



City of Havre de Grace

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

410-939-1800

PLANNING COMMISSION AGENDA

City Hall Council Chambers

May 9, 2023

6:30 PM

1. Call to Order

2. Roll Call

3. New Business

- a. **Location:** 1621 Clark Road (Formerly 1601 Clark Road)
Owner/Applicant: CD Capital LLC
Permit No: 2022-0280
Parcel No: 06-401809 (14.29 acres)

Description:

To hear a request by the property owner for Site Plan approval extension. Final Plat for the subdivision approval was recorded on July 8, 2022.

- b. Revisions to Chapter 25, Article V – Planning Commission
- c. Revisions to Conditional Uses in RO/Residential Office District
- d. Discussion of changes to Chapter 205 – Zoning
 - i. Section § 205-3 – Continuing existing uses and approvals
 - ii. Section § 205-13 – Definitions for “lot lines” and “streets”

4. Old Business

- None

5. Adjournment

Comprehensive Plan Workshop to follow directly after the Planning Commission meeting. Tentative end time of the workshop is 9 p.m.

The public is invited to attend and observe the meeting and comprehensive plan workshop. The meeting may be viewed live by visiting the City of Havre de Grace website at www.havredegracemd.com and click on the City YouTube Videos tab. The video will be available to view immediately following the meeting.



5 South Main Street
P.O. Box 727
Bel Air, Maryland 21014
410-838-7900

www.frederickward.com

April 3, 2023

Mr. Tim Bourcier, Director
Havre de Grace Department of Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

Re: Extension of Approval
1601 Clark Road Site Plan

Dear Mr. Bourcier:

On behalf of our clients at CD Capital LLC, we are hereby requesting an extension of Site Plan Approval for the above referenced 1601 Clark Road Site. Attached is the approval letter issued on May 2, 2022 and countersigned on May 3, 2022.

Please let us know if there is anything else you need. Thank you for your time and consideration.

Sincerely,

FREDERICK WARD ASSOCIATES, INC.

Torrence M. Pierce, P.E.
President

Pc: CD Capital LLC



City of Havre de Grace

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

410- 939-1800

May 2, 2022

Tory Pierce, PE
Frederick Ward Associates
PO Box 727
Bel Air, Maryland 21014-0727

Re: 1601 Clark Road
Subdivision & Site Plan Approval
Permits 20220281 & 20220280

Dear Mr. Pierce:

The Planning Commission convened on April 25, 2022 to review the above reference preliminary subdivision plan and site. The preliminary plan proposed the subdivision of Parcel 113 into two (2) lots and the development of Lot 2 with a 168,000 square foot warehouse building. The Department of Planning permitted the consolidation of both plans into one (1) plan. After considering the testimony of the consultant and property owner, the Commission voted 5-0 to approve the preliminary plan subject to the conditions contained in the Department of Planning's Staff Report April 18, 2022. The Commission also voted 5-0 to approve the site plan.

The preliminary plan shall remain valid for three (3) years with the possibility of a one-time two (2) year extension. All conditions contained within the Department's Staff Report and incorporated by the Commission in their approval are reiterated herein. Additional comments and conditions from reviewing agencies will be forwarded upon review of subsequent submissions. Please acknowledge the conditions of approval by countersigning this letter and returning it to me within 45 days. The conditions are as follows:

Department of Planning

1. The final plat shall be recorded in the Harford County Land Records prior to application for a building permit. The final plats shall be prepared in accordance with the requirements of Section 173-16 of the City Code.
2. The final plat shall include the addresses of 1621 Clark Road for Lot 2.
3. A landscaping plan has been submitted for review to the Department of Planning. The plan shall be approved and the installation of the landscaping bonded prior to the issuance of a grading permit.
4. The Forest Conservation Plan (FCP) has been submitted for review to the Department of Planning. The FCP shall approved prior to the issuance of a grading permit. All areas of forest retention shall be labeled on the final plat. Forest retention covenants and restrictions shall be recorded concurrently with the final plat.
5. A cost estimate for the installation and maintenance of the plantings shall be submitted to the Department of Planning for review. The required landscaping and reforestation shall be bonded prior to the issuance of a grading permit based upon the approved cost estimate

6. The development of this site will impact isolated non-tidal wetlands on the site. The proposed impacts will require approval by the Maryland Department of the Environment (MDE) and the US Army Corps of Engineers. The City will not issue any permits for the project until verification that the appropriate agency with jurisdiction has issued a permit to disturb the non-tidal wetlands.
7. All site lighting shall be designed so that lighting is shielded and directed down and away from adjacent properties. Dark-sky friendly lighting practices will be required in all projects.
8. All fees, including Capital Cost Recovery Fees (if applicable), are due at the time of building permit application.
9. Permits are required for all proposed signage.
10. For uses that create emissions, the Department of Planning may require the applicant for a future tenant occupancy permit to submit technical studies certifying that any emissions will not adversely affect the health and well-being of persons in the community. If required, any report or study must be submitted prior to the issuance of a tenant occupancy permit.
11. 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 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-time, thirty-day extension. All post approval requirements contained within Article X of Chapter 155 must be met.
12. The site plan approval is valid for one (1) year. Final approval is contingent on compliance with all other State, County, and Federal regulations. Substantial construction of the improvements covered by this site plan approval must be commenced within one (1) year of the date of the approval. 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. 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.

Department of Public Works

1. A grading permit will be required for the project.
2. The concept, site and final stormwater management plans must be approved by the Department of Public Works prior to approval of a grading permit.
3. Sediment and erosion control shall be designed and installed in accordance with the latest edition of the Harford County Soil Conservation District Regulations and approved prior to the issuance of a grading permit.
4. Public Works Agreements and Maintenance Agreements must be executed and a bond posted for 100% of the construction costs prior to the issuance of a grading permit.

5. Prior to the issuance of a building permit, the following applications must be submitted to the Department of Public works for approval: Commercial W/S and Fire Service Connection application, Pre-Treatment application, Fixture County application and Water Meter License Agreement.
6. The proposed driveway shall be constructed in accordance with the Harford County Road Code.
7. All Capital Cost Recovery Fees and other applicable fees must be paid at the time of building permit application.

Soil Conservation District

1. An adequate sediment and erosion control plan must be approved prior to issuing a grading permit. The sediment and erosion control plan must be integrated with the SWM strategy at the design phase. The new 2011 Maryland Standard and Specifications for Soil Erosion and Sediment Control must be utilized.
2. Storm Water Management Facilities meeting the Small Pond Standard (Practice 378) design will have to be approved by the SCD. In addition, the pond design must be approved prior to the sediment control plan being signed. Outfall locations will be reviewed during design reviews and must safely convey over steep slopes.
3. A NOI permit is required from MDE when a project disturbs more than 1 acre. Please contact MDE about the NOI permit process.
4. All review fees will be collected prior to the review of the site development plan.

Harford County Health Department

1. The final plats must bear the Owner's Statement and the Master Plan Conformance Statement. In addition, the following note must be included on the plat:

"Condition of Approval: No building permit shall be issued for any lot whereby the anticipated flow at the time of building permit application would cause the City's system (water and/or sewer) to exceed its rated capacity."
2. The final plats must also bear a statement declaring that a community water supply and a community sewerage system will be available to all lots offered for sale. The statement must be signed by the owner/developer.
3. Review will be required by the Maryland Department of Health (MDH), Division of Food Control, Center for Facility and Process Review if the facility will be used for the warehousing, distribution, packaging, or processing of food or food products. The agency can be contacted at 410-767-8400 with questions regarding this review.
4. If a break room, cafeteria, or vending machine area is planned, the HCHD will require a letter stating any intentions for food availability. Based on these intentions, further review by the HCHD Permits and Plan Division may be required. The agency may be contacted at 410-877-2300 with questions concerning this requirement.

5. Measures must be implemented to prevent the generation of dust until a permanent vegetative cover is established and all paving is completed, particularly when soil moisture conditions are low.
6. Additional comments from the HCHD will be provided after application for the building permit is made or prior to the issuance of a tenant occupancy permit. It is the responsibility of the owner/operator to be aware of any regulatory requirements for the proposed use and for obtaining appropriate permits.

Susquehanna Hose Company/Emergency Operations

1. A Knox Box must be installed to allow access by first responders in the event of an emergency. Chief Scott Hurst of the Susquehanna Hose Company (SHCO) should be contacted with questions concerning the installation and use of the Knox Box.
2. The SHCO strongly recommends that at a minimum a one-way access driveway be constructed on the north side of the building
3. It is recommended that the owner and/or tenant schedule a walk-through of the facility with representatives of the Susquehanna Hose Company and Havre de Grace Police Department upon completion of construction and/or after occupancy by the future tenant. The purpose of this meeting is to develop a plan in the event of an emergency and allow first responders to understand the layout of the building.
4. The Harford County Division of Emergency Operations is requesting that 8 to 10-inch address numbers and letters be displayed on the building for ease of identification in the event of an emergency. A list of three (3) emergency contacts should be provided to Emergency Operations for notification and response purposes. If any hazardous materials will be stored and used in the operation of this facility, please provide Emergency Operations with a list of materials and the quantities that will be stored onsite.
5. Public safety wireless radio communications inside a building is essential to the safety of those occupying the structure as well as fire, law enforcement and emergency medical providers responding to a call for help. Buildings that are greater than 5,000 square feet, higher than 50 feet, contain underground storage or parking and are constructed of materials that impede wireless radio signals that may adversely affect the response of public safety providers. Please consider including wiring, electrical connections and other infrastructure that may be needed for an in-building 700/800 MHz amplifier. Department of Emergency Services will test coverage in your facility once construction is finished. Call 410-638-4900 for this assistance.
6. Emergency Operations requests to be notified if the facility will have Closed Circuit Television (CCTV) Cameras. If so, Emergency Services request the ability to access the camera feeds or provide a point of contact to comment on this matter. DES will follow up after the Use & Occupancy permit approved.

Department of Planning
1601 Clark Road
Preliminary Subdivision Plan/Site Plan Approval

If you have any questions concerning this letter, please contact me at your convenience at 410-939-1800.

Sincerely,



Shane P. Grimm, AICP
Director of Planning

cc: Stephen Gamatoria, Director of Administration
Timothy Whittie, PE, Director of Public Works
Bridgette Johnson, Director of Economic Development
Marisa Willis, CFM, Planning Technician
Colleen Critzer, Permits Clerk
Adam Rybczynski, Legislative Liaison
Jeff Keithley, DPW
Joe Conway, DPW

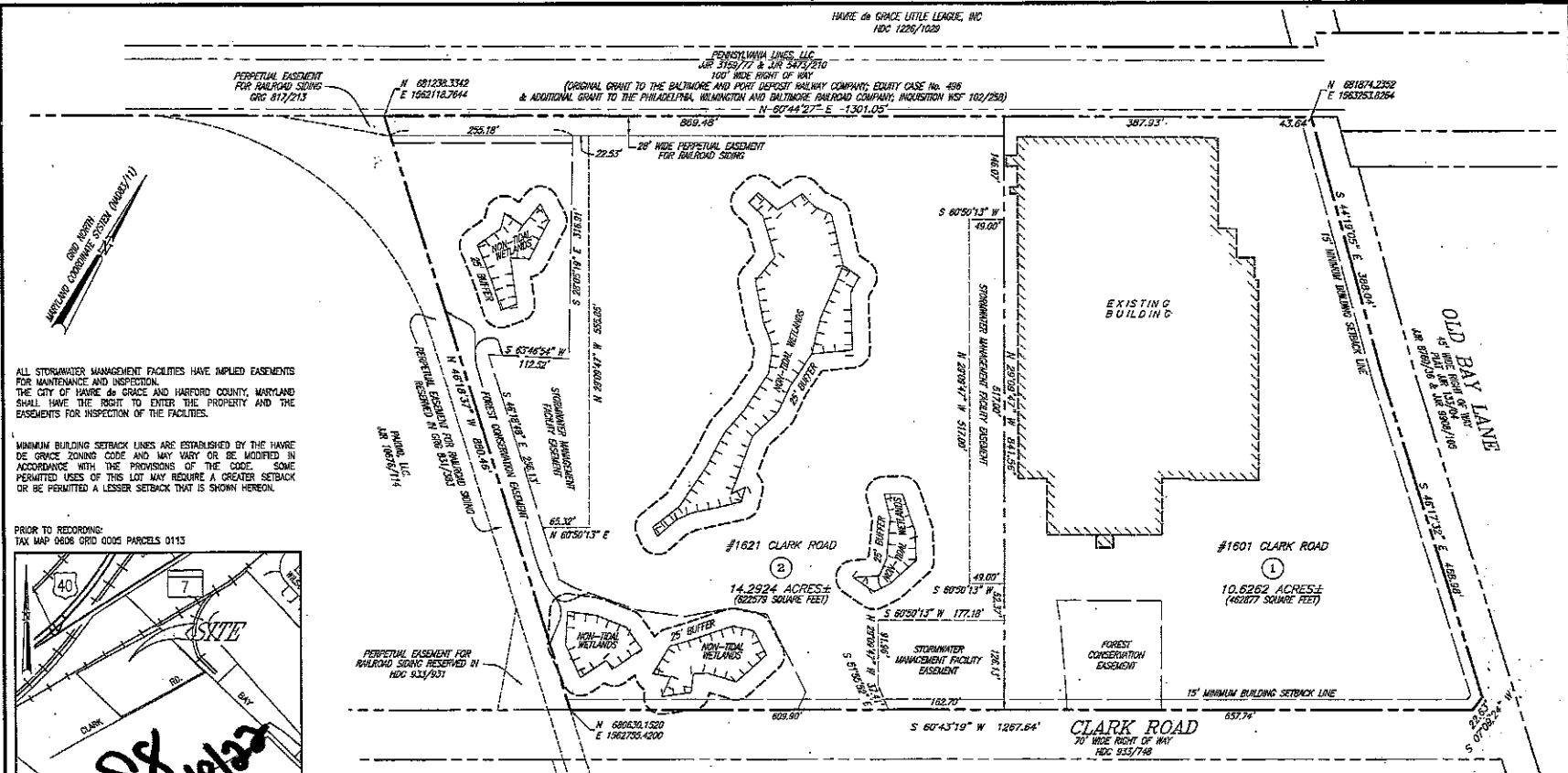


Owner/Developer

5/3/22

Date

HAVRE de GRACE LITTLE LEAGUE, INC
HDC 1228/1028



ALL STORMWATER MANAGEMENT FACILITIES HAVE IMPLIED EASEMENTS FOR MAINTENANCE AND INSPECTION. THE CITY OF HAVRE de GRACE AND HARFORD COUNTY, MARYLAND SHALL HAVE THE RIGHT TO ENTER THE PROPERTY AND THE EASEMENTS FOR INSPECTION OF THE FACILITIES.

WHICH BUILDING SETBACK LINES ARE ESTABLISHED BY THE HAVRE DE GRACE ZONING CODE AND MAY VARY OR BE MODIFIED IN ACCORDANCE WITH THE PROVISIONS OF THE CODE. SOME PERMITTED USES OF THIS LOT MAY REQUIRE A GREATER SETBACK OR BE PERMITTED A LESSER SETBACK THAT IS SHOWN HEREON.

PRIOR TO RECORDING:
TAX MAP 0606 GRID 0005 PARCELS 0113



SS 6/18/22

AREA TABULATION

- TOTAL AREA ENCLOSED: 24.9186 ACRES±
- TOTAL NET LOT AREA: 24.9186 ACRES±

SUBDIVISION DATA

- TOTAL NUMBER OF LOTS: 2
- ① INDICATES LOT NUMBER
- DEED REFERENCE: 4R 10498/105
- PRESENT ZONING: C (COMMERCIAL DISTRICT)
- LOT 2 PROPOSED USE - STORAGE WAREHOUSE

PUBLIC UTILITIES ARE AVAILABLE TO THE PROPOSED LOT, BUT CAPACITY IS NOT ALLOCATED UNTIL BUILDING PERMIT APPROVAL. DRIVEWAY ENTRANCE CONSTRUCTION AND LOCATION TO BE APPROVED BY THE CITY OF HAVRE DE GRACE FOR DRIVEWAY ENTRANCES FRONTING ON CITY ROADS.

THIS SUBDIVISION MUST COMPLY WITH STATE REGULATIONS FOR UNDERGROUND ELECTRIC DISTRIBUTION AND TELEPHONE SERVICES.

ANY NEW IMPERVIOUS AREA WILL NEED TO MEET CURRENT STORM WATER MANAGEMENT REGULATIONS. A STANDARD STORMWATER MANAGEMENT PLAN MAY BE USED FOR DISTURBANCE UP TO 30,000 SQUARE FEET. ANY DISTURBANCE OVER 30,000 SQUARE FEET WILL REQUIRE AN ENGINEERED STORMWATER MANAGEMENT PLAN.

THE SUBJECT PROPERTY SHOWN HEREON APPEARS ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 24025C0211E (EFFECTIVE DATE APRIL 19, 2016) AND ACCORDING TO THAT MAP THE SUBJECT PROPERTY LIES WITHIN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

THESE LOTS DO NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE THE LAND CONVEYED TO CD CAPITAL, LLC. BY USER 4R 10498, FOLIO 105 AND TO CREATE OR ESTABLISH EASEMENTS AND SETBACKS.

THIS PLAT IS SUBJECT TO REVISION.

THE LOT IS CURRENTLY SERVED BY THE PUBLIC/CITY WATER AND SEWER SYSTEM. CONDITION OF APPROVAL: NO BUILDING PERMIT SHALL BE ISSUED FOR ANY LOT UNLESS THAT LOT'S ANTICIPATED FLOW AT THE TIME OF BUILDING PERMIT APPLICATION WOULD CAUSE THE CITY'S WATER AND/OR SEWER SYSTEM TO EXCEED THE RATED CAPACITY.

THE OWNER GUARANTEES THAT THE COMMUNITY WATER SUPPLY AND THE COMMUNITY SEWERAGE FACILITIES WILL BE AVAILABLE TO ALL LOTS OFFERED FOR SALE.

EXTENSION OF COMMUNITY SERVICES FROM THEIR EXISTING LOCATIONS WILL BE AT THE DEVELOPER'S EXPENSE.

Mark Crane 6/7/22
MARK Y. CRANE, MEMBER
CD CAPITAL, LLC

Dr. C. Robb Letts 7/7/2022
DEPUTY STATE HEALTH OFFICER

Walter H. ... 6/8/22
CHAIRMAN, HAVRE DE GRACE PLANNING COMMISSION

Gregory ... 06.08.2022
CITY OF HAVRE DE GRACE DIRECTOR OF PUBLIC WORKS

... 6/8/22
CITY OF HAVRE DE GRACE DIRECTOR OF PLANNING

... 6/8/22
DIRECTOR OF ADMINISTRATION

VINCENT X. NOHE, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT, TO MY BEST KNOWLEDGE AND BELIEF, THE LAND SHOWN HEREON HAS BEEN Laid OUT AND PLAT PREPARED IN COMPLIANCE WITH SUBSECTION C OF SECTION 5-103 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND PERTAINING TO THE PREPARATION OF RECORD PLATS.

Vincent X. Nohe 06/01/2022
VINCENT X. NOHE
PROFESSIONAL LAND SURVEYOR #308
MY CURRENT LICENSE EXPIRES 08/08/2022



THE OWNER HEREBY GRANTS TO THE CITY OF HAVRE DE GRACE, MARYLAND AN EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, AND REPLACEMENT OF WATER, SEWER AND STORM DRAINAGE LINES WITHIN THE DRAINAGE AND UTILITY EASEMENTS AND ROAD IMPROVEMENT RIGHT OF WAYS (IF ANY) AS SHOWN ON THE PLAT.

UNLESS OTHERWISE PROVIDED ON THIS PLAT, THE STREETS, ROADS, OPEN SPACES AND PUBLIC UTILITIES SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSES OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE LAND SO SHOWN IS EXPRESSLY RESERVED TO THE PRESENT OWNERS, SHOWN ON THIS PLAT, THEIR SUCCESSORS, HEIRS AND ASSIGNS. NOTHING CONTAINED HEREIN SHALL PRECLUDE THE OWNER FROM CONVEYING BY DEED THE STREETS, ROADS, OPEN SPACES AND PUBLIC UTILITIES IN FEE SIMPLE TO HAVRE DE GRACE, MARYLAND.

NO LOT WILL BE RESUBDIVIDED TO PRODUCE A BUILDING SITE OF LESS AREA OR WIDTH THAN THE MINIMUM REQUIRED BY CITY CODE OR THE COUNTY HEALTH OFFICER.

BY MY SIGNATURE BELOW, I HEREBY ACKNOWLEDGE OWNERSHIP AND APPROVE THE SUBDIVISION OF THE PROPERTY AS SHOWN HEREON, TO MY BEST KNOWLEDGE AND BELIEF, THE REQUIREMENTS OF SUBSECTION C OF SECTION 5-106 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND PERTAINING TO THE PREPARATION OF RECORD PLATS.

Mark Crane 6/7/22
MARK Y. CRANE, MEMBER
CD CAPITAL, LLC

RECORDING STAMP

Rec'd. for Record 7/7/2022
at 10:34 o'clock A.M. Same day recorded in Liber *d.d.R.*
No. 214 Folio 96 one of the PLAT Records of Harford Co., Md. and examined per James Reilly, Clerk

FINAL PLAT
1601 CLARK ROAD

CITY OF HAVRE de GRACE
SIXTH ELECTION DISTRICT HARFORD COUNTY, MARYLAND

OWNER
CD CAPITAL, LLC
1336 SPRINGVALE DRIVE
BEL AIR, MARYLAND 21015-5948

FWM
FREDERICK WARD ASSOCIATES
www.fredward.com

P.O. Box 727, 5 South Main Street
Bel Air Maryland 21014 - 0727
410-835-7000
410-875-2000

SCALE 1"=20' DATE 5/27/2022 DRAWN BY STH/AXN CHECKED BY FWA JOB NUMBER 2201084.00

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. _____

Introduced by _____ Council Member [Last Name]

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL 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, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO

On: _____ [Date]

at: _____ [Time]

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

PUBLIC HEARING

A Public Hearing is scheduled for _____ [date] at [time] _____. **[Use for first reading.]**

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 _____, and concluded on _____. **[Use for second reading.]**

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.

32 § 25-22 Jurisdiction and powers.

33 There is hereby created a Municipal Planning Commission for the City of Havre de Grace,
34 hereinafter referred to as the “Planning Commission”.**["Commission."]** Its territorial jurisdiction
35 shall extend over all property located within the incorporated limits of the City of Havre de Grace
36 or as otherwise provided under Maryland State law.

37
38 § 25-23 **[Membership]** Creation; composition; appointment and removal of members;
39 compensation; election of Chair and Vice Chair.

40 A. Membership of the Planning Commission shall consist of seven members and one
41 permanent alternate member who shall be appointed by the Mayor and confirmed by the
42 City Council for five-year terms.

43 B. **[A. The Commission shall consist of seven members,]** [o]One of whom [may] shall be a
44 member of the City Council of Havre de Grace, Maryland, to serve in an ex officio capacity
45 concurrent with his or her official term.

46 (1) The ex officio member may not vote on any question in the result of which the
47 ex officio member has an immediate personal or financial interest.

48 (2) **(ii)** When an ex officio member abstains from voting on a question under
49 subparagraph **[(i)]** (1) of this paragraph, the ex officio member shall disclose
50 the recusal.

51 C. Each appointed member of the Planning Commission shall be a full-time resident of the
52 City of Havre de Grace at the time of appointment and during the term of the member. For
53 the purpose of this subsection, "full-time resident" means declaring the City of Havre de
54 Grace the person's primary residence for tax purposes. The Mayor and City Council may
55 also appoint no more than two members from outside the incorporated limits of the City;
56 however, the appointee must reside within the Havre de Grace zip code.

57 D. Members of the Planning Commission may be removed for cause by the City Council after
58 a public hearing upon written charges. Grounds for removal are set forth in the Land Use
59 Article of the Maryland Annotated Code, § 2-102(d), as amended.

60 E. The City Council shall appoint a new member to fill the unexpired term of any member
61 who leaves the Planning Commission for any reason.

62 F. An alternate member shall act in the place of an absent, recused, or removed Planning
63 Commission member until a new member is appointed. If an alternate member is absent
64 or recused, the City Council may designate a temporary alternate.

65 G. All members shall serve the Planning Commission without compensation.

66 H. The Planning Commission shall elect a Chairperson and Vice Chairperson at the first
67 meeting of the Board each calendar year.

68
69
70
71

- 72 B. [The term of each member of the Commission is five years or, in the case of the City
- 73 Council member serving in an ex officio capacity, until his or her successor takes
- 74 office.]
- 75 C. [All members of the Commission shall serve without compensation and may be
- 76 removed by the Mayor and City Council for inefficiency, neglect of duty, or
- 77 malfeasance in office.]
- 78 D. [Upon the death, resignation or removal of any Commissioner, the Mayor shall, as
- 79 soon as is practical, appoint a Commissioner to complete the term of office of the
- 80 former member. Upon the expiration of the term of office of any Commissioner, a
- 81 successor shall be appointed by the Mayor to serve a five-year term. All
- 82 Commissioners shall be eligible for reappointment.]
- 83 E. [The Mayor may appoint one alternate member of the Commission who may sit on
- 84 the Commission and vote in the absence of any member of the Commission. The
- 85 Mayor may also appoint a temporary alternate to sit on the Commission and vote
- 86 when the alternate is absent.]
- 87 F. [All appointments to the Commission made by the Mayor shall be subject to the
- 88 advice and consent of the Council.]

89
90 **[§ 25-24 Officers.]**

91 **[In January of each year, the Commission shall elect a Chairperson and Vice Chairperson**

92 **from its members for one year, who shall be eligible for re-election.]**

93
94 **§ 25-~~24~~ [25] Powers and duties.**

95 The Commission shall have the following powers and duties:

- 96 A. The Commission shall review all applications for amendments to the zoning text and map
- 97 and report the Commission's findings and recommendations. Any recommendations can
- 98 be stated to the ex officio member during a Planning Commission hearing or the Planning
- 99 Commission can take an official vote on recommendations to the Mayor and City Council.
- 100 **[B. The Commission shall review all applications for variances, conditional uses, special**
- 101 **exceptions, and modifications of nonconforming uses and shall report the**
- 102 **Commission's findings and recommendations to the Board of Appeals. The**
- 103 **Commission shall review all such applications under the same guidelines applicable**
- 104 **to the Board of Appeals.]**
- 105 **[C. The Commission shall review all appeals from decisions of the Zoning Administrator**
- 106 **and report the Commission's findings and recommendations to the Board of**
- 107 **Appeals.]**
- 108 B. Site Plan Approval per Chapter 155 of the City Code.
- 109 C. Subdivision review and approval per Chapter 173 of the City Code.

110 D. The Commission shall hear and decide matters upon which it is required to pass under
111 provisions of City ordinances.

112 E. The Commission shall have all powers, functions and duties as provided from time to time
113 by the Maryland Land Use Code Annotated. **[Article 66B of the Annotated Code of**
114 **Maryland.]**

115
116
117 **[§ 25-26 Subdivision control.]**

118 **[From and after the time when the Planning Commission shall have control over subdivisions**
119 **as provided in the subdivision control provisions of said Article 66B, the jurisdiction of the**
120 **Commission over plats shall be exclusive within the territory under its jurisdiction, and until**
121 **that time all such plats shall be first approved by said Commission before approval by the**
122 **Mayor and City Council of Havre de Grace.]**

123
124 **§ 25-26 [27] Meetings and hearings.**

125 **A. [In the event the Commission receives a request for approval of a subdivision plat,**
126 **the following action shall be taken preparatory to holding a hearing thereon:]**

127 **(1) [The Commission shall fix a reasonable time for a hearing.]**

128 **(2) [The property which is the subject of the subdivision shall be posted conspicuously**
129 **by a zoning notice in a form approved by the Mayor and City Council at least 10**
130 **days before the date of the hearing.]**

131 **(3) [Notification of a hearing shall be made by certified mail to the applicant, and to**
132 **the owners of those properties contiguous to the property with which the hearing**
133 **is concerned. The addresses for the owners of these contiguous properties shall be**
134 **as specified in the assessment records of the Supervisor of Assessments. Such**
135 **notice shall be postmarked at least seven days prior to the hearing. The cost of**
136 **certified mail notices shall be borne by the applicant. The term "contiguous**
137 **properties," as used herein, includes properties separated from the subject**
138 **property by a street, lane, alley or roadway of any type.]**

139
140 **A. [B] The following procedures shall be used by the Commission in conducting hearings:**

141 **(1) All hearings of the Commission shall be open to the public. At the hearing, any party**
142 **may appear and be heard in person or by representative.**

143 **(2) The Chairperson or, in the Chairperson's absence, the [Acting] Vice Chairperson may**
144 **administer oaths and request the attendance of witnesses.**

145 **(3) For assistance in reaching decisions, the Commission may request testimony at its**
146 **hearing for purposes of securing technical aid or factual evidence from City**
147 **commissions, departments or agencies.**

148

- 149 (4) The Commission shall keep records of all of its official actions, all of which shall be
- 150 filed with the Department of [Economic Development and] Planning and shall be
- 151 public record.
- 152 (5) Postponement of hearings shall be at the discretion of the Chairperson of the
- 153 Commission in cases of extreme hardship or upon good cause shown. The Commission
- 154 may, upon its own initiative, postpone a scheduled hearing at any time. Assessment of
- 155 cost for advertisement of rescheduled hearings shall be in the discretion of the
- 156 Commission.
- 157 (6) The Commission may continue a hearing to another time or date once such hearing has
- 158 been started; however, the Commission shall announce the date and hour of
- 159 continuance of such hearing while in session.
- 160 (7) The Commission may adopt additional rules with the approval of the Mayor and City
- 161 Council which may be necessary to exercise the Commission's function.

162
 163 **NOW, THEREFORE**, it is determined, decided, and ordained by the City Council that _____
 164 is hereby approved.

165
 166 ADOPTED by the City Council of Havre de Grace, Maryland this __ day of _____, 2022.

167
 168 SIGNED by the Mayor and attested by the Director of Administration this _____ day of
 169 _____, 2022.

170
 171
 172 ATTEST:

MAYOR AND CITY COUNCIL
 OF HAVRE DE GRACE

173
 174
 175 _____
 176 Stephen J. Gamatoria
 177 Director of Administration

 William T. Martin
 Mayor

178
 179
 180 Introduced/First Reading: [mm/dd/yyyy]
 181 Public Hearing: [mm/dd/yyyy]
 182 Second Reading/Adopted: [mm/dd/yyyy]
 183
 184 Effective Date: [mm/dd/yyyy]

185
 186
 187
 188 Legislative History

189 Ordinance No. _____, As Amended, enacted _____ [Date]
 190 Ordinance No. _____, As Amended, enacted _____ [Date]

191
 192 **The language to include in all zoning ordinances for “effective date”:**

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195
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201
202

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.

For basic amendments to the Code, add the following language:

NOW THEREFORE, it is *determined, decided, and ordained by the City Council* that the foregoing amendments to the City Code are hereby approved.

First Reading

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. _____

Introduced by _____ Council Member Schneegas

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL 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, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO

On: _____ [Date]

at: _____ [Time]

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

PUBLIC HEARING

A Public Hearing is scheduled for _____ [date] at [time] _____. **[Use for first reading.]**

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 _____, and concluded on _____. **[Use for second reading.]**

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.

35 § 205-13 Definitions.

36

37 **LOT LINE, FRONT**

38 The line separating the lot from the street right-of-way upon which it fronts. In the case of a corner
39 or double-frontage lot, it shall be the line separating said lot from the street right-of-way as
40 determined by the Department of Planning to be the front yard [that is designated as the front
41 street in the] at the time of a request for a building permit.

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43 **LOT, THROUGH**

44 A lot which fronts upon two parallel “streets” or “avenues” [roads] or which fronts upon two
45 “streets” or “avenues” [roads] which do not intersect at the boundary of the lot or which is bounded
46 on one side by a “street” or “avenue” and on the opposite side by a navigable waterway and which
47 has no rear lot line.

48

49 **STREET**

50 Any road, highway, avenue, street, parkway, lane or other way, public or private, set aside and
51 commonly used by the public as a means of vehicular and pedestrian circulation and to provide
52 access to any lot or lots. The establishment of a common driveway for access purposes to more
53 than one lot shall not be considered a street as this term is defined herein. This broad definition
54 for street shall not be used to define a lot nor in determining lot lines.

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56

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

59

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

61

62 SIGNED by the Mayor and attested by the Director of Administration this _____ day of
63 _____, 2022.

64

65

66 ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

67

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70 _____
71 Stephen J. Gamatoria
72 Director of Administration

73 _____
74 William T. Martin
75 Mayor

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77

78 Introduced/First Reading: [mm/dd/yyyy]

79 Public Hearing: [mm/dd/yyyy]

80 Second Reading/Adopted: [mm/dd/yyyy]

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82 Effective Date: [mm/dd/yyyy]

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Legislative History

Ordinance No. _____, As Amended, enacted _____ [Date]

Ordinance No. _____, As Amended, enacted _____ [Date]

The language to include in all zoning ordinances for “effective date”:

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.

For basic amendments to the Code, add the following language:

NOW THEREFORE, it is *determined, decided, and ordained by the City Council* that the foregoing amendments to the City Code are hereby approved.

First Reading