

# CITY COUNCIL

## READ FILE COVER SHEET

Subject: **Ordinance 1157 concerning Amending Chapter 25**  
**Board of Appeals and Planning Commission**  
**(Public Hearing)**

Date: **6/4/2024**

**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 June 17, 2024**
  - In Confidential File Drawer

Approve:

Johnny Boker  Yes  No  No Comment  
Comment: \_\_\_\_\_

Casi Boyer  Yes  No  No Comment  
Comment: \_\_\_\_\_

Vicki Jones  Yes  No  No Comment  
Comment: \_\_\_\_\_

Jim Ringsaker  Yes  No  No Comment  
Comment: \_\_\_\_\_

Jason Robertson  Yes  No  No Comment  
Comment: \_\_\_\_\_

Tammy Lynn Schneegas  Yes  No  No Comment  
Comment: \_\_\_\_\_

Note: N/A

CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND  
ORDINANCE NO. 1157

Introduced by \_\_\_\_\_ Council President Ringsaker

**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 AMEND CHAPTER 25 PERTAINING TO BOARD OF APPEALS AND PLANNING COMMISSION**

On: June 3, 2024  
at: 7:00 p.m.

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

**PUBLIC HEARING**

A Public Hearing is scheduled for June 17, 2024 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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

30 BE IT ORDAINED, that Chapter 25 is hereby amended as follows:

31

32 Article IV Board of Appeals

33

34 § 25-16 **General requirements and procedures.**

35

36 D. Notice of a public hearing on any special exception, variance, or when applicable,  
37 administrative review, shall be given by certified mail (with return receipt) and by first class  
38 US Mail to the petitioner, the owner of the property and all abutting and confronting property  
39 owners of the property under consideration at least **[15] 10** days['] prior to the date of the  
40 public hearing. Notice shall also be published on the City's webpage at least 10 days['] prior  
41 to the date of the public hearing. In addition, notice of such hearing shall be posted by the  
42 Department of Planning with a sign provided by the Board of Appeals staff on the property  
43 under consideration:

44

45 E. The Department of Planning shall prepare a staff report that incorporates background  
46 information on the subject property, provides a recommendation for approval or denial, and  
47 incorporates recommended conditions as necessary. The report shall include an analysis of  
48 environmental features, zoning, consistency with the Comprehensive Plan, and existing and  
49 proposed land uses on the subject property and within the neighborhood. The report shall be  
50 forwarded to the Board and the petitioner at least five days prior to the hearing before the  
51 Board [Commission].

52

53 Article V Planning Commission

54

55 § 25-22 Jurisdiction and powers.

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

60

61 § 25-23 **[Membership]** Creation; composition; appointment and removal of members;  
62 compensation; election of Chair and Vice Chair.

63

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

67

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

71

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

73

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

76                   (3) The ex-officio member may not act as Chair or Vice Chair of the Planning  
77                   Commission.

78           C. Subject to the exception set forth in subparagraph D below, each appointed member of the  
79           Planning Commission shall be a full-time resident of the City of Havre de Grace at the time  
80           of appointment and during the term of the member. For the purpose of this subsection,  
81           "full-time resident" means declaring the City of Havre de Grace the person's primary  
82           residence for tax purposes. If residency changes such that the member is no longer a full-  
83           time resident during the member's term, then the position will be deemed vacant and the  
84           vacancy will be filled as provided under this Section, provided however, that such member  
85           may be able to fall within the exception under subparagraph D upon the Mayor's approval.

86           D. The Mayor and City Council may choose to appoint no more than two members from  
87           outside the incorporated limits of the City as part of the seven person membership as  
88           discussed in Section 25-23(A); however, the appointee(s) must reside within the Havre de  
89           Grace zip code.

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

93           F. The City Council shall appoint a new member to fill the unexpired term of any member  
94           who leaves the Planning Commission for any reason or upon a vacancy as set forth in  
95           subparagraph C above.

96           G. Pending appointment of a new member, an alternate member shall fill the vacancy until a  
97           new member is appointed. If an alternate member is absent or recused, the City Council  
98           may designate a temporary alternate.

99           H. All members shall serve the Planning Commission without compensation.

100           I. The Planning Commission shall elect a Chairperson and Vice Chairperson at the first  
101           meeting of the Board each calendar year. The Chairperson or Vice Chairperson shall not  
102           be an ex-officio member.

103  
104           **[B. The term of each member of the Commission is five years or, in the case of the City**  
105           **Council member serving in an ex officio capacity, until his or her successor takes office.]**

106           **[C. All members of the Commission shall serve without compensation and may be**  
107           **removed by the Mayor and City Council for inefficiency, neglect of duty, or malfeasance**  
108           **in office.]**

109           **[D. Upon the death, resignation or removal of any Commissioner, the Mayor shall, as**  
110           **soon as is practical, appoint a Commissioner to complete the term of office of the former**  
111           **member. Upon the expiration of the term of office of any Commissioner, a successor shall**  
112           **be appointed by the Mayor to serve a five-year term. All Commissioners shall be eligible**  
113           **for reappointment.]**

114 [E. The Mayor may appoint one alternate member of the Commission who may sit on the  
115 Commission and vote in the absence of any member of the Commission. The Mayor may  
116 also appoint a temporary alternate to sit on the Commission and vote when the alternate  
117 is absent.]

118 [F. All appointments to the Commission made by the Mayor shall be subject to the advice  
119 and consent of the Council.]

120  
121 [§ 25-24 Officers.]

122 [In January of each year, the Commission shall elect a Chairperson and Vice Chairperson  
123 from its members for one year, who shall be eligible for re-election.]

124  
125 § 25-24 [25] Powers and duties.

126 The Commission shall have the following powers and duties:

127 A. The Commission shall review all applications for amendments to the zoning text and map  
128 and report the Commission's findings and recommendations. Any recommendations can  
129 be stated to the ex officio member during a Planning Commission hearing or the Planning  
130 Commission can take an official vote on recommendations to the Mayor and City Council.

131 [B. The Commission shall review all applications for variances, conditional uses, special  
132 exceptions, and modifications of nonconforming uses and shall report the  
133 Commission's findings and recommendations to the Board of Appeals. The  
134 Commission shall review all such applications under the same guidelines applicable  
135 to the Board of Appeals.]

136 [C. The Commission shall review all appeals from decisions of the Zoning Administrator  
137 and report the Commission's findings and recommendations to the Board of  
138 Appeals.]

139 B. Site Plan Approval per Chapter 155 of the City Code.

140 C. Subdivision review and approval per Chapter 173 of the City Code.

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

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

146 [§ 25-26 Subdivision control.]

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

152

153 § 25-25 Notification requirements.  
154 Notice of a public hearing on any Planning Commission matter shall be given by certified mail  
155 (with return receipt) and by first class US Mail to the petitioner, the owner of the property and all  
156 abutting and confronting property owners of the property under consideration at least 10 days prior  
157 to the date of the public hearing. Notice shall also be published on the City's webpage at least 10  
158 days prior to the date of the public hearing. In addition, notice of such hearing shall be posted by  
159 the Department of Planning with a sign provided by the Department of Planning staff on the  
160 property under consideration at least 10 days prior to the date of the public hearing.

161  
162 § 25-26 Meetings and hearings.

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

- 165 (1) **[The Commission shall fix a reasonable time for a hearing.]**
- 166 (2) **[The property which is the subject of the subdivision shall be posted conspicuously**  
167 **by a zoning notice in a form approved by the Mayor and City Council at least 10**  
168 **days before the date of the hearing.]**
- 169 (3) **[Notification of a hearing shall be made by certified mail to the applicant, and to**  
170 **the owners of those properties contiguous to the property with which the hearing**  
171 **is concerned. The addresses for the owners of these contiguous properties shall be**  
172 **as specified in the assessment records of the Supervisor of Assessments. Such**  
173 **notice shall be postmarked at least seven days prior to the hearing. The cost of**  
174 **certified mail notices shall be borne by the applicant. The term "contiguous**  
175 **properties," as used herein, includes properties separated from the subject**  
176 **property by a street, lane, alley or roadway of any type.]**

177  
178 A. [B] The following procedures shall be used by the Commission in conducting hearings:

- 179 (1) All hearings of the Commission shall be open to the public. At the hearing, any party  
180 may appear and be heard in person or by representative.
- 181 (2) The Chairperson or, in the Chairperson's absence, the **[Acting] Vice** Chairperson may  
182 administer oaths and request the attendance of witnesses.
- 183 (3) For assistance in reaching decisions, the Commission may request testimony at its  
184 hearing for purposes of securing technical aid or factual evidence from City  
185 commissions, departments or agencies.
- 186 (4) The Commission shall keep records of all of its official actions, all of which shall be  
187 filed with the Department of **[Economic Development and]** Planning and shall be  
188 public record.
- 189 (5) Postponement of hearings shall be at the discretion of the Chairperson of the  
190 Commission in cases of extreme hardship or upon good cause shown. The Commission  
191 may, upon its own initiative, postpone a scheduled hearing at any time. Assessment of  
192 cost for advertisement of rescheduled hearings shall be in the discretion of the  
193 Commission.
- 194 (6) The Commission may continue a hearing to another time or date once such hearing has  
195 been started; however, the Commission shall announce the date and hour of  
196 continuance of such hearing while in session.
- 197 (7) The Commission shall adopt additional rules which may be necessary to exercise the  
198 Commission's function which rules shall not be inconsistent with this Article V.

199  
200 § 25-27 Reserved

201  
202 **NOW, THEREFORE**, it is determined, decided, and ordained by the City Council that the  
203 foregoing amendments to the City Code are hereby approved.

204  
205 ADOPTED by the City Council of Havre de Grace, Maryland this \_\_ day of \_\_\_\_\_, 2024.

206  
207 SIGNED by the Mayor and attested by the Director of Administration this \_\_\_\_\_ day of \_\_\_\_\_,  
208 2024.

209  
210  
211 ATTEST: MAYOR AND CITY COUNCIL  
212 OF HAVRE DE GRACE

213  
214 \_\_\_\_\_  
215 Christopher Ricci  
216 Director of Administration

217 \_\_\_\_\_  
218 William T. Martin  
219 Mayor

219 Introduced/First Reading: 6/3/2024

220 Public Hearing:

221 Second Reading/Adopted:

222  
223 Effective Date:

