

COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION 2015-13

BILL NO. 2015-12

Title of Bill: Amendment - Subdivision Regulations - Appeal, and Preliminary Plat and Concept Plat

Synopsis: An Act to amend the Subdivision Regulations, to provide the public with an additional appeal process, to allow Director of Planning and Zoning to grant extensions of concept plat and preliminary plat, and to change the deadline to request extensions of concept plat and preliminary plat approval.

Introduced by: Council President at the request of the County Executive

Introduced and order posted on: July 7, 2015

Public hearing scheduled on: August 4, 2015 at 7:00 p.m.

Consideration scheduled on: August 18, 2015

By: James Massey
Council Manager

PUBLIC HEARING

Notice of time and place of public hearing and title of Bill having been posted by July 7, 2015 at the County Administration Building, 200 Chesapeake Blvd., Elkton, and having been published according to the Charter on July 22, 2015 and July 29, 2015, a public hearing was held on August 4, 2015 and concluded on August 4, 2015.

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 ordinance by amendment.
~~Strike through~~ indicates language stricken out of an Ordinance by amendment.

1 WHEREAS, Section 10-314. Zoning and Planning of the Local Government Article of the Annotated
2 Code of Maryland provides that a county may enact local laws relating to zoning and planning to protect
3 and promote public safety, health, morals, and welfare, and

4 **WHEREAS**, Section 5-102. Subdivision regulations of the Land Use Article of the Annotated Code of
5 Maryland provides that the planning commission shall recommend subdivision regulations to the
6 legislative body; and

7 **WHEREAS**, the Cecil County Subdivision Regulations were adopted by the Board of County
8 Commissioners of Cecil County on April 19, 2011; and

9 **WHEREAS**, the Charter of Cecil County was approved by the voters of Cecil County on November
10 2010 and became effective on December 3, 2012; and

11 **WHEREAS**, the Charter of Cecil County, Article 7, Section 704(a) provides that the public laws of
12 the County and all rules, regulations, resolutions, and ordinances enacted by the County Commissioners in
13 force on the effective date of the Charter shall continue in full force until repealed or amended; and

14 **WHEREAS**, the Charter of Cecil County, Article 7, Section 704(b) provides that the provisions of
15 Land Use Article of the Annotated Code of Maryland, as they related to planning and zoning authority,
16 stand adopted on the effective date of the Charter to the extent they are not repealed by the provisions
17 of this Charter and shall remain in effect until repealed, amended, or superseded; and

18 **WHEREAS**, Article III, Section 3.6 of the Cecil County Subdivision Regulations provides that the
19 County Executive may recommend and the County Council may adopt amendments to the provisions of
20 these regulations if it is determined by the Council that any such amendment will better the public
21 interest and the general purpose of these organizations.

22 **NOW THEREFORE, BE IT HEREBY RESOLVED** by the County Council of Cecil County, Maryland that
23 the proposed amendments to Article III. Administration, Section 3.3 Appeal and Article IV. Major
24 Subdivision Plat Provisions of the Cecil County Subdivision Regulations are hereby adopted as follows:

25 **Article III. Administration**

26 **Section 3.3 Appeal**

27 Any person aggrieved by any action of the Planning Commission pursuant to these regulations {, taken after
28 October 1, 1992,} may appeal to the Circuit Court in accordance with the Maryland Rules of Procedure. ANY

29 PERSON AGGRIEVED BY THE ACTION OF THE DIRECTOR OF PLANNING AND ZONING IN THE EXTENSION OF A
30 CONCEPT OR PRELIMINARY PLAT MAY APPEAL TO THE PLANNING COMMISSION.

31 **Article IV. Major Subdivision Plat Revisions**

32 **4.0 Concept Plat**

33 **Section 4.0.10**

34 {Initial} Extensions of Concept Plat approval may be granted by the Director of Planning and Zoning for one (1) year
35 upon application by the developer. {For subsequent applications, the Planning Commission may, at their regular
36 monthly meeting, grant an extension of the approval of a concept plat for one (1) year upon application of the
37 developer.} If granted, said extension shall run for one (1) year at the end of the month from the date and month in
38 which said extension is granted. In connection with such request, the {Planning Commission or} Director shall
39 consider the following:

- 40 (a) Change in the zoning classification of the property.
- 41 (b) Change in the Zoning Ordinance.
- 42 (c) Change in the Subdivision Regulations.
- 43 (d) Change in the Comprehensive Plan.
- 44 (e) Change in the Critical Area designation of the property.
- 45 (f) Change in the Critical Area program.
- 46 (g) Change in the Forest Conservation Regulations.

47 A request for extension of the approval of a concept plat shall be filed no later than {the date of the submission
48 deadline for the Planning Commission meeting prior to the expiration of said Concept Plat, as established in
49 Appendices A and B of these Regulations} ONE WEEK PRIOR TO THE EXPIRATION DATE OF SAID CONCEPT PLAT. An
50 expired Concept Plat has no status and any further consideration or review submission shall be treated as a new
51 application.

52 **Section 4.0.11**

53 The applicant shall receive written notice of the {Planning Commission's} DIRECTOR OF PLANNING AND ZONING'S
54 action regarding the requested extension, whether approved or denied.

55 **4.1 Preliminary Plat**

56 **Section 4.1.17**

57 {Initial} Extensions of Preliminary Plat approval may be granted by the Director of Planning and Zoning for two (2)
58 years upon application by the developer. {For subsequent applications, the Planning Commission may, at their
59 regular monthly meeting, grant an extension of the Preliminary approval for two (2) years.} If granted, said
60 extension shall run for two (2) years at the end of the month from the date and month in which said extension is
61 granted. In connection with such request, the {Commission or} Director shall consider the following:

- 62 (a) Change in adjoining land use.
- 63 (b) Change in street or highway plan.

64 (c) Change in zoning or subdivision regulations.

65 A request for extension of a Preliminary Plat shall be filed no later than {the date of the submission deadline for the
66 Planning Commission meeting prior to the expiration of said Preliminary Plat, as established in Appendices A and B
67 of these regulations} **ONE WEEK PRIOR TO THE EXPIRATION DATE OF SAID PRELIMINARY PLAT.** An expired
68 Preliminary Plat has no status and, therefore, cannot be extended.

69 **Section 4.1.18**

70 The applicant shall receive written notice of the {Planning Commission's} **DIRECTOR OF PLANNING AND ZONING'S**
71 action regarding the requested extension, whether approved or denied.

72 **AND BE IT FURTHER ENACTED** that this Act shall take effect 60 calendar days from the date
73 it becomes law.

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

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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: 8-18-15

ENROLLED

[Signature]
Council President

Date: 8-18-15

BY THE COUNCIL

Read the third time.

Passed – LSD 2015-16

Failed of Passage – LSD _____

BY: James Massey
Council Manager

SEALED WITH THE COUNTY SEAL AND PRESENTED TO THE COUNTY EXECUTIVE for approval this

19th day of August, 20 15 at 12:00 am/pm.
(10 business days from adoption 306)

BY: James Massey
Council Manager



BY THE EXECUTIVE:

[Signature]
Cecil County Executive

APPROVED Date: Aug 19, 2015

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

BY THE COUNCIL

This Bill No. 2015-12 having been approved by the Executive and returned to the Council becomes law on

August 19, 2015 with an effective date of October 19, 2015

BY: James Massey
Council Manager