

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1218 concerning Amending Chapter 205 Zoning by Adding New Article XIV Titled "Development Rights and Responsibilities"**

Date: **2/3/2026**

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 February 17, 2026**
- In Confidential File Drawer

Approve:

Johnny Boker Yes No No Comment

Comment: _____

Casi Boyer Yes No No Comment

Comment: _____

Matthew Ellis Yes No No Comment

Comment: _____

Vicki Jones Yes No No Comment

Comment: _____

Jim Ringsaker Yes No No Comment

Comment: _____

Tammy Lynn Yes No No Comment

Schneegas Yes No No Comment

Comment: _____

Note: N/A

1 CITY COUNCIL
2 OF
3 HAVRE DE GRACE, MARYLAND
4
5 ORDINANCE NO. 1218
6
7

8 Introduced by Council Member Jones
9

10
11 **AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF**
12 **HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE**
13 **AUTHORITY OF ARTICLE XI-E OF THE MARYLAND**
14 **CONSTITUTION, THE LAND USE ARTICLE SECTION 7-302(B)**
15 **AND THE LOCAL GOVERNMENT ARTICLE OF THE**
16 **ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34**
17 **OF THE HAVRE DE GRACE CITY CHARTER TO AMEND CITY**
18 **CODE CHAPTER 205 ZONING BY ADDING A NEW ARTICLE XIV**
19 **TITLED “DEVELOPMENT RIGHTS AND RESPONSIBILITIES**
20 **AGREEMENTS”**
21
22

23 On: February 2, 2026
24 at: 7:00 p.m.

25 Ordinance introduced, read first time, ordered posted and public hearing scheduled.
26
27
28

PUBLIC HEARING

29 A Public Hearing is scheduled for February 17, 2026 at 7:00 p.m.
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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 **WHEREAS**, under the Land Use Article of the Maryland Code, Section 7-302(b), the City can
36 adopt enabling legislation to allow it to enter into development rights and responsibilities
37 agreements; (“DRRA”) with property owners, and

38
39 **WHEREAS**, DRRAAs provide an additional planning tool that local governments and their
40 planning departments can use to review and control land development, providing maximum
41 flexibility in local zoning and land use matters consistent with the City’s Comprehensive Plan; and

42
43 **WHEREAS**, DRRAAs can provide certainty and stability to developers, whose projects may take
44 many years to complete, while allowing the City to negotiate enhanced public benefits; and

45
46 **WHEREAS**, the adoption of this amendment to Chapter 205 is intended to enhance development
47 flexibility, innovation, and quality while ensuring protection of the public interest, health, safety
48 and welfare; and

49
50 **WHEREAS**, the Director of Administration, the Director of Planning and the City Attorney have
51 reviewed the proposed addition to City Code 205 for conformance with City policies and
52 procedures, the City Code, City Charter, and the Land Use Article of the Maryland Code, and have
53 determined that the proposed amendment is consistent with applicable land use law and in proper
54 form; and

55
56 **NOW THEREFORE**, it is determined, decided, and ordained by the City Council that a new
57 Article XIV of City Code 205 Zoning is adopted and approved as follows:

58
59 **ARTICLE XIV. DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENTS**
60 **§205-51. Definitions**

61
62 In this Chapter the following words have the meanings indicated:

63
64 AGREEMENT means a development rights and responsibilities agreement in conformance with
65 this Article between the City and an applicant.

66
67 APPLICANT means any individual, firm, corporation, partnership, association, society,
68 syndication, trust, or other legal entity that files a petition to enter into an agreement.

69
70 CITY means the municipal corporation known as the Mayor and City Council of Havre de Grace.

71
72 COMPREHENSIVE PLAN means the current Comprehensive Plan as adopted by the City
73 pursuant to the provisions of Article 3 of the Land Use Article of the Maryland Annotated Code.

74
75 DEVELOPMENT means the subdivision of land and those divisions of land referred to as off
76 conveyances, and/or changes to improved or unimproved real estate including but not limited to
77 construction, reconstruction, structural alterations, relocation or enlargement of any structure,
78 road, driveway, or appurtenance, grading, dredging, filling, paving, clearing, excavation, dumping,
79 extraction or storage of soil or mineral; the storage of equipment or material.

80

81 ENHANCED PUBLIC BENEFITS means public infrastructure improvements or other public
82 benefit features to be provided at the applicant's expense, above and beyond those that the
83 applicant would otherwise be required to provide under applicable law, including but not limited
84 to adequate public facilities and rezoning ordinance requirements during the course of the
85 development of the property.

86
87 GOVERNING BODY means the City Council.
88

89 PARTIES means the City and the Applicant.
90

91 PLANNING COMMISSION means the City's Planning Commission.
92

93 PROPERTY means the parcel or parcels of real property to be developed within the municipal
94 limits of the City which are the subject of an agreement.

95 PUBLIC PRINCIPAL means the Mayor, as chief executive officer, and City Council, as the
96 governing body, who shall act together as the public principal.
97

98 §205-52. AUTHORITY; PUBLIC PRINCIPAL
99

100 The City exercises authority granted by the Maryland Code, Land Use Article, §3-302(b) to enter
101 into an agreement as follows: the Mayor shall exercise the authority of the public principal to
102 negotiate, execute and enforce such agreements, and the City Council shall act as the public
103 principal for purposes of conducting the public hearing on a proposed agreement and by majority
104 vote will either approve, reject, or recommend amendment to a proposed agreement.

105 §205-53. PETITION
106

- 107 A. Any applicant having a legal or equitable interest in real property in the City may petition
108 the City to enter into an agreement.
- 109 B. The petition shall be filed with the Director of Planning and must include the processing
110 fee in accordance with a fee schedule adopted by the City Council by Ordinance.
- 111 C. The petition shall include a copy of the proposed agreement.
- 112 D. All persons with a lien interest in the property must authorize the petition.
- 113 E. The Mayor shall first review the petition and determine whether to accept the petition and
114 initiate this process.
- 115 F. After the Mayor approves the petition, the applicant shall pay the filing fee adopted by the
116 City Council by ordinance to proceed to a public hearing as provided in this Article.

117
118 §205-54. CONTENTS OF DEVELOPMENT RIGHTS AND RESPONSIBILITIES
119 AGREEMENT.

- 120 A. At a minimum, a development rights and responsibilities agreement shall contain the
122 following:

123 (1) A lawyer's certification that applicant has either a legal or equitable interest in the
124 property;

125 (2) The names of all persons having an equitable or legal interest in the property, including
126 lien holders;

127 (3) A legal description of the property subject to the agreement;

128 (4) The duration of the agreement;

129 (5) The permissible uses of the property;

130 (6) The density or intensity of use of the property;

131 (7) The maximum height and size of structures to be located on the property;

132 (8) A description of permits required or already approved for the development of the
133 property;

134 (9) A statement that the proposed development plan is consistent with the Comprehensive
135 Plan and all applicable City and Harford County regulations;

136 (10) A description of the conditions, terms, restrictions or other requirements determined
137 by the City to be necessary to ensure the public health, safety or welfare; and

138 (11) To the extent applicable, provisions for the:

139 (a) Dedication of a portion of the property for public use;

140 (b) Protection of sensitive areas;

141 (c) Preservation and restoration of historic structures;

142 (d) Construction or financing of public facilities; and

143 (e) Responsibility for attorney's fees, costs, and expenses incurred by the City in
144 the event an agreement is abandoned or breached by the applicant.

145 B. An agreement may contain other terms, provisions, requirements and agreements
146 concerning the property which may be agreed upon by the City and the applicant.

147 C. An agreement may fix the time frame and terms for development and construction on the
148 property.

149 D. An agreement may provide for other matters consistent with the City Code, including
150 Adequate Public Facilities review and Department of Public Works approval in accordance
151 with City Code Chapter 2.

152 E. An agreement may provide for Enhanced Public Benefits.

153 F. All persons with a lien interest in the property must execute the agreement.

154 G. Any superior interest with a power of sale must be subordinated to the position of the City
155 or acceptable financial guarantees must be provided.

157 §205-55. REFERRAL TO PLANNING COMMISSION

158

159 A. Upon receipt of a petition, the Mayor must refer the petition to the Planning Commission
160 for a determination on whether the proposed agreement is consistent with the
161 Comprehensive Plan.

162

163 B. The Mayor may not enter into an agreement, and the City Council may not approve an
164 agreement until the Planning Commission first determines whether the proposed agreement
165 is consistent with the Comprehensive Plan.

166 §205-56. PUBLIC HEARING; APPROVAL OF AGREEMENT

168 A. Before an agreement may be executed the Mayor, and City Council must conduct a public
169 hearing on the proposed agreement. Notice of the hearing must be published in a newspaper
170 of general circulation in the City once each week for 2 consecutive weeks, with the first
171 such publication of notice appearing at least 14 days prior to the hearing.

172 B. After the public hearing, the City Council may:

173 (1) approve the proposed agreement as written;

174 (2) approved the proposed agreement with amendments;

175 (3) decline to enter an agreement.

176 C. If the City Council chooses to enter an agreement with or without amendments, it shall do
177 so by adopting a formal resolution that approves the agreement and authorizes the Mayor
178 to execute the agreement on behalf of the City.

179 §205-57. AMENDMENT OF AGREEMENT

180 A. Subject to paragraph (B) and (C) of this section and after a public hearing, the parties to an
181 agreement may amend the agreement by mutual consent.

182 B. The parties may not amend an agreement unless:

183 (1) the Planning Commission determines whether the proposed amendment is consistent
184 with the Comprehensive Plan, and

185 (2) after a public hearing the City Council adopts a resolution authorizing the amendment.

186 C. City Council approval of amendments under paragraph B is not required for de minimis
187 changes or amendments to correct clerical errors where such amendments do not result in
188 any material or substantive change of the Agreement as determined by the Planning
189 Commission.

190

191 §205-58. TERMINATION OF AGREEMENT; SUSPENSION

192 A. The parties may terminate an agreement by mutual consent in writing.

193 B. If the Mayor or City Council determine that suspension or termination of an agreement is
194 essential to ensure the public health, safety, or welfare, the Mayor and City Council may
195 unilaterally suspend or terminate an agreement after a public hearing by a formal Resolution
196 of City Council, notwithstanding anything to the contrary contained in the agreement.

197 §205-59. APPLICABLE LAWS, REGULATIONS, AND POLICIES

198 A. Except as provided in subparagraph B of this section, the local laws, rules, regulations, and
199 policies governing the use, density, or intensity of the property subject to the agreement
200 will be the local laws, rules, regulations and policies in force at the time the City and the
201 applicant execute the agreement.

202 B. An agreement may not prevent compliance with the local laws, rules, regulations, and
203 policies enacted after the date of the agreement if the City Council determines that
204 compliance with such local laws, rules, regulations and policies is essential to ensure the
205 public health, safety or welfare.

206 C. An agreement may not alter the applicant's obligations to pay the fees in effect at the time
207 the fee payment is due.

208 §205-60. RECORDING

209 A. An agreement not recorded in the Land Records of Harford County within 20 days after
210 the day on which the parties execute the agreement is void. Either the applicant or the City
211 may record the agreement.

212 B. The City and the applicant and their successors in interest are bound to the agreement after
213 the agreement is recorded.

214 §205-61. ENFORCEMENT

215 Unless the agreement is terminated pursuant to §205-58, only the parties or their successors in
216 interest may enforce the agreement. Neither this Article XIV of Chapter 205 nor any agreement is
217 intended to create third-party beneficiary status in the public or any other person not a party to an
218 agreement.

219 §205-62. DURATION OF AGREEMENT

220 An agreement entered into under this Article XIV of Chapter 205 is void 5 years after the day on
221 which the parties execute the agreement, unless the agreement specifies a different duration or
222 unless extended by an amendment under Section 205-57 above.

223

224 ADOPTED by the City Council of Havre de Grace, Maryland this ____ day of ____, 2026.
225
226 SIGNED by the Mayor and attested by the Director of Administration this ____ day of _____,
227 2026.
228
229

230 ATTEST: MAYOR AND CITY COUNCIL
231 OF HAVRE DE GRACE

234 Christopher Ricci
235 Director of Administration

237 Introduced/First Reading: 2/2/2026

238 Public Hearing:

239 Second Reading/Adopted:

240 Effective Date:

243 In accordance with the provisions of the Maryland Ann. Code, Land Use Article, §4-203 and the
244 City Charter requirements, this ordinance shall become effective no earlier than ten days after the
245 close of the public hearing on the Zoning Code amendments set forth herein.
246