

CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1157  
(As Amended)

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**

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 June 17, 2024 at 7:00 p.m., and concluded on June 17, 2024 at 7:02 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.

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

Article IV Board of Appeals

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

- D. Notice of a public hearing on any special exception, variance, or when applicable, administrative review, shall be given by certified mail (with return receipt) and by first class US Mail to the petitioner, the owner of the property and all abutting and confronting property owners of the property under consideration at least 15 calendar days['] prior to the date of the public hearing. Notice shall also be published on the City's webpage at least **[10] 15 calendar days**['] prior to the date of the public hearing. In addition, notice of such hearing shall be posted by the Department of Planning with a sign provided by the Board of Appeals staff on the property under consideration:
- E. The Department of Planning shall prepare a staff report that incorporates background information on the subject property, provides a recommendation for approval or denial, and incorporates recommended conditions as necessary. The report shall include an analysis of environmental features, zoning, consistency with the Comprehensive Plan, and existing and proposed land uses on the subject property and within the neighborhood. The report shall be forwarded to the Board and the petitioner at least five days prior to the hearing before the Board [Commission].

Article V Planning Commission

§ 25-22 Jurisdiction and powers.

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

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

- A. Membership of the Planning Commission shall consist of seven members and one alternate member who shall be appointed by the Mayor and confirmed by the City Council for five-year terms.
- B. **[A. The Commission shall consist of seven members,]** [o]One of whom **[may]** shall be a member of the City Council of Havre de Grace, Maryland, to serve in an ex officio capacity concurrent with his or her official term.
- (1) The ex officio member may not vote on any question in the result of which the ex officio member has an immediate personal or financial interest.
  - (2) **[(ii)]** When an ex officio member abstains from voting on a question under subparagraph **[(i)]** (1) of this paragraph, the ex officio member shall disclose the recusal.



- (3) The ex-officio member may not act as Chair or Vice Chair of the Planning Commission.
- C. Subject to the exception set forth in subparagraph D below, each appointed member of the Planning Commission shall be a full-time resident of the City of Havre de Grace at the time of appointment and during the term of the member. For the purpose of this subsection, "full-time resident" means declaring the City of Havre de Grace the person's primary residence for tax purposes. If residency changes such that the member is no longer a full-time resident during the member's term, then the position will be deemed vacant and the vacancy will be filled as provided under this Section, provided however, that such member may be able to fall within the exception under subparagraph D upon the Mayor's approval.
- D. The Mayor and City Council may choose to appoint no more than two members from outside the incorporated limits of the City as part of the seven person membership as discussed in Section 25-23(A); however, the appointee(s) must reside within the Havre de Grace zip code.
- E. Members of the Planning Commission may be removed for cause by the City Council after a public hearing upon written charges. Grounds for removal are set forth in the Land Use Article of the Maryland Annotated Code, § 2-102(d), as amended.
- F. The City Council shall appoint a new member to fill the unexpired term of any member who leaves the Planning Commission for any reason or upon a vacancy as set forth in subparagraph C above.
- G. Pending appointment of a new member, an alternate member shall fill the vacancy until a new member is appointed. If an alternate member is absent or recused, the City Council may designate a temporary alternate.
- H. All members shall serve the Planning Commission without compensation.
- I. The Planning Commission shall elect a Chairperson and Vice Chairperson at the first meeting of the Board each calendar year. The Chairperson or Vice Chairperson shall not be an ex-officio member.

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

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

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

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

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

**[§ 25-24 Officers.]**

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

**§ 25-24 [25] Powers and duties.**

The Commission shall have the following powers and duties:

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

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

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

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

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

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

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

**[§ 25-26 Subdivision control.]**

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



§ 25-25 Notification requirements.

Notice of a public hearing on any Planning Commission matter shall be given by certified mail (with return receipt) and by first class US Mail to the petitioner, the owner of the property and all abutting and confronting property owners of the property under consideration at least 15 calendar days prior to the date of the public hearing. Notice shall also be published on the City's webpage at least 15 calendar days prior to the date of the public hearing. In addition, notice of such hearing shall be posted by the Department of Planning with a sign provided by the Department of Planning staff on the property under consideration at least 15 calendar days prior to the date of the public hearing.

§ 25-26 Meetings and hearings.

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

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

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

- (1) All hearings of the Commission shall be open to the public. At the hearing, any party may appear and be heard in person or by representative.
- (2) The Chairperson or, in the Chairperson's absence, the **[Acting]** Vice Chairperson may administer oaths and request the attendance of witnesses.
- (3) For assistance in reaching decisions, the Commission may request testimony at its hearing for purposes of securing technical aid or factual evidence from City commissions, departments or agencies.
- (4) The Commission shall keep records of all of its official actions, all of which shall be filed with the Department of **[Economic Development and]** Planning and shall be public record.
- (5) Postponement of hearings shall be at the discretion of the Chairperson of the Commission in cases of extreme hardship or upon good cause shown. The Commission may, upon its own initiative, postpone a scheduled hearing at any time. Assessment of cost for advertisement of rescheduled hearings shall be in the discretion of the Commission.
- (6) The Commission may continue a hearing to another time or date once such hearing has been started; however, the Commission shall announce the date and hour of continuance of such hearing while in session.

(7) The Commission shall adopt additional rules which may be necessary to exercise the Commission's function which rules shall not be inconsistent with this Article V.

§ 25-27 Reserved

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

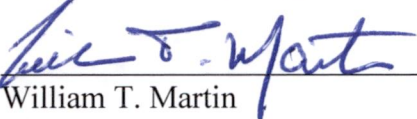
ADOPTED by the City Council of Havre de Grace, Maryland this 1<sup>st</sup> day of July, 2024.

SIGNED by the Mayor and attested by the Director of Administration this 2<sup>nd</sup> day of July, 2024.

ATTEST:

MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE

  
\_\_\_\_\_  
Christopher Ricci  
Director of Administration

  
\_\_\_\_\_  
William T. Martin  
Mayor

Introduced/First Reading: 6/3/2024  
Public Hearing: 6/17/2024  
Second Reading/Adopted: 7/1/2024  
  
Effective Date: 7/2/2024