

COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 13-11

BILL NO. 2013-05

Title of Bill: Amendment – Zoning Ordinance – Brownfield Redevelopment District

Synopsis: An Act to amend the Cecil County Zoning Ordinance, Article II, Part I, Section 12-

Definitions; Brownfield Redevelopment District (BR); Article III, Part VIII, Section 42.2.e – Brownfield

Redevelopment District (BR); and Article XI, Part VI, Section 247

Introduced by: Council President on behalf of the County Executive

Introduced and ordered posted on: June 4, 2013

Public hearing scheduled on: July 2, 2013 at: 7:00 p.m.

Scheduled for consideration: July 16, 2013

PUBLIC HEARING

Notice of time and place of public hearing and title of Bill having been posted by
June 7, 2013 at the County Administration Building, 200 Chesapeake Blvd., Elkton and
having been published according to the Charter on June 12 and 19, 2013, a public hearing
was held on July 2, 2013, and concluded on July 2, 2013.

By: James Massey
Council Manager

Explanation: CAPITALS INDICATE MATTER ADDED TO EXISTING ORDINANCE.
[Brackets] indicate matter deleted from existing Ordinance.
Underlining indicates language added to an Ordinance by amendment.
~~Strike through~~ indicates language stricken out of an Ordinance by amendment.

Amendment – Zoning Ordinance – Brownfield Development District

1 **WHEREAS**, Article 25A of the Annotated Code of Maryland empowers the County to have a zoning
2 ordinance and provides for the administration, enforcement, and amendment of same; and

3 **WHEREAS**, the Land Use Article, Annotated Code of Maryland establishes requirements relative to
4 the adoption of said regulations and maps; and

5 **WHEREAS**, public hearing was held on May 20, 2013, by the Planning Commission in regard to said
6 regulations; and

7 **WHEREAS**, the Planning Commission recommended approval of said regulations to the County
8 Zoning Ordinance.

9
10 **NOW, THEREFORE, BE IT HEREBY RESOLVED** by the County Council of Cecil County, Maryland, that the
11 proposed amendments to Article II, Part I, Section 12 – Definitions – Brownfield Redevelopment District
12 (BR); Article III, Part VIII, Section 42.2.e – Brownfield Redevelopment District (BR), and Article XI, Part VI,
13 Section 247; and are hereby adopted as follows:

14
15 **ARTICLE II, PART I, SECTION 12. DEFINITIONS**

16 **BROWNFIELD. REAL PROPERTY, THE EXPANSION, REDEVELOPMENT, OR REUSE OF WHICH MAY BE COMPLICATED BY**
17 **THE PRESENCE OR POTENTIAL PRESENCE OF A HAZARDOUS SUBSTANCE, POLLUTANT, OR CONTAMINANT.**

18
19 **ARTICLE III, PART VIII, SECTION 42.2.E – BROWNFIELD REDEVELOPMENT DISTRICT (BR)**

20
21 **ARTICLE XI, PART VI, SECTION 247 BROWNFIELD REDEVELOPMENT DISTRICT – BR**

22 **PURPOSE. THE PURPOSE OF THE BR DISTRICT IS TO IMPROVE AND ENHANCE THE REDEVELOPMENT PROCESS AND TO**
23 **PROMOTE ADDITIONAL REINVESTMENT AND REDEVELOPMENT OF BROWNFIELD SITES. THIS DISTRICT IS INTENDED**
24 **TO FACILITATE AND ENCOURAGE THE CONTINUED VIABILITY OF PREVIOUSLY DEVELOPED LAND AND TO PROMOTE**
25 **THE REUSE OF SAID LAND. ONCE DEVELOPMENT HAS OCCURRED ON A BROWNFIELD SITE OR A PORTION THEREOF,**
26 **THE BR INCENTIVES SHALL NO LONGER APPLY.**

27
28 **SECTION 247.1 PERMISSIBLE USES**

29 **IF THE BROWNFIELD SITE IS LOCATED IN THE COUNTY'S DESIGNATED GROWTH AREA, THOSE USES PERMITTED SHALL**
30 **BE THE SAME AS THOSE PERMITTED IN THE RMU AND EMU ZONING DISTRICTS. IF THE BROWNFIELD SITE IS**
31 **LOCATED OUTSIDE OF THE COUNTY'S DESIGNATED GROWTH AREA AND THE BASE ZONING DISTRICT IS DESIGNATED**

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32 AS EITHER COMMERCIAL OR INDUSTRIAL, THE USES THAT SHALL BE PERMITTED ARE THE SAME AS THOSE THAT ARE
33 PERMITTED BY RIGHT (P), PERMITTED WITH CONDITIONS (PC), AND PERMITTED AS A SPECIAL EXCEPTION (SE) IN THE
34 BG AND BI ZONING DISTRICTS AND PERMITTED BY RIGHT (P) AND PERMITTED WITH CONDITIONS (PC) IN THE M1
35 AND M2 ZONING DISTRICTS. IF THE BASE ZONING DISTRICT IS RESIDENTIALLY ZONED OUTSIDE OF THE COUNTY'S
36 DESIGNATED GROWTH AREA, THE USES PERMITTED SHALL BE THE SAME AS THOSE PERMITTED IN THE RR ZONING
37 DISTRICT.

38

39 SECTION 247.2 RESIDENTIAL DENSITY PROVISIONS

40 A. IF THE BASE ZONING DISTRICT IS LOCATED IN THE COUNTY'S DESIGNATED GROWTH AREA, THE DENSITY
41 PERMITTED SHALL BE THE SAME AS THE RMU AND EMU ZONING DISTRICT.

42 B. IF THE BASE ZONING DISTRICT IS LOCATED OUTSIDE OF THE COUNTY'S DESIGNATED GROWTH AREA, THE
43 DENSITY PERMITTED SHALL BE THE SAME AS THE RR ZONING DISTRICT.

44

45 SECTION 247.3 DESIGN FLEXIBILITY

46 THE BR ZONE SHALL PERMIT FLEXIBILITY IN LOT, SETBACK, HEIGHT, AND PARKING AND LOADING REQUIREMENTS TO
47 ENCOURAGE A CREATIVE DESIGN WITHOUT ENDANGERING THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS
48 AND EMPLOYEES IN THE BR DISTRICT.

49 A. THE DIRECTOR OF PLANNING & ZONING SHALL BE AUTHORIZED TO GRANT ADMINISTRATIVE ADJUSTMENTS
50 FOR COMMERCIAL AND/OR INDUSTRIAL DEVELOPMENTS AS PART OF THE SITE PLAN REVIEW PROCESS.

51 B. THE PLANNING COMMISSION SHALL BE AUTHORIZED TO GRANT MODIFICATIONS AS PART OF THE
52 SUBDIVISION REVIEW PROCESS.

53

54 SECTION 247.4 LANDSCAPING AND BUFFERYARDS

55 A. A MINIMUM OF TEN (10) PERCENT OF THE DEVELOPMENT ENVELOPE OF RESIDENTIAL PROJECTS IN THE BR
56 ZONE SHALL BE LANDSCAPED. LANDSCAPE PLANS MAY BE APPROVED IN PHASES BUT SHOULD FOLLOW AN
57 OVERALL HARMONIOUS THEME.

58 B. IN RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENTS, A MINIMUM 25 FOOT BUFFERYARD C
59 SHALL BE PROVIDED AROUND THE PERIMETER OF THE DEVELOPMENT TRACT. EXISTING VEGETATION CAN
60 BE USED TO MEET THE BUFFERYARD REQUIREMENT.

61

62 247.5 FAST TRACKING/FEEES

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63 BROWNFIELD DEVELOPMENT PROJECTS FOR COMMERCIAL AND INDUSTRIAL ZONED PROPERTIES SHALL RECEIVE
64 FAST TRACK DESIGNATION FROM CECIL COUNTY GOVERNMENT AS PART OF THE SITE PLAN REVIEW PROCESS.
65 ADDITIONALLY, ALL COUNTY FEES ASSOCIATED WITH THE PROJECT (I.E. PERMIT, REVIEW, SUBMITTAL, CONNECTION)
66 SHALL REMAIN STATIC AS THEY WERE ON THE DATE OF INITIAL SUBMITTAL THROUGHOUT THE LIFE OF THE PROJECT.

67

68 247.6 PROCESS

69 PROPERTIES ELIGIBLE TO PARTICIPATE IN AND RECEIVE THE BR OVERLAY ZONE DESIGNATION SHALL BE THOSE
70 PROPERTIES THAT ARE NOT:

- 71 A. ON THE NATIONAL PRIORITIES LIST UNDER §105 OF THE FEDERAL ACT
- 72 B. SUBJECT TO EITHER LOCAL, STATE, OR FEDERAL ENFORCEMENT ACTION
- 73 C. SUBJECT TO A CONTROLLED HAZARDOUS SUBSTANCE PERMIT ISSUED IN ACCORDANCE WITH TITLE 7 OF THE
74 ENVIRONMENT ARTICLE.

75 PROJECTS FOR COMMERCIAL AND INDUSTRIAL ZONED SITES SHALL PROCEED THROUGH THE SITE PLAN REVIEW
76 PROCESS AS CONTAINED IN ARTICLE XV, SECTION 291 OF THE CECIL COUNTY ZONING ORDINANCE. PROJECTS FOR
77 RESIDENTIALLY ZONED SITES SHALL PROCEED THROUGH THE SUBDIVISION REVIEW PROCESS AS CONTAINED IN
78 ARTICLE IV OF THE CECIL COUNTY SUBDIVISION REGULATIONS.

79 PROJECTS THAT ARE NO LONGER IN GOOD STANDING WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT’S
80 BROWNFIELD CLEAN-UP PROGRAMS SHALL NO LONGER BE ENTITLED TO THE INCENTIVES CONTAINED IN THIS
81 SECTION. *ADDITIONALLY, PROJECTS THAT HAVE THE POTENTIAL FOR THE PRESENCE OF A HAZARDOUS SUBSTANCE,
82 POLLUTANT, OR CONTAMINANT THAT ARE FOUND NOT TO BE AFFECTED, SHALL NO LONGER BE ENTITLED TO THE
83 INCENTIVES CONTAINED IN THIS SECTION.*

84

85 **EFFECTIVE DATE:** All provisions of Bill 2013-05 shall be in full force and effect on and after

86

87 September 16, 2013.

88 (Charter, Section 307)

CERTIFICATION

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.


BY: Council Manager

**FISCAL NOTE
SUBMITTED BY THE DEPARTMENT OF FINANCE
ON BEHALF OF THE COUNTY EXECUTIVE**

**SUBJECT:
BILL NO. 2013-05 – AMENDMENT – ZONING ORDINANCE – BROWNFIELD REDEVELOPMENT DISTRICT**

FISCAL IMPACT: The approval of this bill will not have a fiscal impact on the Cecil County Government. All additional requirements as a result of the amendment will be met through the existing subdivision and rezoning process by existing staff, and requires no additional supplies or equipment to be expended.

Amendment – Zoning Ordinance – Brownfield Development District

BILL NO. 2013-05

Title of Bill: Amendment – Zoning Ordinance – Brownfield Redevelopment District
is hereby submitted to the County Council of Cecil County, Maryland for enrollment as being the text as finally passed .

CERTIFIED TRUE AND CORRECT

James Massey
Council Manager

Date: July 16, 2013

ENROLLED

[Signature]
Council President

Date: July 16, 2013

BY THE COUNCIL

Read the third time.

Passed - LSD 13 - 14

Passage Failed - LSD _____

BY: James Massey
Council Manager

SEALED WITH THE COUNTY SEAL AND PRESENTED TO THE COUNTY EXECUTIVE for approval this 17th day of July, 2013 at 10:32 (a.m.) / p.m.
(10 business days from adoption §306)

BY: James Massey
Council Manager



BY THE EXECUTIVE:

Jari Moore
Cecil County Executive

APPROVED Date: 7/18/13

VETOED Date: _____
(10 business days from presentation §306)

BY THE COUNCIL

This Bill No. 2013-05 having been approved by the Executive and returned to the Council becomes law on

September 16, 2013 with an effective date of September 16, 2013.

BY: James Massey
Council Manager