 feet line of that tract or parcel of land conveyed by Nicholas DeBonis and Grace B. DeBonis to Alfred Palumbo and Marie V. Palumbo by a deed dated March 15, 1971 as recorded among the land records of Harford County in Liber HDC 868, folio 610,

4) North 32°59'07" West 277.15 feet to the point of beginning hereof.

CONTAINING 54620 square feet (1.2539 acre) of land, more or less.

BEING the same lot or parcel of land which by a Deed dated June 2, 1989 and recorded among the Land Records of Harford County, Maryland in Liber C.G.H. No. 1554, folio 43 was granted and conveyed by Alfred Palumbo and Marie V. Palumbo, his wife, to Bayside Homes, Ltd., a Maryland corporation, the Grantor herein, in fee simple.

177604.DOC

Tax Account No. 06-045057

BEGINNING for the same at a ½" iron pipe heretofore set on the southeasterly right of way line of U.S. Route 40, Pulaski Highway as shown on State Roads Commission of Maryland Plat No. 1833 at the beginning of the second or South 32°53' East 276.69 feet line of that tract or parcel of land conveyed by Nicholas DeBonis and Grace B. DeBonis to Alfred Palumbo and Marie V. Palumbo by a deed dated March 15, 1971 as recorded among the land records of Harford County in Liber HDC 868, folio 610 and also the beginning of that tract or parcel of land conveyed by Alfred Palumbo and Marie V. Palumbo to Bayside Homes, LTD by a deed dated October 11, 1989 as recorded among the land records of Harford County in Liber CGH 1589, folio 716. Said point of beginning also bears coordinates, referenced to the Maryland Coordinate System (NAD83/2011) of North 680768.3727 and East 1560279.7719. Thence from the point of beginning, binding on said second course of the conveyance unto Palumbo and on the first course of the conveyance unto Bayside Homes, LTD, as now surveyed,

1) South 32°59'07" East 277.15 feet to intersect the fifth or radius 8469.42 feet, distance 2785 feet course of that parcel or strip of land conveyed by the Manor Real Estate and Trust Company to the Philadelphia Baltimore and Washington Railroad Company by a deed dated January 19, 1911 as recorded among the land records of Harford County in Liber JAR 132, folio 212. Thence, binding thereon,

2) by a curve to the right, non-tangent to the previous course, in a southwesterly direction, of radius 8469.42 feet, an arc length of 50.02 feet and, subtended by a chord; South 55°17'44" West 50.02 feet. Thence, Thence, leaving the outline of the conveyance unto the Philadelphia Baltimore and Washington Railroad recorded in Liber JAR 132, folio 212 and binding on the third or North 32°53'00" West 278.79 feet course of the aforesaid conveyance unto Bayside Homes, LTD recorded in Liber CGH 1589, folio 716,

3) North 32°59'07" West 278.66 feet to intersect the aforesaid southwesterly right of way line of U.S. Route 40. Thence, binding on said right of way line,

4) North 57°00'53" East 50.00 feet to the point of beginning hereof.

CONTAINING 13896 square feet (0.3190 acre) of land, more or less.

BEING the same lot or parcel of land which by a Deed dated October 11, 1989 and recorded among the Land Records of Harford County, Maryland in Liber C.G.H. No. 1589, folio 716 was granted and conveyed by Alfred Palumbo and Marie V. Palumbo, his wife, to Bayside Homes, Ltd., a Maryland corporation, the Grantor herein, in fee simple.

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Exhibit B

CITY COUNCIL

OF

HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2020-_____

Introduced by _____

A RESOLUTION BY THE 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 SECTION 4-405, AND CITY CHARTER SECTION 34 ADOPTING AN ANNEXATION PLAN FOR THE LANDS OF 1748 PULASKI HIGHWAY CONSISTING OF TWO PARCELS FOR A TOTAL OF 1.5688 ACRES MORE OR LESS

WHEREAS, the Mayor and City Council of Havre de Grace seek to annex certain property known as 1748 Pulaski Highway/Route 40 and adopt this Annexation Plan in furtherance of a proposed Charter Resolution for Annexation; and

WHEREAS, the property consists of two parcels owned by Havre de Grace Mini Storage LLC, which parcels are contiguous and are located on the east side of Pulaski Highway south of the Stack and Store mini storage facility, situate and lying in the Sixth Election District of Harford County, Maryland as set forth more fully below (collectively, the annexed areas are referred here as the "Property"); and

WHEREAS, the Property is reflected on the attached plat marked Exhibit A and said properties sit on the east side of Pulaski Highway, Route 40, adjacent to the Stack and Store mini storage parcel and west of the Amtrak right of way, which is within the municipal limits of the City of Havre de Grace ("City"); and

WHEREAS, the annexation is consistent with the City's Comprehensive Plan, and specifically the Municipal Growth Element and expansion along Route 40;

NOW THEREFORE, the Mayor and City Council adopt the following Annexation Plan for the Property:

1. THE ANNEXATION PLAN FOR THE LANDS OF 1748 PULASKI HIGHWAY CONSISTIN OF TWO PARCELS LOCATED EAST OF PULASKI HIGHWAY, IN THE SIXTH ELECTION DISTRICT WITH TAX ID NUMBERS 06-006078 (1.2539 ACRES), 06-045057 (0.3190 ACRES), CONSISTING OF A TOTAL OF 1.5688 ACRES MORE OR LESS.

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2. Introduction. The Property proposed to be annexed in this Plan are situated along Pulaski Highway (Route 40) at the eastern side of south of the Stack and Store mini storage facility. For identification purposes, the Property being annexed consists of two separate parcels known as 1748 Pulaski Highway, with the total acreage being 1.5688 acres, more or less. The entire area to be annexed is reflected on Exhibit A, acquired by the owners by virtue of and more particularly described in, the following:

   PARCEL 1: 1748 Pulaski Highway, Tax Map 52, Parcel #203, Account ID No. 06-006078, and described in a Deed dated November 16, 2018 and recorded among the Land Records of Harford County, Maryland, in Liber 13073, folio 00241, from Bayside Homes Ltd. to Havre de Grace Mini Storage LLC, consisting of 1.2539 acres more or less.

   PARCEL 2: Designated as Lot 0.3188 acres, Tax Map 52, Parcel 203, Account ID No. 06-045057, and described in a Deed dated November 16, 2018 and recorded among the Land Records of Harford County in Liber 13073, folio 241, from Bayside Homes Ltd. To Havre de Grace Mini Storage LLC, consisting of 0.03188 acres more or less.

3. Current Conditions. Currently there are no homes located on the Property and no resident voters. The Property is not currently serviced with City water or sewer.

4. Current Zoning. The Property is currently zoned CI/Commercial Industrial district on the official zoning maps of Harford County.

5. Future Proposed Use. Major change is proposed for as the developer has indicated an interest in constructing an addition to the Stack and Store mini storage located on the adjacent parcel. The specific proposed use may change and is not finalized.

6. Proposed Zoning. Proposed zoning for the Property will be C/Commercial. Amendment to the City's zoning code will not be required for the proposed use. The proposed zoning is also consistent with the Comprehensive Plan for the City of Havre de Grace.

7. Public Facilities. There is currently no requirement that the land subject to this Annexation Plan be set aside for a school site, water or sewer treatment facilities, libraries, recreation, or fire, EMS or police departments, except for a construction of a water line from the City's water line to the subject property at the property owner's expense that will serve the proposed development project. The current annexation shall be reviewed for anticipated infrastructure needs. As for water and sewer capacity, the City estimates that it currently has the water and sewer capacity for the property. However, infrastructure improvements for water pressure and volume of delivery may be required. Until the site plan is approved, water and sewer capacity remain

First Reading

uncommitted and not guaranteed. Sewer lines must be extended to the property, and any recorded recoupments will need to be collected. If there are any required infrastructure improvements, including but not limited to water and sewer capacity or distribution, they shall all be paid for by the owner/developers of the property along with required bonding for performance and maintenance. The owners/developers of the Property shall be charged the standard capital cost recovery charges, user benefit fees and all other fees and charges associated with connection to the City's water and sewer systems. Water and Sewer service rates shall be charged at the generally applicable rates and pursuant to the conditions generally applied by the City. The Property may be subject to recoupment agreements for water and sewer as may be authorized by the Annexation Resolution, Annexation Agreement, or Public Works Agreement, or separate agreements for capital cost recoupment that are recorded among the Land Record for Harford County.

8. Trash Removal. The Property will be serviced by a private trash removal provider.

9. Fire Protection. Fire protection shall continue to be provided to the Property by the Susquehanna Hose Company, Inc. pursuant to conditions applicable to the other properties within the corporate boundaries of the City.

10. Schools – Library – Recreation. The scope of the development on the Property is limited in size and will not include a residential component. As such, no recreation element is required, and no additional school or library expansions will be needed as a result of the proposed development.

11. Real Property Taxes. The Property shall be taxed by the City at generally applicable rates. If the land is potentially subject to an abatement request due to an enterprise zone designation and/or extensive recoupment fees, and if a request for an abatement is made, the City acknowledges that it would consider such a request in accordance with applicable law so long as the terms of this Annexation Plan have otherwise been complied with by the owners and developers.

12. EMS. EMS protection shall be provided to the Property by the Havre de Grace Ambulance Corps, Inc. pursuant to the conditions applicable to other properties within the corporate boundaries of the City of Havre de Grace.

13. Police. Police protection shall be provided to the Property by the Havre de Grace Police Department pursuant to the conditions to other properties within the corporate boundaries of the City of Havre de Grace.

14. Timing of Municipal Services. Municipal services shall be provided at the time of construction/development of the Property and prior to the issuance of any new use and occupancy permit.

First Reading

15. Annexation Agreement. The City and the owners/developers of the Property agree to enter into an Annexation Agreement and/or Public Works Agreements detailing the terms of this Annexation Plan and any other appropriate conditions, if required by the City. The provisions of this Annexation Plan are to be considered minimum requirements and additional requirements or more stringent requirements may be added and addressed in an Annexation Agreement and/or Public Works Agreements.

NOW THEREFORE, it is this 3rd day of August, 2020 determined, decided and resolved by the Mayor and City Council to adopt the Annexation Plan

ATTESTED by the Director of Administration and signed by the Mayor of the City of Havre de Grace, Maryland this ____ day of _____, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

_____

Patrick D. Sypolt
Director of Administration

William T. Martin
Mayor

Introduced: 08/03/2020
Passed/Adopted: 08/03/2020

Effective Date: 08/03/2020

First Reading

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Exhibit C

§ 20-1. Policy.

The following principles shall govern annexation:

A. The City Council may consider and act upon a petition for the annexation of land contiguous and adjacent to the corporate limits of the City in order to promote the health, safety, welfare, and economic development of the City.

B. The annexation may be appropriate when it promotes coordinated planning for the area surrounding the land proposed for annexation, and where it is consistent with the plans for the present and future development of the City, and where it will not result in isolated development inconsistent with surrounding land uses.

C. The annexation must contribute to the realization and/or furtherance of the goals and objectives of the Comprehensive Plan and any other corridor or small area plan.

D. The location relative to existing public facilities and a review of the City's ability to provide public facilities to serve the annexation area.

E. The development of relevant conditions for the protection and benefit of the residents of the City.

F. The annexation will not result in an adverse fiscal impact upon the City.

G. Upon approval of an annexation petition by the City Council, the petitioner shall not be permitted to amend or to otherwise change the terms of the annexation petition.

§ 20-2. Procedures.

The following procedures shall govern annexation and the zoning of land so annexed:

A. Petition filing contents. A petition for annexation, prepared in compliance with § 4-404 of the Local Government Article of the Annotated Code of Maryland. The petition shall be signed by the owner of the property and any contract purchaser(s) and shall be filed with the Director of Administration, together with 10 hard copies, one digital format copy of the petition and a nonrefundable fee as established by resolution of the City Council. The City may require additional copies to be provided to the City at its discretion. The petition shall include the following:

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§ 20-2 § 20-2

(1) Descriptive data.

(a) A legal description of the property with metes and bounds.

(b) Name and address of all members, stockholders, partners, or other individuals having a legal or equitable interest in the entity that owns an interest in the property.

(c) The names and addresses of all persons residing in the area to be annexed.

(2) Exhibit showing:

(a) The legal boundaries of the property, to include complete parcels and all property lines in order to eliminate noncontiguous land that may be annexed in the future.

(b) The existing land use conditions surrounding the subject property.

(c) Existing Harford County zoning and the petitioner's proposed City zoning.

(d) A property tax map.

(e) An aerial photographic map at an appropriate scale.

(f) Topographic map of the property at an appropriate scale.

(g) Existing public facilities and improvements.

(h) Existing reserved or public areas.

(3) Certification that each owner of real property, both within the area of the proposed annexation and contiguous to the annexation area, has either executed the petition or has been sent by certified mail and first-class mail to the address listed in the assessments records, within 10 days prior to filing of the petition, a summary in a format provided by the City.

(4) The petitioner(s) shall submit a concept plan for the proposed annexation area if future public roads are contemplated and/ or significant infrastructure improvements will be necessary to service the area to be annexed. The concept plan shall include the following:

(a) The boundary of the area to be annexed.

(b) The general location of each proposed land use on the property and the percentage of the whole for each use.

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General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses.

(c) A table listing proposed densities and land use by type, including the area of each.

(d) The density of residential development, the maximum and minimum lot sizes, and the anticipated square footage of commercial and industrial buildings.

(e) Existing and proposed arterial and collector streets adjoining (where applicable) and their relationship to the principal land uses on the site.

(f) Existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site.

(g) Contour lines at a maximum of five-foot intervals.

(h) Sensitive environmental features on the site and contiguous to the property, as available from current Harford County or other pertinent geographic information system (GIS) databases. These features shall include streams, wetlands, other waterbodies and floodplains.

(5) Description of municipal services that may need to be upgraded, initiated, or extended, together with a recommendation regarding the priority for accomplishing the improvements and a recommendation as to possible sources of funding and recoupment for any capital improvements.

(6) Fiscal impact of the proposed project.

(7) Description of any unique characteristics such as historical, archaeological, institutional, etc., situated in the area to be annexed, with an analysis of how these characteristics would be impacted by annexation.

(8) A detailed statement as to whether the land uses and densities permitted under the proposed City zoning classification and the land uses for the annexed area and densities permitted under the current Harford County zoning classification are, or are not, substantially different as that term is defined in § 4-416 of the Local Government Article of the Annotated Code of Maryland.

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B. Community Informational Meeting (CIM). Within 45 days prior to the petition filing date, the petitioner shall hold a CIM. This meeting will be facilitated by the property owner, developer or their representative and held at a public location (library, City Hall, etc.) adequate to serve the expected turnout of residents. The meeting shall be advertised by a posting on the property or properties at each public road frontage. The City shall advertise the date of the CIM upon notification by the property owner, developer, or their representative. At a minimum, all documents included in the petitioner's filing shall be made available for review at the CIM. The City will provide copies of all documents on the City's website. Within 45 calendar days after the CIM, the developer shall submit a list of attendees and a transcript prepared by a court reporter of the meeting.

C. Petition preliminary review. Within 90 days following the date of the filing of a petition and all required attachments, the Director of Planning shall conduct a preliminary review of the petition with the petitioner(s), or the petitioner's representative, and the Director of the Department of Public Works. Prior to beginning the review, the Department of Planning shall inform the petitioner(s), in writing, of the date when the petition and all required attachments have been provided and accepted. Based upon this review, the Director of Planning may direct the petitioner to submit additional information within a thirty-day period or to take other reasonable steps with regard to the petition, including:

(1) Supplementation of the information required to be submitted in the petition.

(2) Provision for a study by an independent consultant selected by the City and the petitioner to evaluate the information submitted in support of the petition and to determine the fiscal impact of the annexation on the City.

(3) Provision for any other studies necessary for the proper consideration of the petition.

(4) Additional mailing, posting, or advertising notice requirements.

D. Petition review by Planning Commission.

(1) Upon completion of the review, the Director of Planning shall forward the petition package to the Planning Commission for review at the next scheduled Planning Commission meeting.

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The Director shall advertise the agenda of the Planning Commission on the City webpage. The petitioner shall supply 10 copies and one digital-format copy of the completed petition package to the Director of Planning prior to this submittal.

(2) The Planning Commission will review the petition for annexation and take public comment during its scheduled meeting.

(3) The Planning Commission shall submit its recommendation to the City Council within 60 days of the Planning Commission meeting.

E. Payment for processing and review.

(1) The petitioner shall be responsible for payment for all studies required by the Director of Planning and reimbursement of all staff and attorney time necessary for review of the petition and all studies.

(2) City staff shall keep an accounting of their time spent on the annexation review reflecting the hourly rate of each employee established by the City.

F. Adoption of annexation plan. Consistent with § 4-415 of the Local Government Article of the Annotated Code of Maryland, the City Council shall adopt an annexation plan which shall be open to public review and discussion at a public hearing.

G. Public hearing.

(1) When the petitioner has complied with the requirements as specified by the Director of Planning following the review and the annexation petition has been prepared and distributed, the City Council shall introduce an annexation resolution and conduct a public hearing with regard to the proposed annexation at the time and place as shall be established by it.

(2) The hearing shall be conducted and a record of the proceedings shall be preserved in a manner as the City Council prescribes.

(3) A description of the annexation and a notice of the time and place of the hearing shall be published as specified in § 4-406 of the Local Government Article of the Annotated Code of Maryland.

(4) At the hearing, the recommendation of any board, commission, or agency shall be considered as evidence.

H. Conditions. In acting favorably with regard to the petition, the City Council may include in its resolution such conditions and restrictions as are deemed necessary for the protection of the public interest, economic development, furtherance of the health, safety, and welfare of the residents of the City and to secure compliance with any relevant legal standards or requirements.

I. Annexation agreement.

(1) The City Council may, prior to voting on the resolution, enter into an annexation agreement with persons and entities that are petitioners in the annexation petition. Only those petitioners that agree to be responsible to the City for performance of contractual or financial commitments, or that promise community benefits, are required to be a party to the agreement.

(2) The City Council shall hold a public hearing on the proposed agreement prior to the City's final approval and execution of the agreement and before taking a vote on the annexation resolution. The copies of the proposed agreement shall be made available to the public at City Hall no later than 10 calendar days prior to the public hearing.

(3) The effective date of the agreement shall be the date that the approval of the annexation resolution by the City Council becomes final. Upon the annexation resolution becoming final, the agreement shall be binding upon the parties thereto, their heirs, successors, grantees, and assigns.

(4) The annexation agreement shall be recorded by the City in the land records of Harford County, Maryland, within 30 days of the date the annexation resolution becomes final.

J. Zoning. In acting favorably with regard to the petition, the City Council shall designate the zoning classification of the annexed land as provided for in this Chapter and in other applicable laws, ordinances, regulations, and procedures related to zoning of annexed land.

K. Approval or rejection.

(1) No property shall be annexed except by a favorable vote of a majority of the members of the City Council.

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(2) The City Council may reject the petition for any reason. The City Council is not required to make any finding of fact in the event it rejects the petition.

L. Other applicable law. This procedure is in addition to any other provisions of the City Charter and Code of the City of Havre de Grace and of the Annotated Code of Maryland that govern annexation and the development of land.

§ 20-3. Legislative authority.

A. The Mayor and City may legislatively initiate an annexation proposal in accordance with the State Land Use Article § 4-403.

B. Before an annexation resolution is introduced, the Mayor and City Council shall obtain consent from:

(1) At least 25% of the registered voters who are residents in the area to be annexed; and

(2) The owners of at least 25% of the assessed valuation of the real property in the area to be annexed.

C. The annexation resolution:

(1) Shall describe by a survey of courses and distances the exact area to be annexed;

(2) May also describe by landmarks and other well-known terms the exact area to be annexed; and

(3) Shall contain a complete and detailed description of the conditions and circumstances that apply to:

(a) The change in boundaries; and

(b) The residents and property in the area to be annexed.

D. The annexation proposal shall be consistent with the City's Comprehensive Plan, Municipal Growth Element and § 20-1 of this chapter.

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CITY COUNCIL

OF

HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1037

Introduced by Council Member Ringsaker

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, BY CREATING CHAPTER 102, SUSTAINABLE LANDSCAPING REGULATIONS, IN ORDER TO ESTABLISH LANDSCAPING STANDARDS FOR NEW DEVELOPMENT AND REDEVELOPMENT IN THE CITY.

By the Council 7/6/2020

Introduced, read first time, ordered posted and public hearing scheduled

on: 7/6/2020

at: 7:00 p.m.

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Ordinance having been published according to the Charter, a public hearing was held on July 20, 2020, and concluded on July 20, 2020.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

Draft

WHEREAS, the Mayor and City Council desire to enhance the built environment and the quality of life in the City of Havre de Grace; and,

WHEREAS, the Mayor and City Council desire to establish Sustainable Landscaping Regulations that promote sustainable landscapes and healthy soils, improve water quality and create wildlife habitat.

NOW THEREFORE, the Mayor and City Council of Havre de Grace create a Chapter 102 of the City Code in its entirety as follows:

§ 102-1. Title.

This chapter shall be known and cited as the City of Havre de Grace's Sustainable Landscape Regulations. These regulations shall include the text, graphics and regulations, and any amendments thereto.

§ 102-2. Purpose.

The purpose of the landscaping regulations contained in this Ordinance is to enhance health and safety, as well as the quality of life in the City of Havre de Grace ("City"). These regulations are also intended to aid in the reduction of noise, heat, and glare; minimize erosion and sedimentation; and establish a healthier natural environment.

These regulations are also designed to promote sustainable landscapes within the City, conserve and restore healthy soils, reduce the use of irrigation for landscapes, improve the quality of surface waters, reduce energy consumption, provide wildlife habitat, and protect and restore native plant communities.

§ 102-3. Scope.

A. A landscape plan, consistent with the provisions of this Ordinance, shall be required for preliminary subdivision plans and all site plans. The landscape plan shall be submitted in conjunction with the initial preliminary subdivision plan and/or site plan submission.

B. To the extent possible, and consistent with this Section, properties being redeveloped shall meet the landscaping requirements of this Ordinance, as approved by the Director of Planning.

§ 102-4. Definitions.

A. Critical Root Zone (CRZ): Portion of the root system that is the minimum necessary to maintain vitality or stability of the tree. Encroachment or damage to the critical root zone will put the tree at risk of failure. The CRZ equals twelve inches (12") of radius from the trunk for each inch of trunk diameter measured at four and one-half feet (4.5') above ground level.

2nd Reading

B. Diameter Breast Height (DBH): The diameter of a tree trunk in inches, at four and one half feet (4.5') above ground level.

C. Dripline: An area on the ground defined by the outermost circumference of tree canopy.

D. Invasive Plant: A non-native plant that reproduces more rapidly, out competes, and displaces Native Plants in the landscape. Invasive Plants shall include those listed by the Maryland Department of Natural Resources.

E. Landscape: The area not occupied by structures, roads or parking. It includes existing and proposed plant materials, such as trees, shrubs, and perennials; natural materials, such as rocks, earthen berms and water; and man-made materials, such as sculpture, art, walls, fences, paving materials, and outdoor furniture.

F. Native Plant: For the purposes of the City, a plant species that occurred in Maryland prior to European settlement. The native status of plants may be confirmed through the www.plants.usda.gov web site, using the Native Status Maps for each specie. For purposes of this ordinance Native Plant shall include Native Shade Tree, Native Street Tree, Native Shrub, Native Groundcover, Native grass, and Native perennial.

G. Rain Garden: An excavated shallow surface depression planted with specifically selected Native Plants to treat and capture runoff.

H. Screening: Restriction of objectionable views to intensive use or utility elements of a site by landscape plantings, berms, walls, and fences according to Section 102-10.

I. Sustainable Landscape: A landscape that balances the needs of people, the economy, and the environment. A landscape which reduces energy consumption, protects soils, improves surface water quality, reduces the need for irrigation, and protects Native Plant communities.

§ 102-4. Landscaping Plan Requirements.

A. The landscape plan shall contain the following information:

(1) Certification, including signature, seal, and date, by a Landscape Architect registered by the State of Maryland. For minor subdivisions of up to three (3) lots, the plan is not required to be sealed by a Landscape Architect.

(2) The plan shall be drawn at a scale of not less than one inch equals 100' (1" = 100'), unless a different scale is approved by the Director of Planning.

(3) The location of all existing and proposed structures, fences and walls; streets; parking/loading areas; utilities; lighting; rights-of-way; and easements.

Proposed

(4) The location of all existing and proposed outdoor storage and trash receptacle areas.

(5) Adjacent land uses and zoning classifications.

(6) The location and general type of existing vegetation. Any existing vegetation to be removed shall be noted on the plan.

(7) A plant list or schedule, indicating scientific and common names, required and proposed quantities, spacing, native plant status, and size of all proposed landscape materials at the time of planting shall be provided.

(8) The plant list or schedule must also include any plant symbols used on the plan drawing and the expected mature spread of each plant.

(9) Existing soil types and proposed topography shall be shown.

(10) Proposed protection of existing trees to remain, and details of the protection.

(11) Location and description of other landscape improvements, such as earth berms, walkways, raised beds, sculptures, fountains, street furniture, lights, and paved areas.

B. Crime Prevention through Environmental Design (CPTED) standards shall be considered in the development of the landscaping plan. A copy of the landscape plan shall be provided to the Havre de Grace Police Department for review and comment prior to approval of the plan.

§ 102-5. Topsoil.

A. No topsoil may be removed from the site until a minimum of four inches (4") of topsoil has been redistributed over all areas to receive turf, and eight inches (8") in areas of trees and shrubs.

B. Areas to be landscaped shall not be used for uses such as waste dumps or parking areas during construction. Any material, such as construction debris or substances toxic to plants, shall be removed prior to the placement of topsoil.

C. At least two (2) soil tests shall be performed on the topsoil to be redistributed, including organic material percent. Results and recommendations shall be furnished to the City representative and landscape contractor before plants arrive on site, or permanent turf is seeded.

D. Subsections A-C shall be included as a required note on the landscaping plan.

PRELIMINARY

§ 102-6. Existing Tree Preservation and Protection.

A. Mature trees over six inches (6") in caliper shall be maintained and preserved and incorporated into the overall planting design, where feasible. These trees shall be identified on the landscape plan as existing trees to be preserved. A developer may make a request in writing to the Director of Planning to remove existing trees over six inches (6") in caliper. The request must provide a justification for removal of the tree(s).

B. An existing tree shall be considered preserved if there is no disturbance within the tree's dripline, or Critical Root Zone, whichever is greater. Disturbance includes earth disturbance, earth compaction, vehicular and foot traffic, material stockpiling, and/or the construction of any proposed improvements and utilities.

C. The following conservation practices are mandatory and shall be noted on grading and erosion and sediment control plans, and employed in order to preserve existing trees. In addition to the other requirements specified in this Section, these conservation practices shall be undertaken during land development activities. Prior to any clearing or site disturbance, the applicant and/or site contractor shall meet with the City to further determine methods to minimize tree loss.

(1) All trees and other vegetation to be preserved shall be protected from equipment damage by temporary snow fencing or other effective barriers approved by the City. Fencing or barriers around trees shall be placed outside the dripline. Tree protection installation must be approved by the City prior to the start of any clearing, grading, or other earth disturbance and monitored periodically. The tree protection fencing shall be maintained by the applicant while in place. It shall be removed after all earth moving and construction activities that may impact tree roots are completed, including contractor worker parking.

(2) When disturbance within the Critical Root Zone is unavoidable, applicants shall minimize encroachment and use the best available methods as approved by the City to minimize damage and preserve trees. These methods may include utility tunneling, use of geo-textiles, mulching, hand root pruning, and soil aeration.

D. Should any mature viable trees on the site not scheduled to be removed and counted as required landscape plantings, be irreparably damaged during site preparation activities and, as a consequence thereof, die or decline as determined by the City, within eighteen (18) months of the conclusion of construction activities, such trees shall be replaced with nursery grown material. The replacement trees shall be three inch (3") caliper minimum.

§ 102-7. Plant Material.

Unless otherwise specified, nursery-grown plant materials shall conform to requirements listed in the "American Standard for Nursery Stock", ANSIZ60.1, current edition, published by

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AmericanHort. The following guidelines are the minimum required for all nursery grown plant materials as required in this Section:

A. Plants for landscaping shall have been grown in USDA Hardiness Zones 5, 6, or 7, and within 250 miles of the City. A nursery stock certificate and plant material invoice shall be provided to the City indicating the location of the nursery(s).

B. All trees, shrubs, and plants shall be sound, healthy, and vigorous, and shall be free from disease, insects, insect eggs and larvae.

C. No invasive plants shall be utilized. No plants listed by the State as "Noxious Weeds" shall be planted. Plants used to fulfill the requirements for native plants shall be per the definition of native plant.

D. The type(s) of plantings shall be limited to species that will not create conditions hazardous to the public safety within public street rights-of-way, underground and aboveground utilities, and clear sight triangles including at all intersections of streets and/or driveways. Such hazards shall include, but are not limited to, low hanging branches, excessive shallow root mass, poisonous or toxic plants, and plants with thorns, nettles and spikes.

E. The locations, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as soil moisture and sunlight.

F. For projects located within the Chesapeake Bay Critical Area, all plant material must be native plants.

G. Shade trees for all requirements shall have a minimum caliper of two inches (2") at installation. Shade trees shall be native plants.

H. Large street trees shall have a minimum caliper of two inches (2") at installation, and a mature height of greater than thirty feet (30'). A minimum of 75% of the large street trees shall be native plants.

I. Small street trees shall have a minimum caliper of one and one-half inches (1.5") at installation, and a mature height of less than 30'. Multiple-trunk trees should be identified as such in the plant list. Multiple-trunk trees shall be counted as one (1) tree. A minimum of 50% of all small street trees shall be native plants.

J. Evergreen trees shall have a minimum height of six feet (6') at installation. A minimum of 50% of evergreen trees shall be native plants.

K. Shrubs shall be spaced according to their size, growth characteristics and intended use. Shrubs shall comply with the following requirements:

(1) Large shrubs are defined as shrubs naturally growing to a height of more than four feet (4'); and shall be a minimum size of two feet (2') in height at planting. 100% of the large shrubs shall be native plants.

(2) Small shrubs are defined as shrubs naturally growing to a height of less than four feet (4'); and shall be a minimum size of 18" in height or 18" in spread, depending on variety. A minimum of 50% of the small shrubs shall be native plants.

L. Ground Cover is defined as plantings to prevent soil erosion, and may include small shrubs, herbaceous perennials, meadows, bulbs and annuals. Plants shall be spaced appropriate to type and size at installation. Ground cover plants shall be spaced and seeding rates sufficient so that 100% of the beds are covered after three (3) years' growth.

M. A variety of plant species are encouraged to avoid monocultures, to encourage long-lived species and to promote wildlife habitat. Of the required tree plantings and of the shrub plantings, no more than 33% may be of one species.

N. To allow for design flexibility, plant material substitutions from the requirements may be permitted at the discretion of the Director of Planning. In such cases, the applicant must demonstrate to the satisfaction of the Director that the general intent of the ordinances is achieved.

O. Trees, shrubs, and perennials that produce food for human consumption, or can be harvested for medicinal properties, may be substituted for any plant material required by this Ordinance, as long as the tree, shrub, or perennial meets the screen, shade, safety, or engineering objective of the planting. No invasive plants or noxious weeds may be utilized under this section.

§ 102-8. Street Trees.

Street trees shall be planted along all proposed streets, and in redevelopment projects.

A. Street tree standards include:

(1) Trees must meet the requirements of Section 102-7 Plant Material, for large and small street trees.

(2) Trees must be balled and burlapped with the native soil in which the tree had been growing.

(3) Trees shall have a minimum 24" rootball when planted.

(4) Tree straightening shall be included in the bond for eighteen (18) months following installation. Staking or guying are not required, but may be used in situations of high winds or loose soil.

(5) Large street trees shall be spaced a maximum of 50'. Small street trees shall be spaced a maximum of 30'.

(6) Street trees shall be planted between the right-of-way line and the building setback line. Street trees shall be at least ten feet (10') from the edge of the roadway, and at least five feet (5') from sidewalks.

(7) Use of multiple species is permitted provided that along a street the trees are similar as regards to height and spread and that similar species are planted within single or two-family, detached lots.

(8) Trees shall be planted so as not to interfere with the installation and maintenance of sidewalks, lights and utilities. Street trees shall be setback ten feet (10') from underground utilities; tree canopies or crowns at maturity shall not interfere with overhead utilities. Small street trees may be placed beneath overhead utilities if the mature size of the tree will not interfere with the lines, and approval is granted by the utility company.

(9) Existing trees to remain may count towards the required number of street trees if the trees are between the right-of-way line and the building setback line, are at least four inches (4") in diameter, measured 12" above the ground, and are limbed up at least six feet (6') in height.

(10) Street trees are the property and responsibility of the lot owner. Maintenance of street trees, including watering, pruning, pest control, and removal if necessary, is the responsibility of the lot owner. If street trees die, they shall be removed and replaced by the lot owner, with the same size and species of tree indicated on the development plan, or alternate size and specie acceptable to the City.

(11) The Department of Planning, in consultation with the Department of Public Works and Tree Commission, shall develop and maintain a list of approved tree species for large, small and shade trees.

(12) The following tree species are prohibited: Acer platanoides (Norway Maple) all varieties, Liriodendron tulipfera (Tulip Poplar), Pyrucs calleryana (Bradford Pear) and other cultivars, Populus species (Poplar) all species, Salix Species (Willow), all species.

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§ 102-9. Parking Lot Landscaping.

A. All parking lots with six (6) or more spaces shall be designed and effectively landscaped with trees and shrubs to:

(1) Provide shade in order to reduce the amount of reflected heat.

(2) Reduce the visual impact of glare, headlights and parking lot lighting.

(3) Facilitate pedestrian circulation and safety.

(4) Facilitate vehicular circulation by delineating driving lanes and defining rows of parking.

(5) Provide one (1) Shade Tree within the parking lot, either in islands or divider strips for every ten (10) car parking spaces in the lot, or portion thereof. (See Subsections B. and C.) These trees count toward the requirements of island and divider strip landscaping, and are not in addition to those requirements.

(6) To accommodate turning maneuvers of large vehicles, trees may be located outside of the parking area in groups, infiltration areas, or fence rows.

(7) Provide filtering of impervious surface runoff to one or more Stormwater Infiltration BMP's as approved by the Director of Public Works.

B. Planting islands (see diagram below) shall conform to the following standards:

(1) Planting islands shall be distributed throughout the parking lot, so that one (1) planting island, a minimum of ten feet (10') wide by 18' long, shall be located at the each end of each parking row and at intervals of no greater than every ten (10) parking spaces. The island shall separate the last parking space from the drive aisle on each end of an interior parking row.

(2) In a 90° double bay parking row, the islands shall be a minimum of ten feet (10') wide and 36' long. Angled parking lot islands must have a minimum average of ten feet (10') width.

(3) Each planting island shall contain at least one (1) shade tree plus small shrubs, ground cover, and/or perennials to cover the entire area at maturity. A minimum of 50% of all trees, shrubs and perennials shall be native plants as defined in this Ordinance. Shrubs shall not exceed two feet (2') in height.

(4) The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with electric lines and provide adequate lighting.

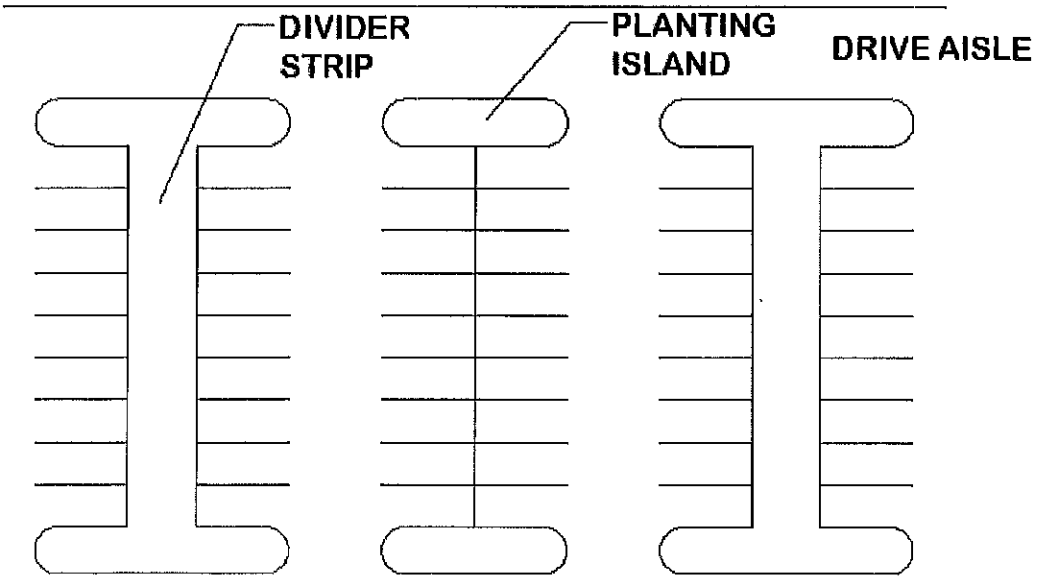
Draft Revision

C. Divider strips (see diagram below) shall conform to the following standards:

(1) Divider strips shall be placed every other bay of parking running the length of the rows of parking and landscaped with plantings of shade trees, large and/or small shrubs, and ground cover to cover the entire area at maturity. A bay of parking is the width of pavement needed to accommodate either one (1) or two (2) rows of parking stalls plus one (1) access lane. The use of Stormwater Infiltration BMP's is strongly recommended in divider strips, where conditions are appropriate, and in accordance with the Chapter 169 of the City Code.

(2) Divider strips shall be a minimum of ten feet (10') wide unless a sidewalk is proposed within the divider strip. If a sidewalk is proposed within the strip, the sidewalk must be placed to one side. The divider strip shall be increased in width by five feet (5') to accommodate the sidewalk.

(3) A minimum of one (1) shade tree and three (3) large or small shrubs shall be required for each 30' of divider strip. The plants need not be spaced evenly apart; however, the maximum spacing shall be 50'. Shrubs near the ends of divider islands shall not exceed two feet (2') in height at maturity so as not to block visibility. This shall not preclude the use of taller shrubs elsewhere within the divider island. Plants shall be at least 50% native plants. Native ground cover, perennials or shrubs shall be installed over the remainder of the divider island to stabilize the soil and slopes. Parking Lot Illustration.



D. Parking lot perimeter landscaping shall be provided to visually screen parking lots, limit glare from headlights and enhance the community streetscape character, and shall conform to the following standards:

(1) The landscape strip shall have a minimum width of ten feet (10') measured from the street right-of-way or property line. Parking lots set back more than 50' from the

property line shall have the perimeter landscaping width measured from the edge of the parking lot.

(2) Within the landscape strip, the screening shall consist of a combination of trees, shrubs, ground cover or earthen berms to provide a minimum four foot (4') height screen along property lines, and a minimum three foot (3') height screen along streets.

(3) Parking lot perimeter landscaping shall be broken only at point of vehicular or pedestrian access, and shall comply with height limitations in clear sight triangles.

(4) The plants shall provide an immediate visual screen of 50%, and an effective visual screen of 75% within three (3) years.

E. Plantings shall be placed between car parking lots and buildings to break up long stretches of façade, shade the building, and provide a more comfortable pedestrian environment.

(1) Plantings are required for all sides of a building facing car parking areas. Plantings are not required along the sides of buildings containing service or loading areas. If part of a side of the building faces parking, only that portion is subject to these requirements. Loading areas must be appropriately screened according to the requirements of Section 102-10.

(2) The minimum planting requirement shall be one (1) shade tree or small street tree, and ten (10) large or small shrubs per fifty feet (50') of building façade.

(3) At least 60% of the plantings shall be evergreen and at least 50% shall be native plants.

§ 102-10. Screening.

Screening is required for outdoor storage, off-street loading, trash collection areas, and outdoor mechanical and fuel equipment. Screening shall provide reduction of views, light and noise.

A. Screening may include evergreen landscape plantings, berms, walls, and fences.

B. Screens shall provide a 100% visual barrier to the element at a height of four feet (4') at the time of installation. Screens shall provide a 100% visual barrier to the element at a height of six feet (6') within two (2) years. Landscape plants shall be placed in multiple staggered rows.

§ 102-11. Guarantee and Maintenance.

The estimated, or if known, the actual cost of all landscape materials depicted on the approved landscape plan and installation costs shall be provided and be financially secured, guaranteed and maintained consistent with the following subsections.

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A. All landscape improvements to be provided shall be installed and maintained by accepted practices as recognized by the American Nursery and Landscape Association (ANLA). Planting and maintenance of vegetation shall include, as appropriate, but not necessarily limited to, provisions for surface mulch, staking and guying, tree straightening, irrigation, fertilization, insect and disease control, pruning, mulching, weeding, and watering.

B. The applicant shall make arrangements acceptable to the City that all landscape improvements installed in accordance with this Ordinance shall be guaranteed and maintained in a healthy and/or sound condition, or otherwise be replaced by equivalent improvements, for a period of eighteen (18) months following their installation, except as may otherwise be required by this Section.

C. After installation and prior to commencement of the guarantee period required above, the City shall perform an inspection of the finished site for compliance with the approved landscape plan. Provided the finished site is found to be in compliance, the first 18 month guarantee period shall commence five (5) days from the date of inspection. All plants shall be in a vigorous and thriving condition at the end of the 18 month period as determined above. Final inspection of the site following the 18 month period will be made by the City. It is recommended that trees and shrubs be planted between September 15 and November 1 or between March 1 and May 1.

D. Plants found to be in poor health during the eighteen (18) month guarantee period shall be replaced with nursery-grown plants, in accordance with the approved landscape plan, within thirty (30) days of being notified by the City. If notification is made out of season, replacements shall be made during the next planting season. If the original plants declined due to poor species selection, substitute plants, determined by the City to be more suitable for the site's environmental conditions or planting scheme, shall be used, and a modified landscape plan shall be filed with the City. Replacement plants shall be inspected by the City after installation. All replacement plants shall be subject to a new 18 month guarantee period and inspections by the City as prescribed in Subsections B. and C. above.

E. Where accidental damage or vandalism of plants occurs, the applicant shall replace the damaged plant material in accordance with the original or an approved modified landscape plan.

F. The applicant shall be required to post financial security for the maintenance and/or replacement of the proposed vegetation, including compensatory plantings, during the 18 month guarantee period. The amount of the financial security shall be equal to 110% of the amount of the cost estimate submitted with the approved landscape plan. In addition, financial security shall be required for existing trees to remain where soil disturbance is within the dripline, if the trees are counted toward any requirement of the Sustainable Landscaping Ordinance. Financial security is not required for existing preserved trees outside the construction limits or for material not being used to satisfy the minimum requirements of this Ordinance.

G. The applicant shall make arrangements acceptable to the City for the long-term landscape maintenance of common lands and facilities. The applicant shall provide the names, addresses and telephone numbers of those persons or organizations who will be assuming such responsibilities. Landscape improvements required by this Ordinance shall be the subject of suitable restrictive covenants and, if practicable, rules and regulations governing the use and maintenance of common land and facilities, which covenants, rules and regulations shall be in form and substance acceptable to the City Attorney and, in the case of covenants, recorded as encumbrances running with the land on which the improvements are installed. The covenants, rules and regulations shall, without limiting the forgoing, require the maintenance and replacement, and prohibit the destruction or removal, of all landscape materials and improvements depicted on the approved landscape plan, empower the City to enforce said obligations, and prohibit the amendment or termination of any of the mandatory terms thereof without the express joiner of the City.

§ 102-12. Right of Entry.

Upon presentation of proper credentials, the City may enter at reasonable times upon any property within the City to inspect the condition of the landscape in regard to any aspect regulated by this Ordinance.

§ 102-13. Enforcement.

A. It shall be unlawful for a person to undertake any regulated activity, except as provided in an approved landscape plan.

B. It shall be unlawful to violate any Section of this Ordinance.

C. Inspections regarding compliance with the landscape plan and guarantee are a responsibility of the City.

§ 102-14. Suspension and Revocation

A. Any approval issued by the City pursuant to this Ordinance may be suspended or revoked for:

(1) Non-compliance with or failure to implement any provision of the approved landscape plan or agreement.

(2) A violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation relating to the regulated activity.

(3) The creation of any condition or the commission of any act during the regulated activity which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others.

B. A suspended approval shall be reinstated by the City when:

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(1) The City has inspected and approved the corrections to the violations that caused the suspension.

(2) The City is satisfied that the violation has been corrected.

C. An approval that has been revoked by the City cannot be reinstated. The applicant may apply for a new approval under the provisions of this Ordinance.

D. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the City may provide a limited time period for the lot owner to correct the violation. In these cases, the City will provide the lot owner, or the lot owner's designee, with a written notice of the violation and the time period allowed for the lot owner to correct the violation. If the lot owner does not correct the violation within the allowed time period, the City may revoke or suspend any, or all, applicable approvals pertaining to any provision of this Ordinance.

§ 102-15. Penalties.

Any person or entity found to be in violation of in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

§ 102-16. Appeals and variances.

The Board of Appeals has the authority to grant variances from the requirements of this chapter when the literal enforcement of the requirements imposes practical difficulty or an unreasonable hardship. A property owner may seek a variance to the requirements of this chapter by filing an application with the Department of Planning in accordance with the City Code and standards established by the Department. The Board of Appeals must make the following findings in order to grant a sign variance:

A. The applicant has established that there are practical difficulties in complying with this chapter due to unusual conditions or circumstances related to the property.

B. The hardship is due to circumstances unique to the property that have not been created by the landowner.

C. The relief is the minimum necessary to accommodate the proposed development.

D. The variance is in harmony with the general purposes of this chapter and intent of the Zoning Code.

[Signatures to follow on next page.]

Signed by the Mayor and attested by the Director of Administration this _____ day of _____, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

_____

Patrick D. Sypolt
Director of Administration

_____

William T. Martin
Mayor

Introduced/First Reading: 7/6/2020
Public Hearing: 7/20/2020
Second Reading/Adopted: 8/3/2020

Effective Date:

2nd Reading

CITY COUNCIL

OF

HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1038

Introduced by Council Member Ringsaker

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 81: FOREST CONSERVATION, ARTICLE X, PAYMENT INSTEAD OF AFFORESTATION AND REFORESTATION, AND ARTICLE XVI, ANNUAL REPORT.

By the Council 7/6/2020

Introduced, read first time, ordered posted and public hearing scheduled

on: 7/6/2020

at: 7:00 p.m.

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Ordinance having been published according to the Charter, a public hearing was held on July 20, 2020, and concluded on July 20, 2020.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

WHEREAS, on December 21, 1992 the Mayor and City Council of Havre de Grace enacted an Ordinance concerning Forest Conservation (Ordinance No. 767) to meet the then current requirements of Section 5-1601 through 5-1612 of the Natural Resources Article of the Annotated Code of Maryland and the corresponding interpretive regulations of the Code of Maryland Regulations; and

WHEREAS, the provisions of Ordinance No. 767 were derived from the Model Forest Conservation Ordinance promulgated by the Maryland Department of Natural Resources as set forth in COMAR §§08.19.03.01, et seq. ("The Model Ordinance") and was subsequently amended on June 17, 2003 by Ordinance No. 840; and

WHEREAS, the Mayor and City Council of Havre de Grace deems it necessary to amend by adding to Ordinance No. 840 with this Ordinance No. --- to comply with amendments to State of Maryland regulations to reflect statutory changes that were adopted during the 2019 Legislative Session as related to Forest Conservation, §08.19.03.01 Ordinance for Local Program and minor amendments for fee structure as per State Model Ordinance.

NOW THEREFORE, BE IT ORDAINED, AS FOLLOWS:

1. Chapter 81 shall be amended as follows, with words shown **bold underlined** to be added and those shown [bracketed with strikeout] to be deleted;

§ 81-10 Payment in lieu of afforestation and reforestation.

A. Forest Conservation Fund.

(1) There is established a forest conservation fund in the local program **that meets the requirements of Natural Resources Article, §5-1610(h-l), Annotated Code of Maryland.**

(2) If a person subject to this chapter demonstrates to the satisfaction of the Department that requirements for reforestation or afforestation onsite or offsite cannot be reasonably accomplished, **and appropriate credits generated by a forest mitigation bank in the same City or watershed are not available,** the person shall contribute money into the City forest conservation fund:

(a) For a project inside a priority funding area, as defined in Natural Resources Article, §5-1610, Annotated Code of Maryland, at a rate of [~~30~~] **30.5 cents per square foot of the area of required planting** [~~until September 30, 2014, when the amount shall be adjusted for inflation as determined by the Department annually by regulation~~] **with the amount adjusted by the Department based on the previous year's inflation rate**; and

(b) For a project outside a priority funding area, at a rate of [~~36~~] **36.6** cents per square foot of the area of required planting [~~until September 30, 2014, when~~

~~the amount shall be 20% higher than the rate established for a project inside a priority funding area~~].

§ 81-10 Payment in lieu of afforestation and reforestation.

A. Forest Conservation Fund.

(4) The City shall accomplish the reforestation or afforestation for **the equivalent number of acres for** which the money is deposited within two years or three growing seasons, whichever is a greater time period, after receipt of the money.

§ 81-16 Annual report.

C. Amount of reforestation and afforestation fees and noncompliance penalties collected and expended**, the number of acres for which the fees were collected, and the number of acres reforested, afforested, or conserved using the fees;**

Signed by the Mayor and attested by the Director of Administration this _____ day of _____, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

_____

Patrick D. Sypolt
Director of Administration

_____

William T. Martin
Mayor

Introduced/First Reading: 7/6/2020
Public Hearing: 7/20/2020
Second Reading/Adopted: 8/3/2020

Effective Date:

Draft

CITY COUNCIL

OF

HAVRE DE GRACE, MARYLAND

ORDINANCE NO. _____

Introduced by Council Member Ringsaker

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, BY ESTABLISHING ADEQUATE PUBLIC FACILITIES STANDARDS FOR SCHOOLS, ROADS AND WATER AND SEWER INFRASTRUCTURE.

On: 8/3/2020

at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

A Public Hearing will be scheduled for August 17, 2020 at 7:00 p.m.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

WHEREAS, the Mayor and City Council desire to ensure the adequacy of public facilities; and,

WHEREAS, the Mayor and City Council desire to establish an Adequate Public Facilities (APF) chapter of the City Code that provides specific criteria to ensure the adequacy of facilities.

NOW THEREFORE, the Mayor and City Council of Havre de Grace add Chapter 2 as follows:

Article I. General Provisions

§ 2-1. Title.

This chapter shall be known and cited as the City of Havre de Grace's Adequate Public Facilities Ordinance (APFO). The APFO shall include the text, graphics and regulations, and any amendments thereto.

§ 2-2. Purpose.

The purpose of this chapter is to ensure that adequate public facilities have been provided for all new development projects as defined by this Chapter, and to define adequate public facilities requirements that shall be addressed in those plans.

§ 2-3. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ADEQUATE PUBLIC FACILITIES - Those facilities relating to schools, public roads, water supply and distribution systems, and sewage disposal systems meeting standards established in this chapter.

CITY - The City of Havre de Grace.

DEVELOPER - An entity (including but not limited to a person, business, corporation, partnership, limited liability company, or unincorporated association) responsible for the development of a piece of land.

TRAFFIC IMPACT ANALYSIS (TIA) - A technical appraisal or study that identifies the impacts of a new or expanded development on the public road system; identifies potential traffic operational problems or concerns and recommends appropriate actions to address such problems or concerns; and assists in determining the degree of financial responsibility of the developer in mitigating such impacts.

§ 2-4. Avoiding intent and requirements.

A developer shall not avoid the intent and requirements of this chapter by submitting piecemeal applications for preliminary subdivision plans or site plan approvals. The Directors of the Departments of Planning and Public Works will make final determination on this particular matter,

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and whether a particular application will be subject to adequate public facilities review where the Directors find an intent to avoid the intent and requirements of this chapter. A developer may seek approval of only a portion of the subdivision or development, provided that the impact of all previously-approved preliminary or site plans from that development shall be considered during the adequate public facilities review of each subsequent portion of the development.

§ 2-5. Appeals.

Notwithstanding anything to the contrary contained in the City's Subdivision Regulations, it is hereby determined that nothing contained in this section shall be subject to a variance, special exception or an appeal to the Board of Appeals. An aggrieved party may appeal to the Director of Administration in accordance with established procedures.

Article II. Adequacy Standards for All Development Projects

§ 2-6. Standards enumerated.

Preliminary subdivision plans and site plans shall not be approved unless adequate public facilities are available to serve the development based on the standards set forth in this section. The Director of Public Works may waive certain submission requirements for projects with minimal impact to the water and sewer system or roads; such as minor subdivisions of less than three lots and redevelopment projects that do not significantly increase demand on the water and sewer system or roads.

§ 2-7. Schools.

A. Annual growth report.

(1) A copy of the approved Harford County Annual Growth Report, as referenced in § 267-126A(3)(a) and 267-126B(2)(b) of the Harford County Development Regulations, shall be submitted by the City's Director of Planning to the Mayor and City Council in July of each year. An amended version of the report will be submitted to the Mayor and City Council in January of each year, incorporating amendments to the annual growth report as adopted by the county.

(2) The report, as required by the Harford County Development Regulations, is prepared by the Harford County Department of Planning and Zoning and includes a specific analysis of the current and future utilization and capacity of school facilities, including the following:

(a) Full-time enrollment for the schools serving the City of Havre de Grace as of September 30, or as of any other official reporting date as set by the State Board of Education or the County Board of Education;

(b) Rated capacity and utilization percentage of each pertinent school facility, with capacity based on state-rated capacity;

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(c) One-year, two-year and three-year, enrollment projections for each pertinent facility, including a description of the method of projecting enrollment in each facility;

(d) Pupil yield factor by school level for each type of dwelling unit;

(e) List of approved capital projects for new or expanded school facilities and the identified schools that will be relieved, including projected enrollment and opening date;

(f) School district maps for each level of school facilities; and

(g) Modified enrollment projections for each district, which include planned units remaining (recorded lots and units projected from approved preliminary plans) and projected units from vacant land zoned for residential purposes.

B. Adequacy standards (minimum acceptable level of service). Upon acceptance of the annual growth report by the Mayor and City Council, all approvals of residential single-family subdivision plans and site plans for multifamily development shall be subject to findings of adequate school capacity based on the standards set in this subsection and the current and projected use level described in the annual growth report:

(1) Preliminary approval. Preliminary subdivision plans exceeding five lots and site plans for multifamily residential developments exceeding five dwelling units shall not be approved at locations where either of the following conditions exist:

(a) The enrollment, at the elementary school which then serves the site and all abutting elementary school attendance areas, is greater than 110% of the rated capacity or is projected to be greater than 110% within three years; or

(b) The enrollment, of either the middle school or high school which serves the site and all abutting respective middle and high school attendance areas, is greater than 110% of the rated capacity or is projected to be greater than 110% within three years.

(2) Conditional review. If Subsection B(1)(a) or (b) of this section prevents approval of a subdivision plan or a site plan, the Planning Commission may proceed with conditional review of the plan and place it on a waiting list arranged by the date of completion of the review. This section shall not extend subdivision plan or site plan approval beyond two years from the date of final decision. One-year extensions of an approved plan may be requested without limitation during the period of development deferral. Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the City until the plan for the project is removed from the waiting list and approval is granted. Removal from the waiting

list shall occur only when the condition that prevented approval under Subsection B(1)(a) or (b) of this section no longer exists.

(3) Exemptions. The provisions of this subsection shall not apply to transient housing, or age-restricted housing should the City adopt an ordinance permitting such age restricted housing.

§ 2-8. Sewerage and water.

A. Sewerage. Approval of preliminary subdivision plans and site plans for development shall be subject to determination of adequate sewerage capacity in accordance with this Subsection A. The developer shall provide the Director of Public Works with all necessary information, including any required studies, in order to make a determination of adequacy.

(1) The current and anticipated demands on the sewerage system shall be evaluated by the developer to determine adequacy of the system with regard to the following:

(a) Demands on the system generated or projected to be generated by existing connections;

(b) Buildings under construction that will be connected to the system;

(c) All committed allocations evidenced by payment of connection fees;

(d) All unexpired public works agreements;

(e) All unexpired preliminary subdivision plans and site plans; and

(f) Properties that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed, and construction plans completed.

(2) Taking into consideration demands on the system identified in Subsection A(1), the following components of the sewerage system must be determined to be adequate:

(a) Collector systems to serve the proposed development are designed to accommodate expected ultimate peak gravity flows from the proposed development and other developable land within the drainage area;

(b) Interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak gravity flows from the proposed development;

(c) Pumping stations and force mains receiving flows from the collector system in the drainage/service area have sufficient available capacity to accommodate ultimate peak flows from the proposed development and other developable land within the drainage area;

(d) Pumping stations and force mains receiving flows from interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak flow from the proposed development; and

(e) Treatment plant(s) have sufficient available capacity to accommodate expected annual average and maximum daily loadings from the proposed development.

(3) The City sewerage system shall also be considered adequate under the following circumstances:

(a) If there is compliance with Subsection A(2)(a) and (c) of this section and the City has funded projects for the improvement of the facilities necessary to comply with requirements of Subsection A(2)(b), (d), and (e) of this section.

(b) If there is compliance with Subsection A(2)(e) of this section and the developer agrees to construct the improvements to the system to meet the requirements of Subsection A(2)(a), (b), (c), and (d) of this section, or the developer executes an agreement with the City for improvements to the system to meet the requirements of Subsection A(2)(a), (b), (c), and (d) of this section. Under either scenario, the developer will be responsible for the cost(s) of those improvements directly attributable to the impact produced by the development.

(4) If the City sewerage system is found to be inadequate, then preliminary subdivision plans exceeding five lots, site plans for multifamily residential developments exceeding five dwelling units, and extensions of previously approved preliminary subdivision plans and site plans shall not be approved.

(5) Conditional review.

(a) If Subsection A(2)(a), (b), (c), (d), or (e) of this section prevent approval or the extension of a previous approval of a preliminary subdivision plan or site plan, the Department of Planning may proceed with conditional review of the plan or plan and place it on a waiting list arranged by date of City Council approval and, for previously approved plans or plans, by date of the request for extension.

(b) Record plans, grading permits, and public works agreements for utilities or roads shall not be executed by the City until the proposed preliminary subdivision plan or site plan for the project is removed from the waiting list

and approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition(s) that prevented approval under Subsection A(2)(a), (b), (c), (d), or (e) of this section no longer exist(s).

(6) Grandfathering.

(a) Unless an extension of the approval of the preliminary plan or site plan is granted in accordance with the applicable City Code allowing for such extension, development conducted in accordance with a preliminary plan or site plan approved before the effective date of this chapter is exempt from the provisions of this subsection concerning the adequacy of the sewerage system.

(b) If an extension of the approval of the preliminary plan or site plan is granted, the development shall be subject to the provisions of this subsection concerning the adequacy of the sewerage system.

(c) If development is exempt from the provisions of this subsection concerning the adequacy of the sewerage system, execution of public works agreements for such development is subject to availability of capacity in the sewerage system at the time of preparation of the public works agreements.

B. Water. Approval of all preliminary subdivision plans and site plans for development shall be subject to determination of adequate water capacity in accordance with this Subsection B. The developer shall provide the Director of Public Works with all necessary information, including any required studies, in order to make a determination of adequacy.

(1) The current and anticipated demands on the water system shall be evaluated by the developer to determine adequacy of the system with regard to the following:

(a) Demands on the system generated or projected to be generated by existing connections;

(b) Buildings under construction that will be connected to the system;

(c) All committed allocations evidenced by payment of connection fees;

(d) All unexpired public works agreements;

(e) All unexpired preliminary subdivision plans and site plans; and

(f) Properties that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed, and construction plans completed.

(2) Taking into consideration proposed demands on the system identified in Subsection B(1), the following components of the water system must be determined to be adequate:

(a) The water distribution system is capable of providing the required pressures and flows during the maximum day demand and the minimum required pressures for fire flows, resulting from the proposed development, as established in the City's water and sewer design guidelines;

(b) Booster stations and/or transmission mains in the service area have sufficient available capacity to provide maximum day demand and minimum required pressure for fire flow to the proposed development;

(c) Storage tanks in the service area have sufficient available capacity to provide peak-hour demand in addition to fire flow to the proposed development; and

(d) Source and treatment facilities in the service area have sufficient available capacity to provide maximum day demand to the proposed development.

(3) The City water system shall also be considered adequate under the following circumstances:

(a) If the City has funded projects for the improvement of the facilities necessary to comply with the requirements of Subsection B(2)(a), (b), (c), and (d) of this section.

(b) If there is compliance with Subsection B(2)(c) and (d) of this section and the developer agrees to construct the improvements to the system to meet the requirements of Subsection B(2)(a) and (b) of this section, or the developer executes an agreement with the City for improvements to the system to meet the requirements of Subsection B(2)(a) and (b) of this section.

(4) If the water system serving the proposed development is found to be inadequate, then preliminary subdivision plans exceeding five lots, site plans for multifamily residential developments exceeding five dwelling units, and extensions of previously approved preliminary subdivision plans and site plans shall not be approved.

(5) Conditional review.

(a) If Subsections B(2)(a), (b), (c), or (d) of this section prevents approval or the extension of a previous approval of a preliminary plan or site plan, the City of Havre de Grace's Department of Planning may proceed with conditional review of the plan or plan and place it on a waiting list arranged by date of City Council approval and, for previously approved plans, by date of the request for extension.

(b) Record plans, grading permits and public works agreements for utilities or roads shall not be executed by the City until the plan for the project is removed from the waiting list and preliminary approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Subsection B(2)(a), (b), (c), or (d) of this section no longer exists.

(6) Grandfathering.

(a) Unless an extension of the approval of a preliminary plan or site plan is granted in accordance with the City Code, development conducted in accordance with a preliminary plan or site plan approved before the effective date of this chapter is exempt from the provisions of this subsection concerning the adequacy of the water system.

(b) If an extension of the approval of the preliminary plan or site plan is granted, the development shall be subject to the provisions of this subsection concerning the adequacy of the water system.

(c) If development is exempt from the provisions of this subsection concerning the adequacy of the water system, execution of public works agreements for such development is subject to availability of capacity in the water system at the time of preparation of the public works agreements.

§ 2-9. Roads.

A. Approval of preliminary subdivision plans and site plans for development shall be subject to determination of adequacy of road intersections in accordance with this Subsection C.

(1) Traffic impact analysis.

(a) The developer of any project that will generate 249 total trips per day using the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual is required to submit a traffic impact analysis (TIA) to determine the level of service (LOS) of road intersections within the study area. If a development will generate fewer than 249 total trips per day, or if the LOS of an affected intersection is graded "E" or "F," the City may, at its discretion, require a TIA.

(b) The Director of Public Works may waive the requirement for a TIA for projects that have direct access to US Route 40, where the Director finds that the trips generated by the project will not significantly impact the corridor or intersections within 1 mile of the project.

(c) The TIA shall be conducted by a traffic engineering firm that is agreed upon by the City and the developer, to include specific requirements as established by the Department of Public Works. All costs for this TIA shall be borne by the developer.

(d) The TIA shall be prepared, signed, and sealed by a traffic engineer, or a civil engineer licensed in the State of Maryland who is qualified to practice traffic engineering.

(2) Minimum requirements for a TIA and intersection adequacy.

(a) Trip generation projections shall be determined by utilizing methods set forth in the latest edition of the ITE Trip Generation Manual.

(b) The minimum acceptable level of service of road intersections in a residential development study area shall be "C" for intersections in or abutting a residential zoning district and "D" for all other intersections.

(c) The study area shall be determined by City staff, who shall consider the following when determining the parameters of the study area and the requirements and sufficiency of the TIA:

[1] Study area.

[a] The typical study area for a TIA shall consist of a minimum area encompassed by a radius of 1/4 mile from the site to be developed, and shall include collector or higher-functioning classification road intersections from all approaches to the site as specified in the current edition of the City of Havre de Grace's Comprehensive Plan. This area may include intersections which are subject to the jurisdiction of the Maryland State Highway Administration (SHA) or Harford County. Coordination with these government agencies may be required.

[b] If the one-fourth-mile radius does not include a collector or higher-functioning classification road intersection, the City may require the inclusion of the nearest collector or higher-functioning classification road intersection as part of the study area.

[2] Design year. The design year shall be the projected date of completion of the project as outlined in the public works agreement for that project.

[3] Trip generation requirements for TIAs.

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[a] Existing traffic counts shall be conducted within a twelve-month period of the submittal date of the TIA. Traffic counts should be taken on a Tuesday, Wednesday, or Thursday, not following a holiday unless approved by the City. If a school is located within the TIA study limits, traffic counts must be taken while school is in session.

[b] Trip generation for each land use shall be obtained by utilizing the current edition of the ITE Trip Generation Manual. The land use code in the manual shall be indicated for each category. Where a land use is not recognized within the ITE Manual or where local conditions indicate fewer trips than projected by the ITE standard for a particular land use, local trip rates may be developed; however, the data must be submitted to the City with supporting documentation prior to approval of the rates.

[c] For developments generating peak trip numbers on weekends, the City may require the TIA to include traffic counts on either Saturday or Sunday (depending upon which day best reflects the proposed land use's peak operation), and the TIA shall include a traffic report for a single peak hour. Operational analyses may be required as well. Passby and diverted trip reduction factors may be considered for certain uses if City staff permits.

[4] Trip distribution and assignment.

[a] Any of the following methodologies may be acceptable for the purpose of determining trip distribution in a TIA:

[b] Gravity model. This technique may require calibration prior to its use if utilizing an old gravity model for the study area.

[c] Utilization of demographic data.

[d] Current directional distribution. (NOTE: This may be unacceptable if the directional distribution will change before the design year to future changes in the land use or transportation system improvements.)

[e] City staff shall approve the methodology to be used in the study.

[5] Capacity analysis in a TIA.

[a] Capacity analyses shall be performed for all intersections, roadways, ramps, weaving sections, internal circulation, and access points. The analysis shall be in accordance with the latest

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published version of the Highway Capacity Manual (HCM). Other types of capacity analysis may be requested, such as critical lane, depending on requirements of other jurisdictions with road systems within the City. It may also be necessary to complete traffic progression analysis, utilizing such programs as the HCM or Synchro. Queuing analyses may be required to determine both on- and off-site situations where queuing could impact the roadway/internal site operation. The SHA has established acceptable cycle lengths. (See chart below.) However, actual field-documented cycle lengths may be used if approved by City staff.

Level of Service	2 Phases	3 to 5 Phases	6 to 8 Phases
A	90	100	120
B	90	100	120
C	100	120	135
D	120	135	150
E	135	150	165
F	150	165	180

[b] Unsignalized intersections not meeting the adopted level of service established in Subsection C(2)(b) of this section shall be required to complete a traffic signal warrant analysis. Unsignalized intersections will be evaluated based on the level of service on the minor approaches to the intersection. Accident history of the intersection shall be considered as well.

[c] Background traffic, the volume of traffic that will be on the roadway network in the project area without the proposed development, shall be analyzed in the study. Graphic illustrations of background traffic shall be provided. Sources of background traffic include: a 2.2% annual growth in traffic to buildout year, if applicable, traffic generated by other approved developments, traffic generated from subdivisions with approved final plats, traffic generated from subdivisions with approved preliminary plans, and existing traffic.

[d] When analyzing background and future conditions, only capital projects with one-hundred-percent funding may be utilized. Other road improvements associated with other developments that have approved plans and an executed public works agreement or SHA highway access permit(s) may be utilized as well.

[6] Peak-hour observations. The City may require peak-hour observations performed by a qualified traffic engineer in a TIA. The observations shall be conducted at the direction of the City to address specific

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operational issues related to the proposed project. The specific traffic concerns of the City will be presented at the preliminary plan meeting. Documentation of the observations shall be included in the TIA, along with recommendations to address traffic deficiencies.

[7] Recommendations. If any intersection within the study area has any of the failing conditions listed in Subsection C(2)(b) or D(2)(c)[5][a], the TIA shall recommend mitigating improvements. The improvements shall be described in the TIA and should include a basic concept plan that illustrates the recommended improvements. The recommended improvements should be achievable utilizing the latest American Association of State Highway and Transportation Officials (AASHTO), SHA, or City of Havre de Grace guidelines. A TIA without specific recommendations to mitigate negative impacts shall not be considered complete. If recommended improvements are approved by the City, the developer shall implement the recommendations in the TIA at the developer's sole expense.

[a] If the TIA determines the existing LOS does not meet the minimum requirements in the study area, the developer need only mitigate the portion of traffic impact generated by the development to ensure that post development traffic conditions are no worse than predevelopment levels.

[b] If the TIA determines a developer is subject to mitigate its portion of trips generated from the site, the developer shall construct the improvements as stipulated by the City of Havre de Grace's Department of Public Works. In the event the Department of Public Works determines the developer is unable to provide the improvements because of the inability to acquire the necessary rights-of-way, the physical constraints of the property, or state or federal regulations, the developer, prior to issuance of the first building permit, shall deposit into an escrow account with the City 125% of the funds necessary to cover the costs of the improvements as determined by the City. The City shall continue to hold the money in escrow until such time as the improvements are able to be constructed. In no event, however, shall the money be retained by the City for longer than 10 years from date of deposit. At the conclusion of the 10 years, the existing owner(s) of record may request a refund. If such a request is not made within 365 calendar days of the conclusion date, the escrowed money shall revert to the City of Havre de Grace for use in improvement of roads and related structures within the City's right-of-way.

(3) Conditional review.

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(a) If the requirements of this subsection prevent approval or the extension of a previous approval of a preliminary subdivision plan or site plan, the Department of Planning may proceed with conditional review of the preliminary plan or site plan and place it on a waiting list arranged by date of City Council approval and, for previously approved plans, by date of the request for extension.

(b) Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the City until the plan for the project is removed from the waiting list and preliminary subdivision plan or site plan approval or extension is granted. Removal from the waiting list shall occur only when the condition that prevented approval under this subsection no longer exists.

(4) Grandfathering.

(a) Unless an extension of the approval of the preliminary subdivision plan or site plan is granted in accordance with the City Code, development conducted in accordance with a preliminary plan or site plan approved before the effective date of this chapter is exempt from the provisions of this subsection concerning the adequacy of the roadways.

(b) If an extension of the approval of the preliminary plan or site plan is granted, the development shall be subject to the provisions of this subsection concerning the adequacy of the roadways.

Signed by the Mayor and attested by the Director of Administration this _____ day of _____, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

_____

Patrick D. Sypolt
Director of Administration

_____

William T. Martin
Mayor

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