

CITY COUNCIL

READ FILE COVER SHEET

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

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:

<input type="checkbox"/>	FYI
<input checked="" type="checkbox"/>	Read and Comment as Needed
<input checked="" type="checkbox"/>	Action Required by February 17, 2026
<input type="checkbox"/>	In Confidential File Drawer

Approve:

Johnny Boker	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
Comment: _____			

Casi Boyer	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
Comment: _____			

Matthew Ellis	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
Comment: _____			

Vicki Jones	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
Comment: _____			

Jim Ringsaker	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
Comment: _____			

Tammy Lynn Schneegas	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
Comment: _____			

Note: N/A

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1218

Introduced by _____ Council Member Jones _____

**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 LAND USE ARTICLE SECTION 7-302(B)
AND THE LOCAL GOVERNMENT ARTICLE OF THE
ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34
OF THE HAVRE DE GRACE CITY CHARTER TO AMEND CITY
CODE CHAPTER 205 ZONING BY ADDING A NEW ARTICLE XIV
TITLED “DEVELOPMENT RIGHTS AND RESPONSIBILITIES
AGREEMENTS”**

On: February 2, 2026

at: 7:00 p.m.

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

PUBLIC HEARING

A Public Hearing is scheduled for February 17, 2026 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.

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**, DRRAs 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**, DRRAs 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

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

GOVERNING BODY means the City Council.

PARTIES means the City and the Applicant.

PLANNING COMMISSION means the City's Planning Commission.

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

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

§205-52. AUTHORITY; PUBLIC PRINCIPAL

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

§205-53. PETITION

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

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

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

- (1) A lawyer's certification that applicant has either a legal or equitable interest in the property;
- (2) The names of all persons having an equitable or legal interest in the property, including lien holders;
- (3) A legal description of the property subject to the agreement;
- (4) The duration of the agreement;
- (5) The permissible uses of the property;
- (6) The density or intensity of use of the property;
- (7) The maximum height and size of structures to be located on the property;
- (8) A description of permits required or already approved for the development of the property;
- (9) A statement that the proposed development plan is consistent with the Comprehensive Plan and all applicable City and Harford County regulations;
- (10) A description of the conditions, terms, restrictions or other requirements determined by the City to be necessary to ensure the public health, safety or welfare; and
- (11) To the extent applicable, provisions for the:
- (a) Dedication of a portion of the property for public use;
 - (b) Protection of sensitive areas;
 - (c) Preservation and restoration of historic structures;
 - (d) Construction or financing of public facilities; and
 - (e) Responsibility for attorney's fees, costs, and expenses incurred by the City in the event an agreement is abandoned or breached by the applicant.
- B. An agreement may contain other terms, provisions, requirements and agreements concerning the property which may be agreed upon by the City and the applicant.
- C. An agreement may fix the time frame and terms for development and construction on the property.
- D. An agreement may provide for other matters consistent with the City Code, including Adequate Public Facilities review and Department of Public Works approval in accordance with City Code Chapter 2.
- E. An agreement may provide for Enhanced Public Benefits.
- F. All persons with a lien interest in the property must execute the agreement.
- G. Any superior interest with a power of sale must be subordinated to the position of the City 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

167 §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.

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.

ADOPTED by the City Council of Havre de Grace, Maryland this __ day of _____, 2026.

SIGNED by the Mayor and attested by the Director of Administration this _____ day of _____, 2026.

ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

Christopher Ricci
Director of Administration

William T. Martin
Mayor

Introduced/First Reading: 2/2/2026

Public Hearing:

Second Reading/Adopted:

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.