October 19, 2020
Council Meeting Minutes

Public Hearing on Ordinance 1043 concerning Amendment to Chapter 205: Zoning to Add Personal Care Boarding Home, was called to order at 7:00 PM on October 19, 2020, with Mayor Martin presiding.
Council Members present: CP Glenn, CM Robertson, CM Zinner, CM Boyer, CM Ringsaker and CM Martin.

Comments from Citizens:
Joe Kochenderfer of Tydings Road - Parking and Zoning concerns expressed.
Carrie Parsons of 840 Otsego Street - R1 and R2 Zoning concerns expressed.

The public hearing was closed at 7:11 PM.

The regular meeting of the City Council was called to order on October 19, 2020, at 7:12 PM. Council Members present: CP Glenn, CM Robertson, CM Zinner, CM Boyer, CM Ringsaker, and CM Martin.

The Pledge of Allegiance was recited, and opening prayer was given by Evangelist Gene Proud of Proud Evangelistic Association.

Approval of Minutes:
CM Ringsaker moved to approve the Council Meeting minutes of October 5, 2020. Seconded by CM Zinner. Motion carried 5-1 with CM Martin abstaining.

CP Glenn commented on a change going forward to minutes captured. We need to highlight how the respective council members vote on dissenting votes.

Comments made by citizens on agenda items:
Taryn Martin of 302 Squaw Court. – Spoke regarding the Holiday Tree Jubilee on behalf of Celebrate the Fourth Foundation.

CM Ringsaker made a motion to amend this evening's agenda under Old Business number 14A to be removed at this time. Seconded by CM Martin. Motion carried 5-1 with CM Boyer opposed.

Appointments: Motion made by CM Robertson to approve the appointments of Malcolm George to the Economic Development Advisory Board. Seconded by CM Martin. Motion carried 6-0. CM Robertson made a motion to approve the appointment of Clark Turner to the Economic Development Advisory Board. Seconded by CP Glenn. Motion carried 5-1 with CM Zinner recusing herself from the vote. CM Robertson made a motion to appoint Richard Wehner to the Economic Development Advisory Board. Seconded by CP Glenn. Motion carried 6-0.
Motion was made by CM Zinner to approve the appointment of Candace Hough to the Historic Preservation Board. Seconded by CM Robertson. Motion carried 6-0.

Oath of Office was administered by Mayor Martin to each new appointment.

Presentation: Project Aware - Cindy Rosselle from Project Aware presented the mission of the organization. More is available at www.oneoceanscuba.com

Ordinance 1042: Concerning Deed of Dedication for Bulle Rock Parkway - Second Reading (CP Glenn)
AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, CITY CHARTER SECTIONS 33, 34, 65, 66 AND 73, CONCERNING A DEED OF DEDICATION FOR 2.17 ACRES (MORE OR LESS) OFF OF BULLE ROCK PARKWAY, IN THE AREA OF THE BULLE ROCK WATER TOWER**.**
A motion to introduce on second reading Ordinance 1042 was made by CP Glenn with a second by CM Ringsaker. Motion carried 6-0. Ordinance 1042 was read into record. A motion to adopt Ordinance 1042 was made by CP Glenn with a second by CM Boyer. Motion carried 6-0.

Ordinance 1044: Concerning Amendment to City Code Chapter 99 Zoning Incentive Conversion Program – First Reading (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 CITY CODE CHAPTER 99 INCENTIVE CONVERSION PROGRAM.
A motion to introduce on first reading Ordinance 1044 was made by CM Ringsaker with a second by CM Martin. Motion carried 6-0. Ordinance 1044 was read into record. A motion to adopt Ordinance 1044 was made by CM Ringsaker with a second by CM Martin. Motion carried 6-0. Public Hearing scheduled for November 2, 2020 at 7:00 PM.

New Business:
Proposed Budget Amendment 2021-02 - Motion to introduce by CM Robertson with a second by CM Zinner. Motion carried 6-0

Special Events:
Holiday Tree Jubilee – Motion to approve CM Martin with a second by CM Boyer. Motion carried 6-0.
Holly Jolly First Friday – Motion to approve CM Martin with a second by CM Robertson. Motion carried 6-0. CM Martin made a motion to add a rain date of December 5, 2020, as a friendly amendment. Seconded by CM Zinner. Motion carried 6-0.

Directors Report:
Mr. Patrick Sypolt – Director of Administration. Shared the latest in City of Havre de Grace events that are to take place. In Director Shane Grimm's absence at this portion of the meeting, Mr. Sypolt shared an update on behalf of Mr. Grimm. The Planning Commission will meet Monday, October 26th, at 6:30 PM.

Mr. Shane Grimm – Director of Planning. Absent at this portion of the meeting.

Mrs. Erika Quesenbery Sturgill – Director of Economic Development. The week beginning October 19 is Economic Development Week in Maryland. We will honor 14 new businesses that opened in 2020. HDGOED completed their Department of Housing and Community Development grant. Mrs. Quesenbery Sturgill also shared the opening of new businesses coming to Havre de Grace. Abbey Burger will open in January 2021. Also, our first downtown brewery, Battery Island Brewing Company, will open on March 17, 2021, at 101 N. Washington Street.

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 Public Works. Mr. Whittie gave an update on City projects.

Chief Teresa Walter – Chief of Police. Chief Walter reminded citizens that this Saturday, October 24th, is National Drug Take Back, and you can drop off at the Police Department between the hours of 10 AM and 2 PM.

Business from Mayor Martin: Mayor Martin gave a COVID update with the recent numbers. He encourages residents to continue to practice safety measures. Mayor Martin sent out congratulations to the Lock House organization for their 50th Anniversary. Mayor Martin reiterated that Halloween is a go. If you do not wish to participate, turn your porch light off, and if you do wish to participate, turn your porch light on. Mayor Martin said that, under the Governor's guidelines, we can hold the Oyster Feast and will be doing so this year on November 21st. Mayor Martin announced that Dumpster Day will be held November 21, 2020, from 8 AM to 12 PM. More information is available on our City website. Mayor Martin sent out a reminder that this year's Election will be at the former Havre de Grace High School Gym/Auditorium facility on Congress Avenue. Mayor Martin wanted to also let citizens know that we have offered the Circuit Court Partnership the use of our Community Center for Jury Selection.

Business from Council:

CM Boyer – CM Boyer **t**hanked all who have volunteered to serve on commissions. The Cultural Exchange Commission on October 21st will meet via Zoom at 6 PM. Street and Traffic Safety will also meet October 26th at 6 PM. CM Boyer encouraged anyone who shops at Weis Market to consider donating their points to the Thanksgiving Project.

CM Zinner – CM Zinner **t**hanked all who were sworn in this evening. CM Zinner was happy to announce that the State of Maryland came in 9th in the Census response.

CM Robertson – CM Robertson thanked all new appointees this evening. CM Robertson shared that the 2nd and 3rd Saturdays at the American Legion, they are offering Pit Beef, Pit Ham and Pit Turkey from 10 am to 1 PM. CM Robertson said the EDAB will be meeting October 21st from 4 to 6 PM at the Havre de Grace Cultural Center. CM Robertson reminded citizens to be respectful to all during this voting season. CM Robertson said "Keep it Classy, Havre de Grace."

CM Martin – CM Martin thanked council and mayor for the support during this time on the loss of his father-in-law.

CM Ringsaker – CM Ringsaker said the Planning Commission will meet on the 26th at 6:30 PM here at City Hall. CM Ringsaker said the Planning Committee will meet Thursday at 5:30 PM, in council chambers.

Business from Council President Glenn - Council President Glenn attended the 50th Anniversary Celebration of the Lock House. He sent a special thanks to Joanne Healey, Bob Maghee and the many volunteers who have made the Lock House a true attraction for the City. CP Glenn said despite COVID- 19 the replacement school for Havre de Grace continues to move forward. He sends congratulations to Jaylen Day who has signed a letter of intent to attend Washington and Lee University. He sends out congratulations to his son, Shawn, who was recently promoted by the Air Force Reserves. In closing, CP Glenn spoke on a new Disney movie that has been released called Clouds. He shared the impact this movie had on his personal experience in his battle with cancer, how it inspired him and many others. CP Glenn would like to encourage others to focus on the positive things in life and live with honesty, integrity and respect for one another.

Comments from Citizens: No comments from citizens this evening.

Adjournment: A motion was made by CP Glenn and a second by CM Ringsaker to adjourn at 8:59 PM. Motion carried 6-0.

Video recording of the City Council Meeting may be viewed online through Harford Cable Network or the City of Havre de Grace YouTube Channel.

Respectfully Submitted by,
Resa Laird

CITY COUNCIL

OF

HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1044

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 CITY CODE CHAPTER 99 INCENTIVE CONVERSION PROGRAM.

On: 10/19/2020

at: 7:00 p.m.

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

PUBLIC HEARING

A Public Hearing is scheduled for 11/2/2020.

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.

Public Hearing

WHEREAS, the Mayor and City Council adopted Ordinance No. 995 (City Code Chapter 99) on January 2, 2018, which created an incentive program for the conversion of multi-family dwellings and/or offices back to single family dwellings in designated geographic areas within the City of Have de Grace; and

WHEREAS, the Mayor and City Council desire to amend City Code Chapter 99 by replacing Exhibit A, which depicts the geographic area, to expand the geographic area within the City of Havre de Grace; and

WHEREAS, the Mayor and City Council desire to amend Section 99-3 Eligibility to limit the monetary award shown in Exhibit B to not exceed the annual City property tax amount and to commence the monetary award the fiscal year following the completion of the conversion as specified in Exhibit C.

NOW THEREFORE, the Mayor and City Council of Havre de Grace hereby amend Chapter 99 with additions noted by <u>underlining</u> and deletions shown in **[bold brackets]**.

§ 99-1 **Provision of incentive.**
This chapter provides an incentive, in the form of a multiyear grant as part of the Planning Department's mission, "All matters related to planning and zoning, land use, zoning and building code enforcement in the City," that focuses on neighborhood preservation that will offer owners of multifamily dwellings and/or offices that were originally designed and constructed as a single-family structure, to apply for a monetary incentive to convert and maintain those structures back to single-family usage, upon project completion.

§ 99-2 **Intent.**
Throughout the City of Havre de Grace, there are a number of single-family structures that for a variety of reasons were converted to multifamily dwellings and/or office use. The goal of this chapter is to incentivize those property owners in areas depicted by this legislation (Exhibit A) to return those structures to their original single-family use. The intention of this chapter is to restore such properties which in turn should result in a positive benefit for the greater community as a whole, by restoring, preserving and enhancing neighborhoods.

§ 99-3 **Eligibility.**

A. The owner who converts a property under this incentive shall receive a monetary award <u>up to the amount depicted in Exhibit B, but cannot exceed the annual City property tax amount nor the total cost of the project. The</u> **[in the form of a]** multiyear conversion grant <u>shall commence</u> **[depicted in Exhibit B, beginning]** the fiscal year following the completion of the conversion as specified in Exhibit C.

B. Any property conversion in progress or that has occurred prior to the adoption of this chapter is not eligible for the grant incentive.

C. A property that is recognized under this chapter and for any reason is converted or used for anything other than as a single-family property will immediately be disqualified from any future years of the conversion incentive grant.

Public Hearing

§ 99-4 **Transferability.**
The conversion incentive grant for multifamily dwellings and/or offices to a single-family dwelling may be transferable to a new property owner as long as the property remains as a single-family residence.

§ 99-5 **Determination of annual amount of funding.**
An annual amount of funding shall be determined by the Mayor and City Council each year during the budget process, based on the number of qualifying applications proposed and those previously approved. The Mayor and City Council reserve the right to suspend, modify or terminate the program in any given budget year.

§ 99-6 **Qualifying geographic area.**
The qualifying geographic area may be increased or decreased at the discretion of the Mayor and City Council in the form of an amendment to Exhibit A, Geographic Area.

NOW THEREFORE, it is *determined, decided, and ordained by the City Council* that the amendments to City Code Chapter 99 Incentive Conversion Program as set forth herein are hereby approved.

ADOPTED by the City Council of Havre de Grace, Maryland this __ day of _____, 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/First Reading: 10-19/2020
Public Hearing: [mm/dd/yyyy]
Second Reading/Adopted: [mm/dd/yyyy]

Effective Date: [mm/dd/yyyy]

Legislative History
Ordinance No. 995 As Amended, enacted 1/2/2018

Public Hearing

Exhibit A

Conversion Geographic Area

As Amended

[1. Dwellings and offices along Union Avenue in its entirety and those associated intersecting streets within one City block.

2. Dwellings and offices along Washington Street in its entirety and those associated intersecting streets within one City block.

a. Dwellings and offices with addresses on the 600 Blocks of Warren Street; Franklin Street; and Green Street.]

1. Dwellings and offices that meet the criteria as specified in Chapter 99 of the City Code and are physically located within the following geographic boundaries:

a. Juniata Street to West (to include the 800 blocks of Erie, Ontario and Otsego Streets) and the Susquehanna River on the East; and

b. Commerce Street to the South and Erie Street to the North.

Exhibit B

5 Year Tax Incentive Table

Year One	$2,000.00
Year Two	$1,500.00
Year Three	$1,500.00
Year Four	$1,000.00
Year Five	$1,000.00
Total Available	**$7,000.00**

Note: Annual Incentive cannot exceed annual City property tax nor the total cost of the project.

Public Hearing

Exhibit C

Checklist for Conversion Incentive of Multi-Family Dwelling or Office Building to a Single Family Dwelling – City of Havre de Grace

Address of Property _____

Tax ID Number _____

Name & Address of Owner(s) _____

_____

_____

Task	Responsibility	Date	Signed
Initial Proposal & Timeline of Conversion	Property Owner		
Initial Inspection of Request (certifies the property is qualified)	Director of Planning		
Project Review Check-Off:			
☐ Director of Administration ☐ Director of Public Works ☐ Director of Economic Development ☐ Director of Finance ☐ Director of Planning ☐ Planning Commission Chair ☐ Historic Preservation Chair ☐ Public Safety Chair			
Final Conversion Review Plan	Director of Planning & Owner(s)		
Final Inspection (certifies the property is now single family)	Director of Planning		
Grant Funding Allocation	Director of Finance		
Commitment Signature (from Owner)	Owner(s)		

PROGRAM YEAR	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	COMMITMENT PAID IN FULL
Amount	$2,000.00	$1,500.00	$1,500.00	$1,000.00	$1,000.00	$7,000.00
Annual verification from the Property Owner that the Property is a Single Family Property						
Annual Confirmation-Planning Department						
Payment by the Director of Finance						

Draft Ordinance

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 SECTIONS 76, 33 AND 34 OF THE CITY CHARTER AND THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO AUTHORIZE THE MAYOR TO ENTER INTO A LEASE FOR A PORTION OF THE CITY RIGHT OF WAY ALONG 319 BOURBON STREET

WHEREAS, the owner of 319 Bourbon Street Havre de Grace, Maryland desires to construct a covered porch which would encroach on the City right of way along Bourbon Street; and

WHEREAS, other properties along Bourbon Street already encroach along Bourbon Street such that the City is inclined to grant a permit for the construction of the covered porch for uniformity of appearance; and

WHEREAS, construction of the covered porch in accordance with the description in the permit application will not adversely impact the right-of-way; and

WHEREAS, the installation of the covered porch will promote the health, safety, and welfare of the public and serve the City's general purposes; and

WHEREAS, the Lease was listed on the agenda for this City Council meeting in accordance with Resolution No. 2007-10; and

WHEREAS, the Lease attached as Exhibit A conforms with the requirements of Resolution No. 2007-10 and the Department of Planning Memorandum dated October 26, 2020 attached as Exhibit B describes the location of the covered porch.

NOW THEREFORE, it is *determined, decided, and resolved by the City Council* that the Mayor is authorized to execute such Lease, which Lease will become binding upon the Mayor's signature as attested by the Director of Administration.

[Signatures to follow on next page.]

ADOPTED by the City Council of Havre de Grace, Maryland this 2nd day of November, 2020.

SIGNED by the Mayor and attested by the Director of Administration this 3rd day of November, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

_____
Patrick D. Sypolt
Director of Administration

_____
William T. Martin
Mayor

Introduced: 11/02/2020
Passed/Adopted: 11/02/2020

Effective Date: 11/03/2020

Exhibit A

City of Havre de Grace

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

WWW.HAVREDEGRACEMD.COM

LEASE AGREEMENT

This AGREEMENT ("Lease") is made this __ day of _____, 2020, between the Mayor and City Council of Havre de Grace, Maryland ("City"), and Charlene Broadwater ("Lessee").

WHEREAS, the Lessee is the owner of the property located at 319 Bourbon Street in Havre de Grace, Maryland; and,

WHEREAS, the Lessee has completed a permit application and seeks permission to encroach on City right-of-way for the construction of a covered porch; and,

WHEREAS, construction of the covered porch in accordance with the description in the permit application will not adversely impact the right-of-way; and

WHEREAS, the installation of the covered porch will promote the health, safety, and welfare of the public and serve the City's general purposes; and

WHEREAS, the Lease was listed on the agenda at a City Council meeting and the City Council has approved the general terms of the Lease in accordance with Charter Section 76 and Resolution No. 2007-10; and

WHEREAS, the Council has authorized the Mayor to execute such Lease, which Lease will become binding upon the Mayor's signature as attested by the Director of Administration.

NOW THEREFORE, in consideration of the promises contained herein, the parties agree as follows:

1. **Property.**

The City grants to the Lessee a lease to encroach into the City's right-of-way for Bourbon Street at 319 Bourbon Street.

2. **Terms of Use.**

Lessee agrees:

a. Application for a Lease of City property shall be accompanied by a $50.00 administrative fee.

b. The rent shall be $3.00 per square foot per year or a $300.00 flat fee per year, whichever is greater. The square footage of the area to be leased under this Lease is 120 square feet. Since $300.00 is greater than $123.00; the annual lease payment shall be $300.00 per year which is to be paid annually, with the first payment to be made upon signing of this Lease.

c. The annual rent shall increase a minimum of 3% per year.

d. At the commencement of the Lease, the Lessee may elect to pay the rent in full for the entire Lease term, which would include the 3% annual rent increase.

e. The City shall charge a late fee of $15.00 plus any interest as permitted by law.

f. The Lessee is required to pay all costs associated with the Lease and the property, including but not limited to maintenance, repair, utilities, taxes, and insurance.

g. The porch shall extend no further into the right-of-way than the existing porch.

h. The porch shall be maintained in good condition at all times.

i. The City reserves the right to require the owner to remove the porch at any time at the owner's sole expense.

j. Prior to construction of the porch, the applicant shall contact Ms. Utility to ensure that no utilities will be impacted. The report shall be forwarded to Ms. Marisa Willis.

k. The subject property is located within the Chesapeake Bay Critical Area. Mitigation must be provided for the new impervious surface in the form of 1 tree per 100 square feet of impervious surface, or 3 shrubs per 100 square feet. The applicant shall provide the Department of Planning with a basic planting plan indicating the number and species to be planted. All plants shall be native species.

3. **Indemnity.**

The Lessee shall indemnify and save harmless the City and its employees and agents from all claims and demands, suits, actions, loss, damages, recoveries, judgments, costs and expenses in any manner arising out of or in connection with any injury, death, loss, or damage related to the Lessee's use of the right-of-way, the Lessee's conduct, or the Lessee's breach of the Lease.

4. Restoration.

The Lessee shall be responsible for all costs or expenses to restore the City right-of-way after termination of the permitted use. The City may undertake the restoration and all costs and expenses shall be assessed against the Lessee and the property owner, and such costs will become a lien on the property until fully paid.

5. Maintenance.

The Lessee shall maintain any facility or object in, above, or in the City right-of-way and related to the use in a manner that is attractive, clean, safe, workmanlike, and in good repair. The Lessee shall insure that the facility or object in, above, or in the City right-of-way related to the use is in compliance with all applicable federal, State, County and City laws, rules, ordinances, or regulation which are hereby incorporated into this Agreement.

6. Term

This Agreement shall remain in force for a period of ten (10) years, and shall expire December 31, 2030, unless the City terminates or modifies this Agreement. In its sole discretion, the City Council may renew or extend this Agreement upon the request of the Lessee.

7. Permitted Use.

The temporary permitted use allowed by this Agreement is limited to the following: *use of a portion of the Bourbon Street right-of-way for a covered porch.* Any disagreement between the

parties about the type of use, the location of the use, or any special conditions required, shall be resolved by the City in its sole discretion.

8. Entire Agreement.

The Parties agree that this document contains the entire Agreement.

9. No Waiver

The Lessee agrees that the City's failure to enforce any of the terms herein shall not constitute a waiver.

10. Venue/Choice of Law

This is a Maryland contract and the parties hereto agree that the laws of Maryland shall apply to any disputes arising under the Lease. Harford County is the sole venue for any dispute.

11. No Assignment

This Lease may not be assigned by the Lessee without the express written consent of the City Council in its sole discretion, which continuation may be permitted if the proposed assignee continues the current use of the property for the remainder of the Lease term.

12. Specific Enforcement/Breach of Contract/Attorneys' Fees

In any legal action to enforce the terms of this Lease, for declaratory action, or to recover damages for breach of the terms of this Lease filed by any party, the City shall be entitled to recover reasonable attorneys' fees and costs from the Lessee or is successor or assigns for its successful prosecution or defense of such claims.

[Signatures to follow on next page.]

WITNESS our hands and seals.

WITNESS/ATTEST:

LESSEE: Charlene Broadwater

_____

_____
Signature

WITNESS/ATTEST:

MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND

_____
Patrick D. Sypolt
Director of Administration

_____
William T. Martin, Mayor

APPROVED AS TO LEGAL SUFFICIENCY:

_____
April C. Ishak, City Attorney

THIS LEASE AGREEMENT RELATES TO
PERMIT # 20210143, IF APPLICABLE

Exhibit B

City of Havre de Grace

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

WWW.HAVREDEGRACEMD.COM

DEPARTMENT OF PLANNING
MEMORANDUM

October 26, 2020

TO: Steve Gamatoria
Chief of Staff

FROM: Shane P. Grimm, AICP
Director of Planning

Re: 319 Bourbon Street - Lease Agreement
Porch in Right-of-Way
Permit No. 20210143

The Department of Planning has received a building permit application for the replacement of a covered porch at 319 Bourbon Street that is within the City right-of-way. The proposed replacement porch will not encroach further into the right-of-way, but will be extended along the entire front of the house. Most of the dwellings in this area of Bourbon Street have existing front porches, with the majority of them being partially or fully located in the right-of-way. The proposed porch would be in keeping with other porches found throughout the City and would complement the dwelling. Similar license agreements have been approved by the Mayor and City Council, most recently at 319 Bourbon Street and 700 Market Street. The Department of Public Works has reviewed the request and has no objections or comments. The proposed porch does not appear to conflict with any utilities. I have reviewed the permit application with the Planning Committee, and they have no objections or comments as well. A copy of the site plan is attached to this memo.

The Department recommends the following conditions be included should the Mayor and City Council approve the request:

1. The porch shall extend no further into the right-of-way then the existing porch.

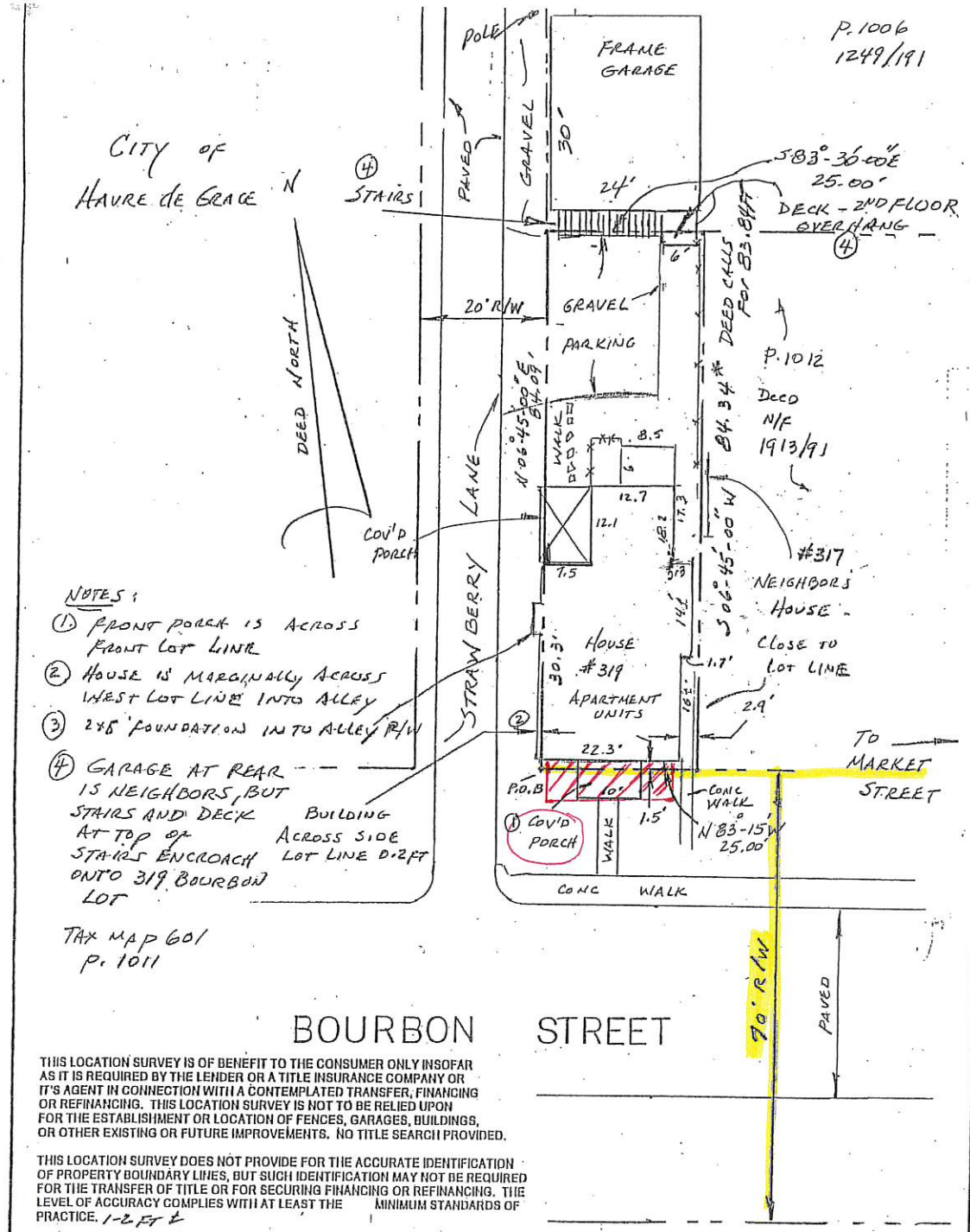
2. The porch shall be maintained in good condition at all times.

3. The City reserves the right to require the owner to remove the porch at any time at the owner's sole expense.

4. Prior to construction of the porch, the applicant shall contact Ms. Utility to ensure that no utilities will be impacted. The report shall be forwarded to Ms. Marisa Willis.

5. The subject property is located within the Chesapeake Bay Critical Area. Mitigation must be provided for the new impervious surface in the form of 1 tree per 100 square feet of impervious surface, or 3 shrubs per 100 square feet. The applicant shall provide the Department of Planning with a basic planting plan indicating the number and species to be planted. All plants shall be native species.

cc: Joe Conaway, DPW
Jeff Keithley, DPW
Marisa Willis, CFM, Planning Technician
Colleen Critzer, Permits Clerk



NOTES:

1. FRONT PORCH IS ACROSS FRONT LOT LINE
2. HOUSE IS MARGINALLY ACROSS WEST LOT LINE INTO ALLEY
3. 2x6 FOUNDATION INTO ALLEY R/W
4. GARAGE AT REAR IS NEIGHBORS, BUT STAIRS AND DECK AT TOP OF STAIRS ENCROACH ONTO 319 BOURBON LOT

BUILDING ACROSS SIDE LOT LINE 0.2FT

TAX MAP 601
P. 1011

THIS LOCATION SURVEY IS OF BENEFIT TO THE CONSUMER ONLY INSOFAR AS IT IS REQUIRED BY THE LENDER OR A TITLE INSURANCE COMPANY OR IT'S AGENT IN CONNECTION WITH A CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THIS LOCATION SURVEY IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS. NO TITLE SEARCH PROVIDED.

THIS LOCATION SURVEY DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR FOR SECURING FINANCING OR REFINANCING. THE LEVEL OF ACCURACY COMPLIES WITH AT LEAST THE MINIMUM STANDARDS OF PRACTICE. 1-2 FT ±

I HEREBY CERTIFY THAT I HAVE EXAMINED THE FLOOD INSURANCE RATE MAP (FIRM MAP NO. 24025C-0211D) FOR THE PROPERTY THAT IS THE SUBJECT OF THE SURVEY AND THAT THE PROPERTY DESCRIBED HEREON DOES NOT LIE IN AN AREA IDENTIFIED BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT AS HAVING SPECIAL FLOOD OR MUDSLIDE HAZARDS. ZONE X

JOSEPH E. WELSH

8-12-13
DATE

#319 BOURBON STREET
HAVRE de GRACE, MD 21078
DEED. REF: 5086/623

Location Drawing
Existing Improvements

319 Bourbon Street
Havre de Grace, Maryland

6th Election District
Harford County, Maryland

SURVEYOR SEAL

STATE OF MARYLAND
JOSEPH E. WELSH
No. 20016
REGISTERED
PROFESSIONAL LAND SURVEYOR

WELSH ENGINEERING
2 PARADISE DRIVE
HAVRE DE GRACE, MARYLAND 21078
410-939-1304 FAX 410-939-6480

SCALE: 1" = 20'	DATE: 8-11-13	
DRAWN: JW		JOB: 821J

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 SECTIONS 76, 33 AND 34 OF THE CITY CHARTER AND THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO AUTHORIZE THE MAYOR TO ENTER INTO A LEASE FOR A PORTION OF THE CITY RIGHT OF WAY ALONG CONGRESS AVENUE ADJACENT TO 100 N. WASHINGTON STREET

WHEREAS, the owner of 100 N. Washington Street Havre de Grace, Maryland desires to utilize the City right of way along 100 N. Washington Street as an outdoor dining/bistro area for the Les Petits Bisous; and

WHEREAS, the area along Congress Avenue adjacent to 100 N. Washington Street is not currently being used and the City is inclined to grant a permit for the use of the area for the purposes disclosed; and

WHEREAS, the installation of the dining area will promote the health, safety, and welfare of the public and serve the City's general purposes; and

WHEREAS, the Lease was listed on the agenda for this City Council meeting in accordance with Resolution No. 2007-10; and

WHEREAS, the Lease attached as Exhibit A conforms with the requirements of Resolution No. 2007-10 and the Department of Planning Memorandum dated October 26, 2020 attached as Exhibit B describes the location of the patio dining.

NOW THEREFORE, it is *determined, decided, and resolved by the City Council* that the Mayor is authorized to execute such Lease, which Lease will become binding upon the Mayor's signature as attested by the Director of Administration.

[Signatures to follow on next page.]

ADOPTED by the City Council of Havre de Grace, Maryland this 2nd day of November, 2020.

SIGNED by the Mayor and attested by the Director of Administration this 3rd day of November, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

Patrick D. Sypolt
Director of Administration

William T. Martin
Mayor

Introduced: 11/02/2020
Passed/Adopted: 11/02/2020

Effective Date: 11/03/2020

Exhibit A

City of Havre de Grace

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

LEASE AGREEMENT

This AGREEMENT ("Lease") is made this __ day of _____, 2020, between the Mayor and City Council of Havre de Grace, Maryland ("City"), and Arthur P. G. Asher, II c/o Paige Asher Mitchem. ("Lessee").

WHEREAS, the Lessee is the owner of the property located at 100 N. Washington Street in Havre de Grace, Maryland; and,

WHEREAS, the Lessee has completed a permit application and seeks permission to encroach on City right-of-way (Congress Avenue right-of-way) to create an outside dining and seating area as; and,

WHEREAS, the outside dining and seating area is in accordance with the description in the permit application, is not a permanent structure, and will not adversely impact the right-of-way; and

WHEREAS, the outside dining and seating area will promote the health, safety, and welfare of the public and serve the City's general purposes; and

WHEREAS, the Lease was listed on the agenda at a City Council meeting and the City Council has approved the general terms of the Lease in accordance with Resolution No. 2007-10; and

WHEREAS, the Council has authorized the Mayor to execute such Lease, which Lease will become binding upon the Mayor's signature as attested by the Director of Administration.

NOW THEREFORE, in consideration of the promises contained herein, the parties agree as follows:

1. **Property.**

The City grants to the Lessee a Lease to encroach into the City's right-of-way for Congress Avenue adjacent to 100 N. Washington Street.

2. **Terms of Use.**

Lessee agrees:

a. Application for a Lease of City property shall be accompanied by a $50.00 administrative fee.

b. The rent shall be $3.00 per square foot per year or a $300.00 flat fee per year, whichever is greater. The square footage of the area to be leased under this Lease is 940 square feet. Thus, the annual lease payment shall be $2,820.00 per year which is to be paid annually. If the commencement date is other than January 1, then the first period of rent if less than one calendar year, shall be prorated to the number of days from the commencement of the lease to the end of the calendar year.

c. The annual rent shall increase a minimum of 3% per year.

d. At the commencement of the Lease, the Lessee may elect to pay the rent in full for the entire Lease term, which would include the 3% annual rent increase.

e. The City shall charge a late fee of $15.00 plus any interest as permitted by law.

f. The Lessee is required to pay all costs associated with the Lease and the property, including but not limited to maintenance, repair, utilities, taxes, and insurance.

g. At no time shall the free flow of pedestrian traffic be obstructed on any city sidewalk.

h. The chairs shall be stored inside a secured area or building when the business is not open.

i. All structures shall be kept in good maintenance and repair.

j. The Lease Agreement shall be executed by the property owner, and shall be limited to the current tenant of 100 N. Washington Street.

3. **Indemnity.**

The Lessee shall indemnify and save harmless the City and its employees and agents from all claims and demands, suits, actions, loss, damages, recoveries, judgments, costs and expenses in any manner arising out of or in connection with any injury, death, loss, or damage related to the Lessee's use of the right-of-way, the Lessee's conduct, or the Lessee's breach of the Lease.

4. Restoration.

The Lessee shall be responsible for all costs or expenses to restore the City right-of-way after termination of the permitted use. The City may undertake the restoration and all costs and expenses shall be assessed against the Lessee and the property owner, and such costs will become a lien on the property until fully paid.

5. Maintenance.

The Lessee shall maintain any facility or object in, above, or in the City right-of-way and related to the use in a manner that is attractive, clean, safe, workmanlike, and in good repair. The Lessee shall insure that the facility or object in, above, or in the City right-of-way related to the use is in compliance with all applicable federal, State, County and City laws, rules, ordinances, or regulation which are hereby incorporated into this Agreement.

6. Term

This Agreement shall remain in force for a period of ten (10) years, and shall expire December 31, 2030, unless the City terminates or modifies this Agreement. In its sole discretion, the City Council may renew or extend this Agreement upon the request of the Lessee.

7. Permitted Use.

The temporary permitted use allowed by this Agreement is limited to the following: *use of a portion of the Congress Avenue right-of-way for an outside dining and seating area.* Any

148 disagreement between the parties about the type of use, the location of the use, or any special
149 conditions required, shall be resolved by the City in its sole discretion.

150 **8. Entire Agreement.**

151 The Parties agree that this document contains the entire Agreement.

152 **9. No Waiver**

153 The Lessee agrees that the City's failure to enforce any of the terms herein shall not
154 constitute a waiver.

155 **10. Venue/Choice of Law**

156 This is a Maryland contract and the parties hereto agree that the laws of Maryland shall
157 apply to any disputes arising under the Lease. Harford County is the sole venue for any dispute.

158 **11. No Assignment**

159 This Lease may not be assigned by the Lessee without the express written consent of the
160 City Council in its sole discretion, which continuation may be permitted if the proposed assignee
161 continues the current use of the property for the remainder of the Lease term.

162 **12. Specific Enforcement/Breach of Contract/Attorneys' Fees**

163 In any legal action to enforce the terms of this Lease, for declaratory action, or to recover
164 damages for breach of the terms of this Lease filed by any party, the City shall be entitled to recover
165 reasonable attorneys' fees and costs from the Lessee or is successor or assigns for its successful
166 prosecution or defense of such claims.

167 [Signatures to follow on next page.]

168

169

170

WITNESS our hands and seals.

WITNESS/ATTEST:

LESSEE: _____

_____

_____
Signature

WITNESS/ATTEST:

MAYOR AND CITY COUNCIL OF
HAVRE DE GRACE, MARYLAND

_____
Patrick D. Sypolt
Director of Administration

_____
William T. Martin, Mayor

APPROVED AS TO LEGAL SUFFICIENCY:

_____
April C. Ishak, City Attorney

THIS LEASE AGREEMENT RELATES TO
PERMIT #_____, IF APPLICABLE

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Exhibit B

City of Havre de Grace
711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM
410- 939-1800

DEPARTMENT OF PLANNING
MEMORANDUM

October 26, 2020

TO: Steve Gamatoria
Chief of Staff

FROM: Shane P. Grimm, AICP
Director of Planning

Re: 100 N. Washington Street – Lease Agreement
Patio Dining in Right-of-Way

The Department of Planning has received a request from the tenant, Ms. Emily Yeatman, of 100 N. Washington Street to utilize approximately 900 square feet of city right-of-way along Congress Avenue for outdoor patio dining. The tenant presently operates Le Petit Bisous from 100 N. Washington Street. The proposal will require no construction and will simply consist of the placement of eight (8) 3' x 3' tables with chairs on the existing macadam surface. I have reviewed the request with the Planning Committee, and they have no objections. CW Boyer inquired as to the type of tables and chairs and where they would be stored. I forwarded the question to the tenant who responded that the tables and chairs will be typical black commercial grade patio furniture, and that she will store the chairs inside if required. Ms. Yeatman also responded that she will have video surveillance from inside.

The Department recommends the following conditions be included should the Mayor and City Council approve the request:

1. At no time shall the free flow of pedestrian traffic be obstructed on any city sidewalk.
2. The chairs shall be stored inside a secured area or building when the business is not open.
3. The Lease Agreement shall be executed by the property owner, and shall be limited to the current tenant of 100 N. Washington Street.

cc: Joe Conaway, DPW
Jeff Keithley, DPW
Marisa Willis, CFM, Planning Technician
Colleen Critzer, Permits Clerk

CITY COUNCIL

OF

HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1043
(As Amended)

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 CITY CODE CHAPTER 205: ZONING TO ADD "PERSONAL CARE BOARDING HOME" AS A CONDITIONAL USE IN THE R1 AND R2 DISTRICTS.

On: October 5, 2020

at: 7:00pm

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

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 October 19, 2020 at 7:00 p.m., and concluded on October 19, 2020 at 7:11 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.

The following definition shall be added to Section 205-13 under Definitions between "PAYDAY ADVANCE SHOP" and "PERSONAL SERVICE SHOP":

PERSONAL CARE BOARDING HOME - A premises which provides personal care to adults, for consideration, and provides these services to a maximum of five (5) adults not related to the provider or owner. Personal care includes providing daily assistance by ownership or management that are trained and licensed professionals to individuals who are unable to care for themselves; such as the elderly or disabled persons. Personal care boarding homes provide housing, meals and one or more personal services for a period exceeding 24 hours.

The following underlined language shall be added to Section 205-18 under Conditional uses:

J. Personal-care boarding homes. This use may be granted by the Board of Appeals in the R1 district, provided that:

(1) The proposed use shall be located in a single-family detached dwelling.

(2) The maximum number of [**boarders**] assisted living residents shall be 5.

(3) Where an application is for construction of a new dwelling, the building shall be similar in appearance to other single-family dwellings in the neighborhood.

(4) The dwelling shall have a minimum of 1,000 square feet of finished living space on the ground floor.

(5) One off-street parking space shall be provided for each staff member on the largest shift employed in the home.

(6) All applicable State and County laws and regulations are satisfied and the applicant is in good standing and has obtained all applicable State and/or County licenses to operate a personal care boarding home.

The following underlined language shall be added to Section 205-21 under Conditional uses:

N. Personal-care boarding homes. This use may be granted by the Board of Appeals in the R2 district, provided that:

(1) The proposed use shall be located in a single-family detached dwelling.

(2) The maximum number of [**boarders**] assisted living residents shall be 5.

(3) Where an application is for construction of a new dwelling, the building shall be similar in appearance to other single-family dwellings in the neighborhood.

(4) The dwelling shall have a minimum of 1,000 square feet of finished living space on the ground floor.

Pre-Recording

(5) One off-street parking space shall be provided for each staff member on the largest shift employed in the home.

(6) All applicable State and County laws and regulations are satisfied and the applicant is in good standing and has obtained all applicable State and/or County licenses to operate a personal care boarding home.

In accordance with the provisions of the Maryland Ann. Code, Land Use Article, §4-203 and the City Charter requirements, this ordinance shall become effective no earlier than ten days after the close of the public hearing on the Zoning Code amendments set forth herein.

NOW THEREFORE, it is *determined, decided, and resolved by the City Council* that _____ is hereby approved.

ADOPTED by the City Council of Havre de Grace, Maryland this __ day of _____, 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/First Reading: 10/5/2020
Public Hearing: 10/19/2020
Second Reading/Adopted: 11/2/2020

Effective Date: [mm/dd/yyyy]

2nd Read

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 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 REPEALING & REPLACING CITY CODE CHAPTER 155 TO ESTABLISH NEW STANDARDS FOR THE REVIEW OF SITE PLANS.

On: 11/2/2020

at: 7:00 p.m.

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

PUBLIC HEARING

A Public Hearing is scheduled for [date] at [time].

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.

First Reading

Article I. General Provisions

§ 155-1. Title.

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

§ 155-2. Purpose.

The site plan review provisions set forth in this ordinance are intended to protect the public health and safety and promote the general welfare of the community. These provisions are also intended to ensure that development is designed and constructed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; stormwater management; erosion and sediment control; protection of environmentally sensitive area; minimizing the adverse impacts on adjacent properties; and ensuring development preserves the context and fabric of the historic City of Havre de Grace.

§ 155-3. Area of Authority.

A. These regulations govern all areas within the municipal limits of Havre de Grace. It shall be unlawful to establish a use of any parcel unless the use is in compliance with the terms of this chapter, or is expressly exempted herefrom.

B. The Planning Commission shall have control over site plan approval and ensuring that the development of any parcel is in compliance with the terms of this chapter, unless otherwise provided in this chapter.

§ 155-4. Administration, Interpretation and Enforcement.

This chapter shall be administered, interpreted and enforced by the Director of the Department of Planning. If the Director finds that any provision of this ordinance is being violated, they must notify the person responsible for such violation in writing, indicating the nature of the violation and ordering the action necessary to correct it. The Director must order the discontinuance of the illegal use of buildings or structures, or work being commenced without the appropriate approvals and permits. The Director is authorized to take any other action to ensure compliance with the City Code, or to prevent violation of its provisions.

§ 155-5. Definitions.

Unless otherwise stated herein, definitions shall be per §205-13 (Definitions) of the City Code, as amended.

Final Regular

Article II. Site Plan Control

§ 155-6. Projects Requiring Site Plan Approval.

A. A property owner must obtain site plan approval from the Planning Commission prior to commencing any of the following activities on a parcel of land within the City:

(1) The construction or placement of any new nonresidential buildings or structures over 5,000 square feet or any multifamily uses.

(2) The expansion of an existing nonresidential building and multifamily buildings that increases the gross floor area by more than 20%.

(3) The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use.

(4) The nonresidential use of land where no buildings or structures are proposed.

(5) The change of use of an existing nonresidential use, in whole or in part, to another nonresidential use if the new use changes the nature and character of the property such that it increases the intensity of on or offsite impacts; including but not limited to impacts to traffic, environmental impacts, or potential impact to adjacent properties or the surrounding neighborhood resulting from the proposed use.

B. A site plan is not required to be reviewed by the Planning Commission for the following uses:

(1) The construction, alteration, or enlargement of permitted single-family detached or attached dwellings, including accessory buildings and structures.

(2) A change in use of a nonresidential building from one permitted use to another permitted use, provided that the new use does not change the nature and character of the building or property as described in Section 155-6.A.(5).

(3) Home occupations in accordance with applicable sections of Chapter 205 relating to home occupations by district.

C. The Director of Planning may approve, deny or approve with conditions, a site plan for buildings of 5,000 square feet or less in area, or expansions of less than 20% of the gross floor area of an existing structure.

(1) The site plan must be prepared in accordance with this chapter and other applicable City codes.

(2) If approved with conditions, the Director's approval letter must state the basis for any required conditions.

First Reading

(3) A decision must be rendered within 60 days of the date of the submission of a complete site plan to the Department of Planning, unless an extension is agreed upon, in writing, by the Director, the applicant and property owner or the plan must be deemed approved.

D. The Director of Planning may refer any project, including site plans that may be reviewed under Section 155-6.C and changes of use, to the Planning Commission for review and approval when special circumstances exist that warrant review by the Commission. These circumstance may include, but are not limited to, the specific nature or intensity of the proposed use, traffic impacts, environmental impacts, or potential impacts to adjacent properties or the surrounding neighborhood resulting from the proposed use.

§ 155-7. Review and Approval Authority.

A. The Planning Commission is authorized to review and act on all site plans for development requiring site plan review when so required by this Chapter, or as referred by the Director. In considering site plans under this provision, the Planning Commission may act to approve, disapprove, or approve the project with conditions.

B. Conditional uses, special exceptions and/or variance requests shall be heard by the Board of Appeals prior to review by the Planning Commission. In acting on a conditional use or variance, the Board shall be governed by the requirements of Chapter 25, Article IV.

Article III. Development Review Process

§ 155-8. Site Plan Review Process.

A. Preliminary Conference

A preliminary conference with the Directors of Planning, Public Works, or their designees, is required prior to the submission of a site plan for review through the Planning Commission and, if applicable, the Board of Appeals. City staff may request the presence of representatives from other City, County or State agencies at the meeting depending upon the scope and nature of the project. The preliminary conference is informal and informational in nature. There is no fee for a preliminary conference or review.

B. Purpose

The preliminary conference review will serve to:

(1) Allow the owner/developer the opportunity to informally present the proposal to the Departments of Planning and Public Works.

(2) Inform the applicant of the site plan review process and required submissions.

(3) Identify issues that need to be addressed in future submissions.

First Reading

(4) Make the applicant aware of any opportunities for coordinating the development with community policies, plans, programs, or facilities.

(5) Identify the need for any special approvals; such as rezoning, variances, or conditional uses that would require review and approval through the Board of Appeals.

(6) Identify all relevant reviewing agencies and application procedures relevant to the proposed development.

(7) Provide feedback on design and adequacy of infrastructure necessary to serve the proposed development.

(8) Determine the need for a Traffic Impact Analysis (TIA) or other studies necessary to demonstrate compliance with applicable City codes.

C. Information Required for Preliminary Conference

At the time of the preliminary conference the applicant must provide a sketch of the property drawn to scale, showing the boundaries, general topography, important physical features, environmentally sensitive features, conceptual stormwater management design, and other significant information, as well as their general intentions for the development of the property. City staff must assist the applicant by furnishing information and advice to promote the best coordination between the plans of the applicant and applicable City, County and State requirements and regulations.

§ 155-9. Fees.

A. Establishment of Fees

The Mayor and City Council may, from time to time, establish the appropriate application fees and technical review fees for site plans.

B. Application Fee

An application for site plan review must be accompanied by a nonrefundable application fee. This fee is intended to cover the cost of the City's administrative processing of the application, including notification, advertising, mailings, transcriptions and similar costs. The fee must be paid at the time of application.

§ 155-10. Formal Site Plan Application Submission.

A. The applicant must prepare and submit a site plan review application that includes the proposed site plan and supporting documentation that meets the submission requirements set forth below.

(1) The applicant must provide the Department of Planning with a list of names and addresses of all property owners who are adjacent to, or abutting the parcel where the site development is proposed. The Director of Planning, at their discretion, may require that

First Reading

other property owners be notified of a project to be reviewed by the Planning Commission when the project may have impacts to the broader community. All property owners on the list provided by the applicant must be notified of the date, time and place of the hearing before the Planning Commission. Written notice of the pending application must be provided to the members of the Commission, and Board of Appeals if applicable.

(2) At a minimum, site plans shall include all items as specified on the most recent checklist provided by the Department of Planning and Zoning which is incorporated by reference and made a part hereof as though it were fully stated herein.

(3) Within ten (10) days of the receipt of a formal site plan review application, the Director of Planning must review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Department must notify the applicant in writing of this finding, must specify the additional materials required to make the application complete and must advise the applicant that the application will not be considered by the Planning Commission until the additional information is submitted.

(4) Upon determining the application is complete, the Director of Planning must notify the applicant in writing of the finding of completeness and schedule a hearing before the Planning Commission. The site plan will not be scheduled for review any sooner than 30 days after the Director has determined that the submission is complete. The Director, upon consultation with the Chair of the Commission, may schedule a hearing before the Commission sooner than 30 days if the project is deemed to be minor in nature.

(5) If the application is complete, the Department of Planning must forward the application and plans to appropriate City, County and State agencies. These may include, but are not limited to; the Department of Public Works, Soil Conservation District, Critical Area Commission, Police Department, Ambulance Corp, Susquehanna Hose Company, Fire Marshal's Office, Harford County Health Department, County agencies, and where applicable, the State Highway Administration. The Department of Planning receives and coordinates various agency responses for submission to the Planning Commission.

(6) By submitting its application, the applicant agrees that City staff and the Planning Commission members may conduct an onsite inspection of the proposed development to review the existing conditions, field verify the information submitted and investigate the development proposal.

(7) The Director of Planning must publish notice of the time, date, and place of the Planning Commission meeting at least (7) days prior to the hearing on the City's website and must include a downloadable copy of the site plan and application. The agenda must also be posted in a conspicuous location at City Hall. The property that is the subject of the application shall also be conspicuously posted with a zoning notice at least 10 days before the meeting, in a form approved by the Mayor and City Council.

Transcribed

Article IV. Planning Commission

§ 155-11. Planning Commission Review.

The Planning Commission must review the application and determine that the site plan conforms to this section and all applicable City Code sections regulating the development of land.

(1) The Planning Commission must act to deny, approve, or to approve the application with conditions in accordance with Chapter 25 and the Commission's established Rules of Procedure. The Commission may impose such conditions as are deemed necessary to ensure compliance with the City Code.

(2) If a site plan is approved with conditions, the Commission's approval letter must state the basis for any required improvements. At any time, it may table any matter for further discussion or to acquire additional information. A decision must be rendered within 60 days of the last Commission hearing on the application, unless an extension is agreed upon, in writing, by all parties involved in the hearing, or the plan must be deemed approved.

§ 155-12. Impacts to Adjacent Properties.

A. All features of the development which may have an adverse audio/visual impact on surrounding properties must have sufficient setbacks and screening to minimize that impact, as determined by the Planning Commission in consultation with the Department of Planning.

B. Hours of operations, noise levels and exterior lighting must be designed to minimize adverse impact on neighboring properties and public ways.

(1) Lighting must be arranged to minimize glare and reflection on adjacent properties and the traveling public.

(a) Night-time friendly lighting practices must be utilized in the design of the lighting plan.

(b) The Department of Planning may require the submission of a lighting plan that details the types of lighting proposed and the intensity of lighting expressed in foot candles.

(c) The Planning Commission may require lighting to be dimmed or turned off during night-time hours, or other measures or practices to reduce the impact of lighting on adjacent properties.

(2) The Planning Commission may place reasonable restrictions on the hours of operation of any business.

§ 155-13. Final Site Plan and Approval Letter.

A. After approval of the site plan, the applicant must submit a final site plan and all associated plans for applicable signatures to the Department of Planning. The final site plan must reflect any revisions to the plan as required by the Planning Commission. The Department must

FINAL DRAFT

ensure that all revisions have been made to the plan as required by the Commission or Board of Appeals.

B. When a site plan is approved by the Planning Commission, the Chair of the Commission must sign the final site plan, unless the Chair delegates the authority to the Director of Planning.

C. The Director of Planning shall issue a Site Plan Approval Letter acknowledging the actions of the Planning Commission and/or Board of Appeals to the applicant. The letter must include all conditions of approval imposed by the Commission or Board and a copy of the signed final site plan. The owner/developer must countersigned the letter and return it to the Department of Planning within 45 calendar days from the date of the letter indicating acceptance of the terms of the approval. Failure to countersign the approval letter will result in the approval being voided.

Article V. Adequate Public Facilities

§ 155-14. Adequate Public Facilities Review.

A. The proposed development shall demonstrate adequate public facilities in accordance with Chapter 2, entitled "Adequate Public Facilities" of the City Code. The developer shall demonstrate to the Directors of Public Works and Planning that all public service facilities specified herein are adequate, or that provisions have been made for the construction of adequate facilities.

B. If a traffic impact analysis (TIA) is required, the analysis shall be completed and approved by the Departments of Planning and Public Works prior to the submission of a site plan.

C. If an analysis of the water and sewerage system is required, the analysis shall be completed and approved by the Department of Public Works prior to the submission of a site plan.

D. If the aforesaid facilities are not adequate at the time of site plan submission, the plan shall be placed on a waiting list for review in accordance with Chapter 2.

Article VI. Site Design

§ 155-15. Site Access, Parking and Circulation.

A. <u>Access into the Site</u>

(1) Vehicular access to and from the development must be safe and convenient.

(2) Any driveway, entrance or proposed street must be designed so as to provide the minimum sight distance according to the Harford County Road Code, to the maximum extent practicable.

(3) Points of ingress and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

First Reading

(4) Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. At the discretion of the Director of Public Works, access from other streets may be allowed if it is deemed to be safe and does not promote shortcutting through the site.

(5) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant must be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets as required by the Director of Public Works.

(6) Access drives must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

(7) The following criteria must be used to limit the number of driveways on City owned and maintained streets serving a proposed project:

(a) No use which generates less than one hundred (100) vehicle trips per day may have more than one (1) two-way driveway onto a roadway. Such driveways must be no greater than thirty (30) feet wide or as prescribed the Road Code.

(b) No use which generates one hundred (100) or more vehicle trips per day may have more than two (2) points of entry from and two (2) points of egress to a single roadway.

B. Access Drive Location and Spacing

Access drives must meet the following standards:

(1) Private entrances/exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access drive. This requirement may be reduced if the configuration of the property being developed does not allow conformance with this standard.

(2) Private access ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

C. Internal Vehicular Circulation

(1) The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

(2) Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of WB-40 vehicles (40-foot wheelbase).

Final Resolution

(3) Uses that receive regular deliveries must have loading and receiving facilities that do not conflict with parking, drive aisles or streets.

(4) Clear routes of access must be provided and maintained for emergency responders to and around buildings and must be posted with appropriate signage; such as signs designating fire lanes and no parking. The Susquehanna Hose Company and Ambulance Corps will have the opportunity to comment on all site plans.

(5) The layout and design of parking areas must provide for safe and convenient circulation of vehicles and pedestrian throughout the lot. Clearly marked pedestrian pathways must be provided in parking lots with more than 25 spaces.

(6) All roadways and drive aisles must be designed with consideration to the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, the construction of retaining walls or other similar activities which result in unstable soil conditions and soil erosion, by designing the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction.

(7) The road network shall provide for vehicular, pedestrian, and cyclist safety, and delivery and collection services.

D. <u>Parking Layout and Design</u>

(1) Off-street parking must conform to Chapter 122 in addition to the following standards:

(2) Parking areas with more than two (2) parking spaces are not be permitted where vehicles would back directly into a public street.

(3) All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line. No parking spaces or impervious surfaces shall be located within five (5) feet of a public road right-of-way. The Director of Planning may reduce this requirement if unique site circumstances or characteristics warrant the reduction.

(4) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

(5) Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for residential parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.

(6) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

Draft Release

E. Drive Thru Stacking

(1) For uses that have drive thru lanes, the stacking requirements listed below must be the minimum requirement. The Director of Public Works may modify the requirements on a case by case basis due to unique site conditions or circumstances.

(a) Banks – 8 vehicles (160-feet)

(b) Car Washes – 7 vehicles (140-feet)

(c) Coffee Shops – 13 vehicles (260-feet)

(d) Fast Food Restaurants – 12 vehicles (240-feet)

(e) Pharmacies – 5 vehicles (100-feet)

(f) Other Uses – 5 vehicles (100-feet)

F. Pedestrian Circulation

The site plan must provide for a safe system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network must be located outside of the road right-of-way or in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open spaces on, or adjacent to the site.

Article VII. Architecture.

§ 155-16. Architectural Standards

A. Architectural elevations must be submitted together with a site plan for review and approval by the Planning Commission and Board of Appeals, as applicable. The following must be submitted:

(1) A plan showing each floor of the building with basic footprint and overall dimensions.

(2) The elevations must include colored renderings and include the following:

(a) Elevations for each side of the building information on height of each elevation.

(b) Windows, doors and associated trim.

(c) A list of the exterior materials to be used and associated colors.

(d) The pitches of all roofs and roofing material to be used.

First Reading

(e) Location of HVAC and other equipment necessary to serve the building and the method proposed to screen the equipment from view.

B. Building Façade and Massing

(1) All nonresidential buildings must be oriented to face the street, with entrances and display windows at street level.

(2) Architecturally harmonious building materials, colors, textures and treatments must be used for all exterior walls of all buildings. Brick or stone must be used on the front elevations of all buildings. The use of split face block, standard EIFS (exterior insulation and finish system) or similar cladding is prohibited. Rear and side elevations must be of finished quality and must be consistent in color with the rest of the building. Architectural renderings or elevations must be submitted to the Department of Planning at the time of submission of the formal site plan.

(3) A consistent building line should be maintained at the setback line along the street. However, projections of porches, bay windows, stoops, and other architectural features are encouraged in order to create character.

(4) Architectural elevations and renderings associated with site plans for projects located within the National Register Historic District must be forwarded to the Historic Preservation Commission (HPC) for review and comment. The HPC will then forward their comments in writing to the Department of Planning and Planning Commission within 15 days of receipt of the plans.

(5) In the Historic District, all building exteriors must be brick, decorative masonry, glass panel, or other appropriate finished facade as may be approved by the Planning Commission.

(6) The Planning Commission may approve additional building facade features in the Historic District as appropriate.

(7) In the C/Commercial District, RO/Residential Office District and RB/Residential Business District, all sides of a commercial or multifamily residential building facing a street must be brick, decorative masonry, glass panel, or other appropriate finished facade as may be approved by the Planning Commission.

(8) Multifamily structures must be designed to coincide with the general residential character of the neighborhood. Multifamily structures must be built with varying facades such as brick, glass and wood, or any other material as required by the Planning Commission.

§ 155-17. Signs.

A. All proposed signage must comply with Chapter 151 of the City Code, entitled "Signs".

First Reading

B. For developments where multiple signs will be proposed, a signage plan must be submitted to the Planning Commission, in conjunction with the site plan, for review and approval. The plan shall provide the location, size, materials and colors of the proposed signage.

Article VIII. Infrastructure

§ 155-18. Grading, Erosion Control and Stormwater Management.

A. Any development of land must comply with Chapter 89 of the City Code, entitled "Grading and Filling".

B. All site plans shall show proposed grading in 2-foot contours. A final as-built grading plan must be submitted to the Department of Public Works prior to the release of a full Certificate of Occupancy.

C. The project engineer must utilize appropriate grading measures and practices to avoid manufactured slopes along the exterior perimeter of a development. When the construction of a retaining wall is necessary it shall be no greater than 6-feet in height. Natural vegetation must be preserved and protected wherever possible.

D. Sediment and erosion control plans must be approved prior to the issuance of a building permit or a permit for the use of land.

E. Stormwater management must be provided in accordance with Chapter 169 of the City Code, entitled "Stormwater Management".

(1) A stormwater management concept plan must be submitted to the Department of Public Works for review and approved prior to review of a site plan but the Planning Commission.

(2) The final stormwater management plan must be approved prior to the issuance of a grading permit or building permit.

§ 155-19. Water and Sewerage.

A. The development must be provided with an adequate system of water supply and sewage disposal system in accordance with Chapter 198 of the City Code, entitled "Water and Sewers" and Chapter 2, entitled "Adequate Public Facilities".

B. All sanitary sewage from new or expanded uses must be discharged into a City sewage collection and treatment system.

C. If the City sewer system is not available at the lot line, but can be extended in the public right-of-way or through the acquisition of easements, the collection system must be extended by the owner at their expense.

D. Industrial or commercial wastewater may be discharged to public sewers in such quantities and/or of such quality as to be compatible with sewage treatment operations, with approval of

Draft Revision

the Director of Public Works. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution. The pretreatment standards will be determined by the Director of Public Works.

E. The Director of Public Works must provide verification to the Planning Commission and if applicable, Board of Appeals, that there is adequate capacity to serve the proposed project. The Director of DPW may require that additional analysis be provided by the developer to determine adequacy of the system in accordance with Chapter 2.

Article IX. Environmental and Resource Protection

§ 155-20. Water Quality Protection.

A. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

B. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet standards established by the Maryland Department of the Environment (MDE), or other appropriate regulatory agency.

§ 155-21. Solid Waste Disposal.

A. For nonresidential uses, the owner/applicant must provide for the adequate disposal of solid wastes. The owner/applicant must hire a licensed water hauler to dispose of solid wastes.

B. Dumpster and other refuse containers must be properly screened through fencing, walls, landscaping or a combination of those screening treatments.

§ 155-22. Floodplain Management, Critical Areas and Forest Conservation.

A. If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency (FEMA), all uses and development of that portion of the site must comply with Chapter 78 of the City Code, entitled "Floodplain Management". The site plan must accurately reflect the limits of the floodplain as shown on the applicable Flood Insurance Rate Map (FIRM).

B. If any portion of the site is located within the Chesapeake Bay Critical Area, all uses and development of that portion of the site must comply with Chapter 49 of the City Code, entitled "Critical Areas".

Draft Revisions

(1) For projects that require review by the Critical Area Commission, comments must be received from the Commission prior to the plan being reviewed by the Planning Commission.

(2) At the time of the preliminary conference, the applicant may request that the Department forward a copy of the sketch plan to the Critical Area Commission prior to formal site plan submission. In order for the Commission to properly review the plan and provide comment, the sketch plan must provide a sufficient level of detail and information regarding the proposed use and development of the site.

C. A Forest Stand Delineation and Forest Conservation Plan may be required for development projects in accordance with Chapter 81 of the City Code, entitled "Forest Conservation".

(1) For projects that require the submission of a Forest Stand Delineation and Forest Conservation Plan, the plans must be submitted to the Department of Planning for review and approval.

(2) The Forest Stand Delineation must be approved prior to the submission of a site plan for review by the Planning Commission. The Forest Conservation plan shall be approved prior to the issuance of a grading or building permit.

§ 155-23. Air Pollution.

A. A proposed use or development must not emit smoke, fumes, or other airborne debris or materials that contribute to poor air quality or contribute to air pollution. The proposed use or development must comply with all federal and state air quality laws and regulations.

B. For uses that create emissions, the Department of Planning may require the applicant to submit technical studies certifying that any emissions will not adversely affect the health and wellbeing of the community, or the reasonable use and enjoyment of residential properties in the community.

Article X. Post Approval Requirements

§ 155-24. Public Works Agreements.

A. A Public Works Agreement (PWA) is required for any development project where it is necessary for the developer/owner to construct roads, utilities or other facilities which will be conveyed to the City for ownership, operation and maintenance. The PWA must specify the necessary improvements and construction methods by reference to an engineering plan approved by the Director of Public Works and, if applicable, Director of Planning.

(1) The necessary roads, utilities and/or facilities must be located and built to specifications as required by the Directors of Public Works and/or Planning and approved by the Planning Commission.

Draft Revision

(2) The necessary roads, utilities and/or facilities are first identified during the concept plan review meeting, if applicable, and further detailed as part of the site plan review process.

(3) After the final site plan is approved, the PWA is drafted by the Director of Public Works in consultation with the City Attorney and reviewed by the developer/owner.

(4) Prior to executing the PWA, the developer/owner must have:

(a) Final construction drawings approved by the City;

(b) A grading permit approved by the City;

(c) A stormwater management permit and maintenance agreement for private stormwater management systems (if applicable) approved by the City (the stormwater maintenance agreement must be entered in the Harford County land records);

(d) Sewer and/or water construction approved by the City and State of Maryland if applicable;

(e) A cost estimate for the total scope of construction for public improvements approved by the City;

(f) All necessary easements, cross easements and other agreements with the City and/or third parties, signed and entered in the Harford County land records, as necessary;

(g) A properly executed payment and performance bond for the total cost of the construction; and

(h) The developer/owner must have satisfied any other requirements as previously determined by the Director of Public Works.

(5) The developer/owner must execute the PWA.

(6) No construction shall commence until after the Director of Public Works issues a written notice to proceed.

§ 155-25. Tenure of Approval.

A. Substantial construction of the improvements covered by any site plan approval must be commenced within twelve (12) months of the date upon which the approval was granted.

B. If construction has not been substantially commenced and substantially completed within the specified period, the approval will be deemed null and void in writing by the Director of Planning.

C. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing to the Director of Planning and forwarded to the

Draft Redline

Planning Commission. The Commission may grant up to two (2), one (1) year extensions of the site plan. When a site plan is administratively approved, the Director of Planning may also grant extensions.

D. The Directors of Planning and/or Public Works may require that any studies, such as a Traffic Impact Analysis (TIA), be updated or revised prior to, or as a condition of any extension.

§ 155-26. Offsite Improvements.

A. The Department of Public Works may require the posting of an improvement guarantee in such amount and form as is reasonably necessary to ensure the proper installation of all off-site utility or road improvements required as conditions of approval.

B. Upon substantial completion of all required improvements, the developer must notify the Department of Public Works of the completion of improvements. City staff will inspect all improvements and file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

C. If the improvements are approved by the City, the guarantee will be released. Where partial approval is granted, the developer will be released from liability only for that portion of the improvements approved.

§ 155-27. Form of Guarantee.

Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the City Attorney and Director of Finance.

(1) Security Bond - The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.

(2) Letter of Credit - The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.

(3) Escrow Account - The applicant may deposit cash, or other instruments readily convertible into cash at face value with the City.

§ 155-28. Submission of As-Built Plans.

Where an application proposes the construction of a building with more than twenty thousand (20,000) square feet of gross floor area, or fifty thousand (50,000) square feet of impervious surface, the owner/developer must submit a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans must be submitted electronically and on paper plan sets within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building, or the certificate of occupancy may be revoked. The Director of Planning may grant a one (1) time 30 day extension.

Last Revised

§ 155-29. Minor Changes to Approved Plans.

Minor changes to approved plans necessary to address field conditions or other circumstances encountered during the development of a project may be approved by the Director of Planning, provided that any such change does not affect compliance with the standards or alter the intent of the proposal. The owner/applicant must submit a redline plan to the Director of Planning for review and approval of the proposed changes.

§ 155-30. Amendments to Approved Plans.

Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval.

NOW THEREFORE, it is *determined, decided, and ordained by the City Council* that the deletion and replacement of City Code Chapter 155 to Establish New Standards for the Review of Site Plans is hereby approved.

ADOPTED by the City Council of Havre de Grace, Maryland this __ day of _____, 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/First Reading: 11/2/2020
Public Hearing: [mm/dd/yyyy]
Second Reading/Adopted: [mm/dd/yyyy]

Effective Date: [mm/dd/yyyy]

Legislative History
Ordinance No. 718, As Amended, enacted 6/6/1988
Ordinance No. 769, As Amended, enacted 12/21/1992
Ordinance No. 937, As Amended, enacted 5/7/2012
Ordinance No. 985, enacted 12/19/2016

First Reading

CITY COUNCIL

OF

HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2020-16
(as Amended)

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~~ further review of 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, the City Council voted to approve the Concept Plan at a Council Meeting on August 3, 2020, based on the recommendation of the Director of Planning and the City Attorney that the requirements of AR277 had been met, as well as the apparent agreement among the parties; and

WHEREAS, unknown to the City Council at the time of the August 3, 2020 Council meeting, one of the properties known as Sion Hill had been sold to a third party prior to the Council vote, and the Council wanted additional time to consider the legal effect of this change in ownership; and

WHEREAS, at the Council meeting on August 17, 2020, the Council unanimously approved a motion for reconsideration of this Resolution 2020-16, and then immediately tabled consideration of this Resolution 2020-16 to a later date to allow for further review by the City Attorney, Director of Planning, and the parties due to the change in ownership; and

WHEREAS, the respective parties, including the new owner of Sion Hill, revised the Concept Plan, which has been modified ("Modified Concept Plan") (Exhibit A) and submitted to the City to reflect a survey of the Sion Hill property (Exhibit B) and a realignment of certain proposed public roads solely to account for the surveyed property lines of Sion Hill, and the changed access point of Road C to Bulle Rock Parkway due to wetland issues, and

WHEREAS, the new owner of Sion Hill has now joined with the other owners in submitting a single Concept Plan to the City Council for approval pursuant to the terms of Annexation Resolution 277 (as amended); and

WHEREAS, based on review of the Modified Concept Plan and the recommendation of the Director of Planning and City Attorney, ~~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 Modified Concept Plan for the Green/Ianniello/Patrone properties dated ~~March 10,~~ October 7, 2020 is hereby approved.

ADOPTED by the City Council of Havre de Grace, Maryland this ~~3rd~~ 2nd day of ~~August~~November, 2020.

SIGNED by the Mayor and Attested by the Director of Administration this 3rd ~~4th~~ day of November, 2020 ~~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
Passed/Adopted: 08/03/2020
Reconsideration: 8/17/2020
Tabled: 8/17/2020
Remove from Table: 11/02/2020
Reconsideration: 11/02/2020
Passed/Adopted As amended: 11/02/2020

Effective Date: ~~08/03/2020~~11/03/2020

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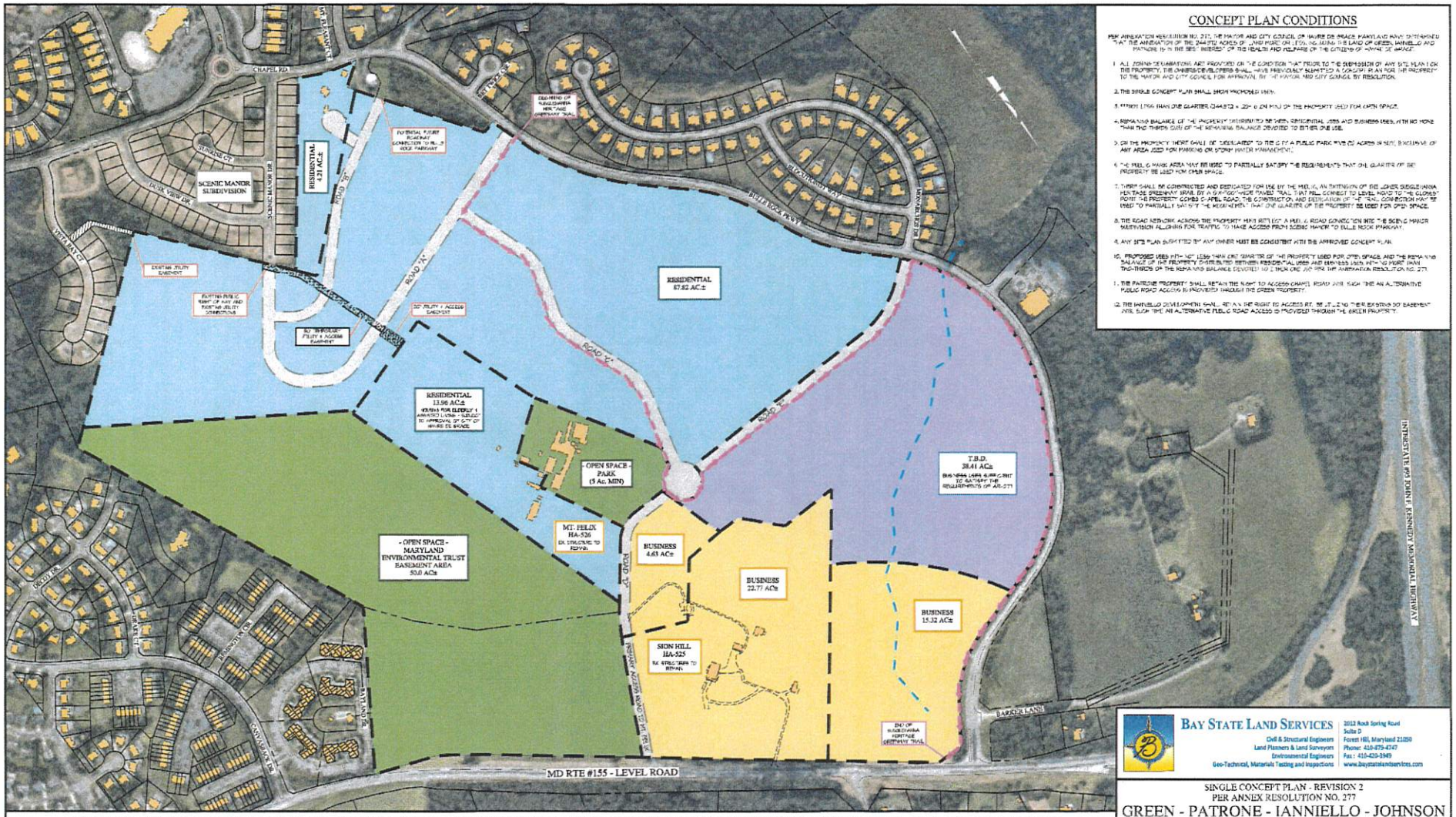
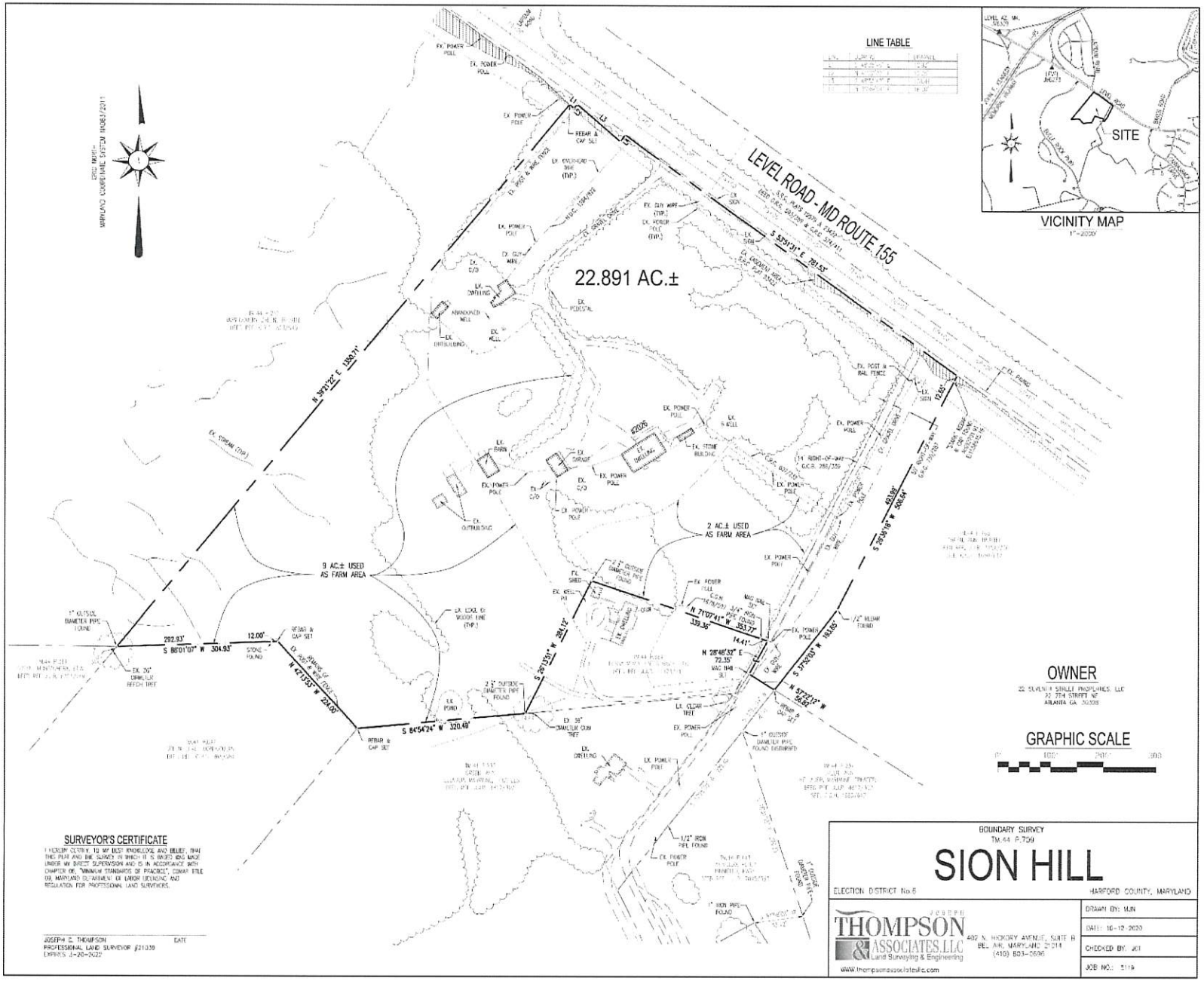
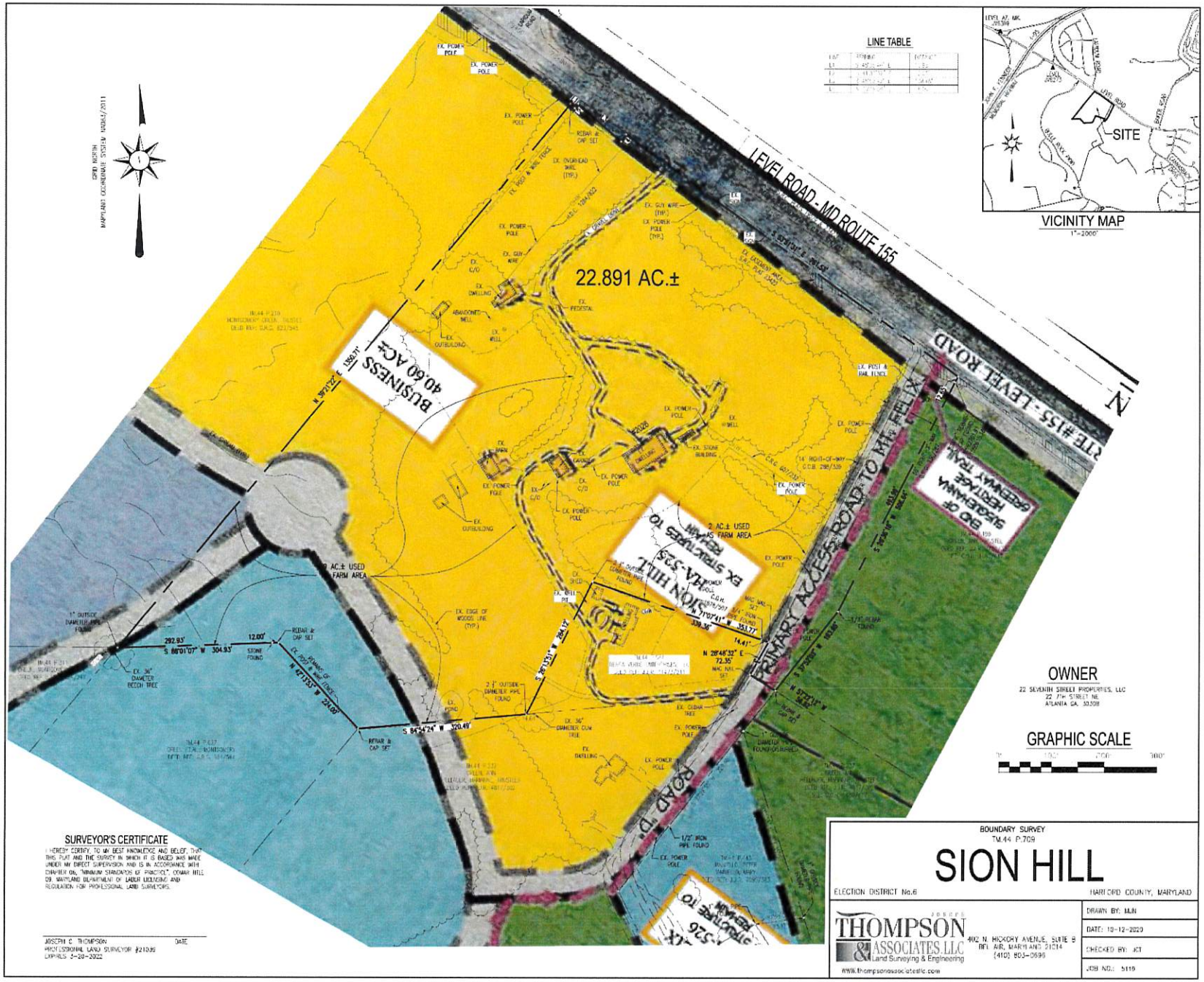
Exhibit A

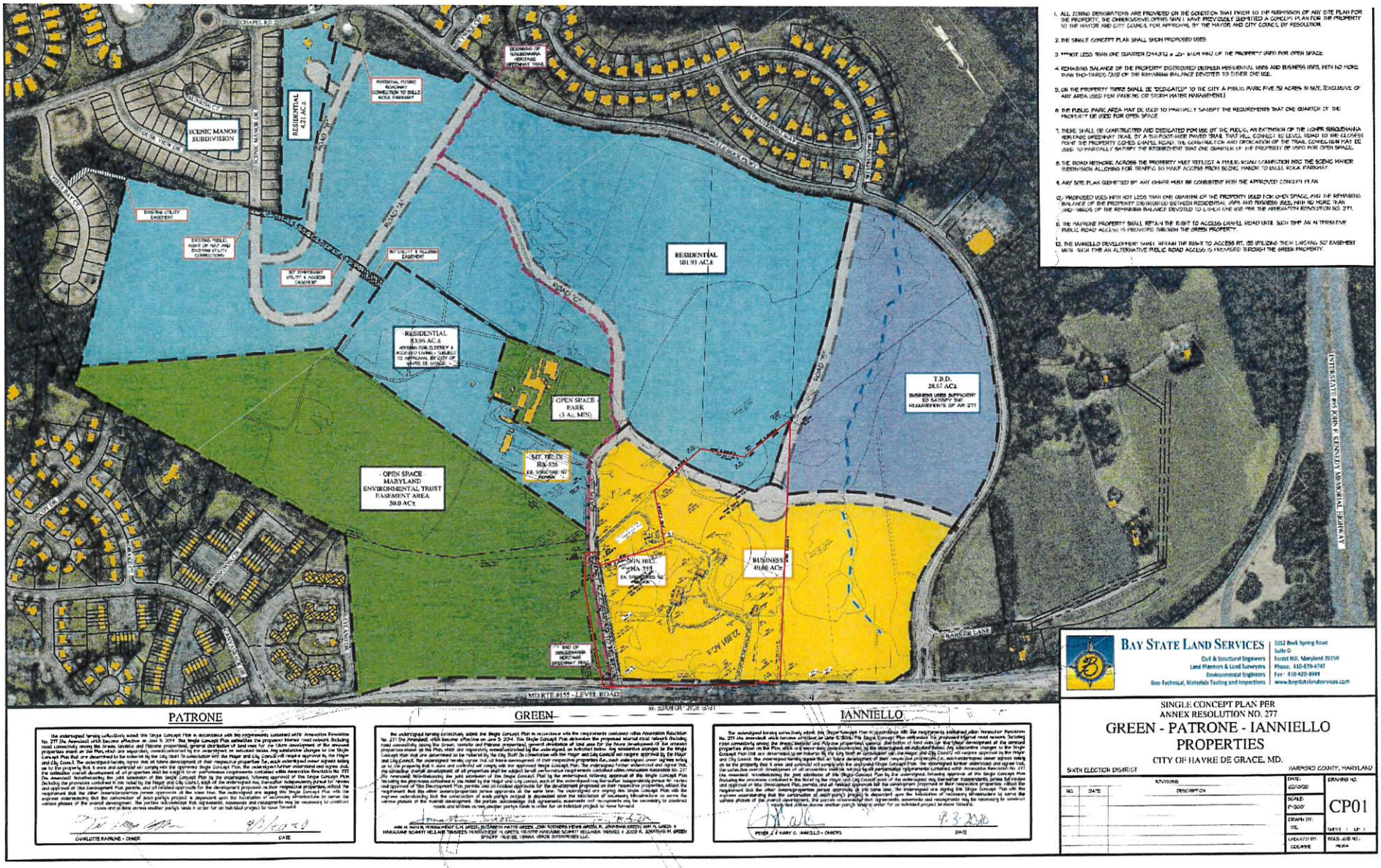


116

Exhibit B


LEVEL ROAD - MD ROUTE 155
22.891 AC.±
LINE TABLE
VICINITY MAP
SITE
OWNER
GRAPHIC SCALE
9 AC.± USED AS FARM AREA
2 AC.± USED AS FARM AREA
N 37°01'22" E 1330.71'
S 37°01'22" W 1330.71'
S 86°01'07" W 304.93'
S 84°54'24" W 320.49'
N 42°13'53" W 224.00'
S 26°13'31" W 384.12'
S 37°46'18" W 506.64'
S 37°50'03" W 183.83'
N 37°22'12" W 56.82'
N 71°07'41" W 353.77'
N 28°48'32" E 72.35'
S 57°39'31" E 781.53'
SURVEYOR'S CERTIFICATE
BOUNDARY SURVEY
TM 44 P.709
SION HILL
ELECTION DISTRICT No. 6
HARFORD COUNTY, MARYLAND
THOMPSON & ASSOCIATES, LLC
Land Surveying & Engineering
DRAWN BY: MJN
DATE: 10-12-2020
CHECKED BY: JCT
JOB NO.: 5119


LEVEL ROAD - MD ROUTE 155
SITE #155 - LEVEL ROAD
PRIMARY ACCESS ROAD TO MT. FELIX
ROAD "B"
22.891 AC.±
BUSINESS
40.60 AC.±
SION HILL
HA-525
EX. STRUCTURES TO REMAIN
2 AC.± USED AS FARM AREA
END OF SUSQUEHANNA HERITAGE GREENWAY TRAIL
LINE TABLE
VICINITY MAP
SITE
OWNER
22 SEVENTH STREET PROPERTIES, LLC
22 7TH STREET NE
ATLANTA GA. 30308
GRAPHIC SCALE
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY, TO MY BEST KNOWLEDGE AND BELIEF, THAT THIS PLAT AND THE SURVEY IN WHICH IT IS BASED WAS MADE UNDER MY DIRECT SUPERVISION AND IS IN ACCORDANCE WITH CHAPTER 06, "MINIMUM STANDARDS OF PRACTICE", COMAR TITLE 09 MARYLAND DEPARTMENT OF LABOR LICENSING AND REGULATION FOR PROFESSIONAL LAND SURVEYORS.
JOSEPH C. THOMPSON
PROFESSIONAL LAND SURVEYOR #21039
EXPIRES 2-28-2022
DATE
BOUNDARY SURVEY
TM.44 P.709
SION HILL
ELECTION DISTRICT No.6
HARFORD COUNTY, MARYLAND
THOMPSON & ASSOCIATES, LLC
Land Surveying & Engineering
402 N. HICKORY AVENUE, SUITE 8
BEL AIR, MARYLAND 21014
(410) 803-0696
www.thompsonassociatesllc.com
DRAWN BY: MJN
DATE: 10-12-2020
CHECKED BY: JCT
JOB NO.: 5119


1. ALL ZONING DESIGNATIONS ARE PROVIDED ON THE CONDITION THAT PRIOR TO THE REFERENDUM 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 (24.4372 ± 25± ACRE MIN) 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, EXCLUSIVE OF ANY AREA USED FOR PARKING OR STORM 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, BY A SIX-FOOT-WIDE PAVED TRAIL THAT WILL CONNECT TO LEVEL ROAD TO THE CLOSEST POINT THE PROPERTY COMES TO WITH LEVEL ROAD. THE CONSTRUCTION AND DEDICATION OF THE TRAIL CONSTRUCTION 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 BULL ROAK 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 DIVIDED 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 LEVEL ROAD UNTIL 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 UNTIL SUCH TIME AN ALTERNATIVE PUBLIC ROAD ACCESS IS PROVIDED THROUGH THE GREEN PROPERTY.
CHAPEL RD
SCENIC MANOR SUBDIVISION
RESIDENTIAL 42.1 AC±
POTENTIAL FUTURE ROADWAY CONNECTION TO BULL ROAK PARKWAY
DESIGNATED SUSQUEHANNA HERITAGE GREENWAY TRAIL
EXISTING UTILITY EASEMENT
EXISTING PUBLIC RIGHT OF WAY AND EXISTING UTILITY CONNECTIONS
50' UTILITY & ACCESS EASEMENT
50' UTILITY & ACCESS EASEMENT
ROAD "A"
ROAD "B"
ROAD "C"
ROAD "D"
RESIDENTIAL 101.93 AC±
RESIDENTIAL 83.96 AC± 40 UNITS FOR ELDERLY & ASSISTED LIVING - SUBJECT TO APPROVAL BY CITY OF HAVRE DE GRACE
OPEN SPACE PARK (5 Ac. MIN)
SOFT FIELDS 83x526 EX. STRUCTURE TO REMAIN
OPEN SPACE MARYLAND ENVIRONMENTAL TRUST EASEMENT AREA 50.0 AC±
T.B.D. 28.07 AC± BUSINESS USES SUFFICIENT TO SATISFY THE REQUIREMENTS OF AR 277
BUSINESS 40.00 AC±
SWAN HILL 75x 75
END OF SUSQUEHANNA HERITAGE GREENWAY TRAIL
INTERSTATE 95 JOHN F. KENNEDY MEMORIAL HIGHWAY
MD RTE #155 - LEVEL ROAD
BANKER LANE
PATRONE
GREEN
IANNIELLO
CHARLOTTE PATRONE - OWNER
DATE
PETER J. & MARY C. IANNIELLO - OWNERS
DATE
BAY STATE LAND SERVICES
Civil & Structural Engineers
Land Planners & Land Surveyors
Environmental Engineers
Geo-Technical, Materials Testing and Inspections
2032 Rock Spring Road
Suite D
Forest Hill, Maryland 21050
Phone: 410-879-4747
Fax: 410-420-8989
www.baystatelandservices.com
SINGLE CONCEPT PLAN PER
ANNEX RESOLUTION NO. 277
GREEN - PATRONE - IANNIELLO
PROPERTIES
CITY OF HAVRE DE GRACE, MD.
SIXTH ELECTION DISTRICT
HARFORD COUNTY, MARYLAND
REVISIONS
NO. DATE DESCRIPTION
DATE: 03/09/20
SCALE: 1"=200'
DRAWN BY: TRL
DESIGNED BY: CCC/PPE
DRAWING NO.
CP01
SHEET 1 OF 1
REF. JOB NO.: 19-04

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