

I. INTRODUCTION

The adoption of this Comprehensive Plan is only one element of a continuous growth management process for the City of Havre de Grace. The Plan itself serves as a framework around which relevant future land use decisions are based. The word *implementation* is an action word, and implementing the Comprehensive Plan is a continuing, active process. It is accomplished through various growth management tools – such as the zoning, subdivision, and site plan ordinances—that govern public and private actions at the individually owned property (or site planning) stage and may include incentives as well as regulations. This chapter serves to outline current regulations, policies, and incentives that relate to land use and the built environment. It also provides recommendations for strengthening existing or developing new implementation tools at the local level.

Land use policy is extremely complex. It is an inter-relationship between public agencies at the local, State, and (to a limited degree) Federal levels. Some regulations, such as the zoning or site plan ordinance, are developed and enforced at the local level. Other regulations, such as the Chesapeake Bay Critical Area Ordinance and Forest Conservation Ordinance, are incorporated into local law but mandated by the State. Floodplain regulations, on the other hand, are established by the Federal Government. All of these regulations are in place to govern how land is utilized with full regard for the environment and the health, safety, and welfare of the public.

In addition to regulations, there are also incentive policies that influence land use decisions, both public and private. These may include Enterprise or Empowerment Zones for renewed commercial reinvestment, Historic Tax credits for reuse of existing structures, or other incentives that ultimately affect land use. Within the past decade, great strides have been made at the State level under the nationally recognized Smart Growth initiative to encourage growth to occur in appropriate areas. These State initiatives affect land use policies at the local level and include the establishment of Priority Funding Areas and the development of incentives for cleanup of old industrial areas, or Brownfields. These incentives serve to encourage beneficial land uses, whether it's community revitalization, historic preservation, or other desired outcomes.

This chapter lays out existing implementation measures that affect land use in a very broad, generalized way. Further investigation is necessary for more specific information relating to policies, regulations, or available incentives. The following recommendations are considered to be the most important actions that should be pursued within the six-year time frame of this Comprehensive Plan. Supporting sections within this chapter consist of the following: (1) implementation authority and process of local government to oversee policy, regulation, and enforcement regarding land use control, (2) comprehensive land use categories as related to zoning designations, (3) the capital improvements program, (4) annexation, and (5) other implementation tools. This chapter strives to clarify the relationship of the Comprehensive Plan

as a policy document to the real process of implementation that occurs at the individual property level.

II. RECOMMENDATIONS

- Continue to support the all-volunteer Planning Commission in their role in the development of the City's Comprehensive Planning document; their review of subdivisions, site plans, and plats; and making informed recommendations regarding land use regulations, annexation, conditional uses, special exceptions, and variance requests.
- Continue to support the all-volunteer Board of Appeals in their role in hearing appealed decisions of the Planning Commission and their review of conditional uses, special exceptions, and variances.
- Formalize the Joint Development Review Committee as part of the site planning process. This committee is comprised of staff from the Departments of Economic Development and Planning (DEDP) and Public Works (DPW) and representatives from the Planning Commission and City Council Planning Committee.
- Through the Smart Growth Memorandum of Understanding, continue to strengthen relationships between the local jurisdictions of Harford County, Aberdeen, and Bel Air for mutual cooperation in regard to growth, development, and public utility issues.
- Review and revise existing zoning, site plan, and subdivision ordinances to further the objectives of the Comprehensive Plan through local implementation measures. To this end, develop a unified development ordinance that incorporates these ordinances and parking requirements, signs, and design standards. Particular attention must be focused on the Residential Business (RB), Commercial (C), and Mixed Office/Employment (MOE) Districts and the development of an Open Space zoning category. Strong consideration should be given to the use of overlay districts, floating zones, and design standards as additional tools in support of Comprehensive Plan objectives.
- Continue to revise environmental regulations, building codes, property maintenance codes, or other requirements as established by State law.
- Improve community notification of public hearings regarding general subdivision plans and site plans projects that are being reviewed by the Planning Commission. Currently, notification is required for conditional uses and variances only.
- Develop an integrated 5-Year Capital Improvements Program that supports the objectives of the Comprehensive Plan through the Department of Public Works.
- Refine development review and tracking procedures between various City and State agencies so that practices are standardized and review time is determined.

- Develop landscaping requirements for commercial, industrial, multifamily, and employment zoning classifications.
- Support the recognized annexation policy established by City Council in Resolution No. 97-7 of August 1997.

III. IMPLEMENTATION AUTHORITY AND PROCESS

Planning is a recognized governmental process, operating under the general objectives established by the Maryland Zoning and Planning Enabling Act. The City's planning authority is provided by Article 66B, in which the City's elected representatives grant planning and development review authority to a separate body, the Planning Commission. The City's Planning Commission, an empowered seven-member commission of the Mayor and the City Council, is charged with the duties of developing and maintaining the Comprehensive Plan; developing and recommending, for adoption by the Mayor and City Council, the necessary legislative tools for effectively implementing the Plan; and carrying on other activities dealing with City land use, development, and property improvement. In addition to the Planning Commission, a five-member Board of Appeals is an empowered body that is charged with acting on conditional uses, variances, and special exception and appealed decisions of the Planning Commission relating to land use.

The Comprehensive Plan is a guide for generalized land use policies and is a legislatively adopted document. However, the implementation of the plan truly occurs through the City's ordinances (and possibly incentives), the strength of which determines how the City gets "built out" or developed over time. In order to give public sanction to the Comprehensive Plan, the Planning Commission can avail itself of several local regulatory tools or ordinances, including zoning, site plan, and subdivision regulations. In addition, there are other laws mandated by the State of Maryland that are incorporated into local law which also apply to individual properties during the development process. The administration of those ordinances are accomplished by staff within the Department of Economic Development and Planning (DEDP) during the development review process. The following is a list of regulations that govern actions during the site and subdivision review stages of the development process:

- Chesapeake Bay Critical Area Ordinance
- Floodplain Ordinance
- Forest Conservation Ordinance
- Sediment and Erosion Control
- Off-Street Parking Ordinance
- Site Plan Ordinance
- Stormwater Management Ordinance
- Subdivision Ordinance
- Zoning Ordinance

All subdivisions of property, site plans, and development plats come before the Planning Commission for formal review and approval through a public hearing. As a voting body, the Planning Commission follows a structured process during its review hearings, with a majority

vote for project approval or denial. Approval of conditional uses, special exceptions, variances, or appeals of Planning Commission decisions are heard by the Board of Appeals. Again, a simple majority wins or denies approval. Any appeal of the Board's decision must be heard by Harford County Circuit Court.

Prior to public hearings for development review and formal action by the Planning Commission, City of Havre de Grace staff members review a project internally to ensure that it conforms to State and local laws and that the project can be served by public utilities and services. As part of the staff review, a Joint Development and Review Committee has been formed to address issues related to development projects. This committee includes members of the DEDP, DPW, local emergency response, City Council Planning Committee, and the Planning Commission. Property owners and/or project developers are requested to participate to answer questions relating to their respective project. Consideration for the following items are paramount during these discussions and throughout all development review by City personnel and the Planning Commission to assure the best possible project.

Project Land Use and Density

- Functional organization of site
- Land use relationships
- Developable area
- Compatibility with Comprehensive Plan

Transportation and Circulation

- Identify transportation hierarchies
- Vehicular access and circulation
- Pedestrian access and circulation
- Traffic impact analysis

Design Considerations

- Compatibility of scale
- Compatibility of design
- Architectural style
- Landscaping

Site and Off-Site Features

- Size and shape of site
- Topography
- Soil and sub-soil conditions
- Drainage and storm water
- Public utilities and infrastructure
- Existing improvements

Historical and Architectural Considerations

- Significance
- Location

Environmental Considerations

- Inventory of assets
- Quality of ecological setting
- Preservation of natural systems
- Quality of environmental design
- Open space and conservation

IV. LAND USE VERSUS ZONING DESIGNATIONS

A. Comprehensive Plan Land Use Categories

This section describes the various types of land uses identified in the land use plan from *Chapter 3, The Plan*. It is important to identify and organize future land use categories in a manner that can be (1) creatively and flexibly applied to the future land use plan and (2) adaptable for classification into the City's Zoning Ordinance. The following land use designations are based upon (a) the appropriateness of the recommended land use categories for application within the City, (b) the completeness of the recommended land use categories in addressing the range of potential land uses which should be accommodated in the future, (c) the reasonableness of the recommended densities within each land use category, and (d) the political and social impacts of applying the uses and densities to the areas subject to annexation. Thus, the following land use categories are intended to provide the range of land uses around which site-specific recommendations for the future land use plan will be based.

This Comprehensive Plan provides for six major land use categories. These categories provide the context for the designation of the revitalization areas, newer neighborhoods/developing areas, and growth areas that are detailed in Chapter 3, The Plan. The six major land use categories – *Low Intensity Residential, Medium Intensity Residential, Mixed Use Residential, Commercial, Employment/Industrial, and Open Space* – accommodate a general range of land uses.

Residential

Three separate residential land use designations have been selected for the future land use plan – *Low Density Residential, Medium Density Residential, and Mixed Use* – with each dominant housing type selected and defined based on its appropriateness for the future housing needs and desires of the City of Havre de Grace. Density, generally expressed in terms of "dwelling units per acre", is representative of that found in contemporary housing developments within communities similar in size and character to the City of Havre de Grace.

The residential densities recommended are presented in a range to provide maximum flexibility in determining the most appropriate density for any given development proposal. The higher end of the density in the zoning districts are to be applied where individual land use proposals are of a superior quality relative to site design (within the context of recreational and environmental amenities as well as off-site improvements and critical public facilities) and address specific issues and needs raised in the Comprehensive Plan. The following table summarizes the three residential land use

designations:

	<u>Residential</u>	<u>Density</u>
1.	Low Density Residential (Single-family detached)	2-4 Dwelling Units per Acre (Gross)
2.	Medium Density Residential (Single-family detached and attached)	5-7 Dwelling Units per Acre (Gross)
3.	Mixed Use Residential (Single-family detached, attached, and multi-family units)	8-16 Dwelling Units per Acre (Gross)

Low Density Residential is intended to provide opportunities for single-family detached residential development in the Havre de Grace study area at a maximum density of four units per acre. This will permit more flexibility in its yard requirements, lot widths, and bulk regulations.

Medium Density Residential provides for the opportunities of single-family detached and single-family attached on smaller residential lots within the City. To a limited degree, multi-family residential uses may be acceptable if considered very carefully within the context of surrounding land uses. The maximum recommended residential density for *Medium Density Residential* is seven units per acre, with a base density established at five units per acre.

Mixed Use Residential land use is intended to address and support existing land uses in the older portions of the City. These are areas where the continuation of traditional historical residential development patterns mixed with commercial retail, multi-family residential, and offices uses are desirable. Residential densities of up to sixteen units per acre may be permitted in these areas.

Commercial

The *Commercial* land use category denotes areas of general business, office, retail, and services uses within the City of Havre de Grace. These are areas that are to be supported with economic development, business retention, and enhancement strategies, and include the Downtown Business District and the US 40 service/retail corridor.

Employment/Industrial

The *Employment/Industrial* land use category denotes areas that are or are desired to be major employment generators for the City and surrounding region. These areas include the Chesapeake Industrial Park, existing industries along MD 7/Old Post Road, and the land immediately adjacent to the I-95/MD 155 interchange.

Open Space

This general land use category is to be applied to areas of conservation, preservation, and institutional uses, such as public parks and school sites. Any and all land uses occurring within the Open Space category would be implemented by the adoption of zoning regulations and/or special use permit standards not currently available.

B. Zoning Designations

Zoning is the principal means available for giving the Comprehensive Plan its legal effect. The functions of zoning are to control the use of land and buildings and to regulate the density of development in order to guide future land use patterns towards the visions and goals outlined in the Comprehensive Plan. Zoning has proved to be an extremely important public law, capable of shaping the environment of the communities that use it. Its application may be apparent only in small ways, even after years of use. If used properly, it will produce a better and more livable environment.

In order to proceed effectively, growth and development must be guided by both the comprehensive plan and the zoning ordinance. Under the provisions of zoning regulations, a community is divided into *zoning districts*. These districts specify permitted, conditional, and special development uses allowed on individual properties. Zoning regulations also determine lot size, coverage, building placement, and density. Enacted legislatively, the City's present zoning consists of the following seven districts and a conservation zone.

Residential (R, R-1, R-2)
Residential Business (RB)
Residential Office (RO)
Mixed Office/Employment Center (MOE)
Commercial (C)
Critical Area Resource Conservation Zone (RC)

The three Residential Districts differ in that R is lower density, R-1 is medium density, and R-2 permits the highest density, including multi-family residential units. The RB District permits, among other uses, retail stores and shops while the RO District is oriented to office types of land uses. The Mixed Office Employment, or MOE, District is intended to facilitate and regulate retail and business uses in an office park setting. The City has no industrial classification; manufacturing is a permitted use in the Commercial District. The Resource Conservation (RC) Zone permits very limited development within areas designated for protection within the Chesapeake Bay Critical Area.

The City adopted its initial zoning ordinance in 1982. Though some zoning categories have been added since 1982, the body of the ordinance has been unchanged. Several zoning categories, such as the Residential Business (RB) and Commercial (C) districts are extremely liberal in what they allow in terms of uses and the building requirements. These must be fully reviewed to strengthen the effectiveness of the zoning ordinance as an implementation tool. Other zoning categories or overlay districts may also be added to broaden the ordinance applicability. For instance, the development of an Open

Space zoning category may be necessary for some properties or more restrictive overlays may be desirable for areas of special concern, such as the waterfront, stream valleys, or the historic areas of the City.

V. CAPITAL IMPROVEMENT PROGRAM

The scheduling of public physical improvements, such as streets, sewers, buildings, and parks for a community, is the essential task of capital improvements programming. The scheduling is based on a series of priorities according to need, desire, or importance, and to the community's ability to pay. Capital improvement programming provides the vital link between the Comprehensive Plan and the actual construction of public improvements. Whereas the plan may state what improvements should be built where, the capital improvement program states when they will be built and what they will cost. Because the provision, nature, and location of public facilities greatly influence the patterns of urban growth, programming is one of the most important implementation tools at the City's disposal.

Many important advantages and benefits are to be gained from the programming of capital improvements. Programming:

- Ensures that the public facilities and traffic circulation portions of the comprehensive plan will be carried out;
- Calls attention to deficiencies in the community and promotes action to correct them;
- Produces cooperation and coordination between various municipal departments as well as different governmental units;
- Ensures that projects are not built before they are needed or so late that costs become prohibitive;
- Ensures that funds can be provided in a logical manner;
- Guarantees review of new facilities to determine whether policy decisions were properly made on how the new project should be financed; and
- Protects the community from pressure groups demanding "pet" projects.

The term "capital improvements" refers to new or expanded physical facilities for the community that are of large size and relatively permanent, such as streets, playgrounds, harbor facilities, police stations, schools, libraries, water distribution, and sewer systems. Large-scale replacement and rehabilitation of existing facilities also fall within this category. To derive the maximum benefits from public funds, it is vitally important that municipal improvements be scheduled and coordinated so they are constructed in the proper sequence to meet growth demands. Once programmed, it is critical that the funding be earmarked and the planning, design, engineering and construction schedule is adhered to. This will give the capital improvements program, or CIP, validity.

Public improvement programs generally cover the scheduling of capital expenditures under a priority system for a revolving five-year period. It is essential that these programs be coordinated with the Comprehensive Plan for consistency. An enhanced dialogue between DPW and DEDP would facilitate this coordination. The Joint Development Review Committee is a logical forum for accomplishing this. Projects scheduled for early execution are detailed so that proper budgeting and financing can be arranged. The program is reviewed annually and at the same time projected ahead another year. In this way, there is a continuing program five years in advance. This assures that public projects will be completed where and when needed, and within the budget of the community.

VI. ANNEXATION

A. The Case for Annexation

There are relatively few acres of land within the City which remain vacant and are developable. Much of the remaining vacant land, scattered throughout the City, is restricted due to the presence of wetlands, bedrock, steep slopes, floodplains, and hydric soils. Given the limited vacant land, planned development, which responds to the demand for more housing, must be accommodated through the expansion of the City's corporate boundaries. In order to adequately plan for this growth, the Department of Economic Development and Planning studied numerous areas and properties adjacent to the current corporate boundaries. The results of this analysis are reflected in the recommendations in Chapter 3, The Plan. The City also analyzed its capability to provide services in those growth areas. That analysis is found in Chapter 6, Public Utilities.

B. Evaluating Annexation Requests

Annexation is the process of expanding the corporate boundaries of the City. A basic requirement is that land to be annexed must be adjoining existing City boundaries. Annexation is desirable when expansion is consistent with plans for the orderly growth and development of the City.

Guidance is provided by the:

- Comprehensive Plan
- Water and Sewer Master Plan
- Other plans and studies as may be pertinent

The Havre de Grace annexation policy is expressed in Resolution No. 97-7, which states in part:

1. Annexation requests must meet the legal criteria under Article 23A, Section 19 of the Annotated Code of Maryland, all guidelines established by the Mayor and City Council, and be consistent with the Comprehensive Plan.

2. Encourage annexation of all areas contiguous to the City, which would eliminate the appearance or creation of enclaves.
3. Give priority to annexation requests that will increase the commercial or industrial base and generate employment opportunities for City residents.
4. Grant an abatement of City real property taxes (with certain conditions, on a case by case basis) for areas to be annexed until water and sewer service is available or until a construction permit is issued or a final subdivision plat is approved by the Planning Commission.
5. Connect all areas to be annexed to City water and sewer service upon its availability at the property as an annexation condition.
6. Require all applicants seeking annexation to complete a Request for Annexation application.

Annexation of land should result in increasing the City tax base and expanding employment opportunities. Analysis of the cost and benefits of annexing certain land should be considered as well as any special conditions that should be met by the applicant petitioning for annexation. Annexation of land into the corporate boundaries should be of benefit to the City when all things are considered. To assist the City in making this determination, the applicant must develop and provide an *Annexation Justification Statement*. This statement should briefly address the following elements:

- The rationale for the annexation from the applicant's perspective.
- A description of the proposed land use.
- A comparison of the proposed land use to the Comprehensive Plan and the Zoning Ordinance.
- A description of the expected economic, environmental, and social impacts, both positive and negative.
- A description of services required as a result of the annexation, including water and sewer, fire and police protection, schools, libraries, and recreation.
- A statement of required services which will be provided by the applicant, the method of financing those services, and the schedule for completion.
- The reasons why the City should support the annexation proposal.
- A description of the process used and results of community notification and input regarding the proposed annexation.

Annexation may be initiated by a property owner (or owners) by filing a request, or petition, for annexation. The petition must be signed by not less than twenty five percent (25%) of the persons residing on the property to be annexed and who are registered as voters in Harford County elections in the precinct(s) in which the land to be annexed is located; and by the owners of not less than twenty five percent (25%) of the assessed valuation of the real property in the area to be annexed. In cases where an annexed area is not served by public water and sewer, temporary tax abatement may be provided. If the proposed zoning of the land to be annexed differs from that of the

Harford County Master Plan/Land Use Element Plan, then the County Council must waive its control, or the zoning of the area must remain as designated by the County for a period of five years.

The legislative action required for annexation is the enactment of an *Annexation Resolution*. Annexation Resolutions are:

- Prepared by Department of Economic Development and Planning.
- Considered by the Planning Commission, which makes a recommendation.
- Acted upon by the Mayor and City Council after a public notification and hearing process has been completed.

VII. OTHER IMPLEMENTATION TOOLS

There are other tools that can assist in the implementation of the Comprehensive Plan. Special overlay districts, floating zones and the creation of design standards for project review should all be considered when making a determination of how to best protect the City's resources. *Overlay Districts* are special zones typically depicted on a map, which serves the purpose of outlining a significant asset or concern about protection of that asset (economic, environmental or historic). Guidelines are prepared which serve to supplement already existing regulations like zoning, site plan or subdivision. Existing districts in Havre de Grace include those for the Critical Area and Historic Area. Additional overlay districts could be considered for other important resources in Havre de Grace.

Floating Zones are different than overlay districts in that they are not a mapped zone or district. While standards and guidelines are written and adopted by ordinance, they only become effective when an application for development is approved subject to the requirements of the floating zone. The floating zone supplants the existing zoning and provides more flexibility in tailoring development that is consistent with what is desirable for a specific geographic area. The 1996 Comprehensive Plan included medical, museum, commercial/recreation, and water-related (waterfront) districts as examples of recommended floating districts. These districts are still valid and should be closely examined as another means of meeting the intent of the Comprehensive Plan.

As part of the revision process for the existing site plan and subdivision ordinances it is important to capture another opportunity for assuring higher quality development and redevelopment. Serious consideration should be given to incorporating *Design Standards* into existing regulations. These standards would provide more direction and guidance to developers in respect to the City's desires in regards to architectural treatment, landscaping, and "green space" requirements. This guidance makes the developers job easier by clarifying early in the process what is required. It makes the City's job easier by having something clear as a reference. Most importantly, design standards can be used to foster greater compatibility between what the City identifies as important community attributes and what the developer would like to create. The development of design standards as part of revised planning and zoning regulations should be a high priority.

Various incentives are also available which work to shape the way land or buildings are

improved over time. For Havre de Grace, these include Maryland Historic Tax Credits for appropriate improvements to historic residences in the City's large National Register Historic District and Federal Historic Tax Credits for commercial properties. In addition, Enterprise Zone Tax Credits are available to businesses and industries in both Havre de Grace and Aberdeen as the result of efforts for Enterprise Zone designation in 1996. As part of the *Smart Growth Initiative*, assistance funding for the environmental clean-up of old industrial sites, or Brownfields, is available. Numerous other business and tax credits are also available through the State which indirectly affect land use, such as Water Quality Improvement, Neighborhood Partnership Program, and Commuter tax credits, to name a few. More information on these programs is available through the State of Maryland.

VIII. COORDINATION AND COMMUNITY INVOLVEMENT

Community Involvement in the Planning Process

The City of Havre de Grace has very successful community and public review built in to its planning and development process. All activity of the Planning Commission is open to the public, with opportunities for public comment. This includes site plan, subdivision, and final plat review, work sessions on all comprehensive planning or ordinance initiatives, or hearings related to Planning Commission recommendations for annexation, ordinance legislation, conditional uses, variances, and special developments. All Board of Appeals hearings are also public, with public notification required. In addition, meetings of Mayor and City Council on all matters – including land use issues relating to annexation, ordinance legislation, or the adoption of the Comprehensive Plan – are public and televised, with opportunities for public comment. In this way, the City of Havre de Grace Government is a very open process with numerous avenues for public comment.

The only limitation of the public process is the lack of requirement for advance public notification of these activities. Agendas for Planning Commission hearings are posted at the entrance of City Hall prior to the meetings. However, individuals interested in further information regarding development projects or the planning initiatives must actively seek the information themselves through City staff members. Realistic funding and staff resources must be considered in regard to advanced public advertising.

Coordination with Harford County Government

Increased coordination between the City of Havre de Grace and Harford County Governments on land use issues is extremely important. Planning initiatives between jurisdictions are not independent in their affects on each other, and it's important to recognize the close relationship between Harford County and all municipalities within the County. Changes in land use through annexation, large development projects, the transportation network, schools system needs, and the inter-related public utilities are just some of the major items that demand heightened coordination. Through the Smart Growth Memorandum of Understanding (MOU) signed in 2002 between Harford County Government, the Town of Bel Air, and Cities of Havre de Grace and Aberdeen, a formalized approach to coordination was achieved. It is of utmost importance that all jurisdictions honor the MOU for shared information, increased coordination, and mutual cooperation for the benefit of citizens and stakeholders in Harford County.

