

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1074 Establish Standards for Open Space and
Require Planning Commission Review - Subdivision
(Public Hearing)**

Date: **4/19/2022**

Notice: Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

Purpose:

- FYI
- Read and Comment as Needed**
- Action Required by May 2, 2022**
- In Confidential File Drawer

Approve:

Casi Boyer Yes No No Comment

Comment: _____

David Glenn Yes No No Comment

Comment: _____

Dave Martin Yes No No Comment

Comment: _____

Jim Ringsaker Yes No No Comment

Comment: _____

Jason Robertson Yes No No Comment

Comment: _____

Carolyn Zinner Yes No No Comment

Comment: _____

Note: N/A

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1074

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 ESTABLISHING STANDARDS FOR OPEN SPACE AND REQUIRING PLANNING COMMISSION REVIEW FOR PROPOSED CHANGES TO OPEN SPACE AREAS WITHIN A SUBDIVISION

On: 4/18/2022

at: 7:00 p.m.

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

PUBLIC HEARING

A Public Hearing is scheduled for 5/2/2022 at 7:00 p.m.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

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

33
34

35 **BE IT ORDAINED**, that City Code Section 173-14.1 is hereby ADDED as follows:
36

37 §173-14.1 Requirements governing open spaces in new subdivision.
38

39 Open space shall be provided in new subdivisions as required by Chapter 205 of the City Code
40 and the Planning Commission.
41

42 A. When so required, the preliminary plan shall show all areas of passive and active open space
43 proposed within a subdivision.
44

45 (1) The preliminary plan shall provide information on the total amount of proposed open space
46 and the type of active open space proposed to meet applicable Code requirements.
47

48 (2) Areas of active open space shall be available for use by residents of the community prior
49 to the completion of 50% of the units in a subdivision.
50

51 (a) Building permits for additional units shall not be approved until the active open space
52 amenities have been installed or constructed and approved by the Director of Planning,
53 or a Certificate of Occupancy has been issued.
54

55 (b) The Director of Planning may approve a phasing plan for the installation or
56 construction of active open space amenities for subdivisions of greater than 50 lots.
57

58 (3) The open space shall be easily and safely accessible to the residents and protective of
59 natural features.
60

61 (4) Areas of active open space shall be graded in a manner conducive to active recreation as
62 approved by the Directors of Planning and Public Works.
63

64 (5) When trails are proposed to meet an active open space requirement, they shall be
65 constructed of macadam with a minimum width of 5-feet. The Director of Planning may
66 approve alternatives to macadam for portions of trails in environmentally sensitive areas.
67

68 B. Any open space area within a community designed and approved under this ordinance shall
69 not be converted to another use or altered or disturbed in any way without review and approval
70 by the Planning Commission.
71

72 C. Subsection B applies to any open space areas shown on an approved concept, site or
73 subdivision plan, regardless of whether the area has been recorded as open space on a
74 subdivision plat, or whether it has been dedicated to a Homeowner's Association.
75

76 **NOW THEREFORE**, it is determined, decided, and ordained by the City Council that the
77 additions to City Code Section 173-14.1 to add open space requirements and require Planning
78 Commission review for proposed changes to open space areas within a subdivision are hereby
79 approved.
80

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

84
85 ADOPTED by the City Council of Havre de Grace, Maryland this __ day of _____, 2022.

86
87 SIGNED by the Mayor and attested by the Director of Administration this ____ day of
88 _____, 2022.

89
90
91 ATTEST: THE MAYOR AND CITY COUNCIL
92 OF HAVRE DE GRACE, MARYLAND

93
94
95 _____
96 Stephen J. Gamatoria William T. Martin
97 Director of Administration Mayor

98
99 Introduced/First Reading: 4/18/2022
100 Public Hearing: 5/2/2022
101 Second Reading/Adopted:
102
103 Effective Date:

Public Hearing