

COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY - 2016-21

RESOLUTION NO. 56-2016 As Amended

Title of Resolution: Amendment - Comprehensive Plan - Tier Map

Synopsis: An Expedited Resolution to approve the modification of the Cecil County Comprehensive Plan to incorporate the 2012 Growth Tier Map by the State's deadline of December 31, 2016.

Introduced by: Council President on behalf of the County Executive

Introduced and ordered posted on: December 6, 2016

Public Hearing scheduled on: December 20, 2016 at 7:00 p.m.

Scheduled for consideration on: December 20, 2016

By: James Massey
Council Manager

PUBLIC HEARING

Notice of time and place of public hearing and title of Resolution, having been posted by December 6, 2016 at the County Administration Building, 200 Chesapeake Blvd., Elkton, and having been published according to the Charter on December 7, 2016 and December 14, 2016, a public hearing was held on December 20, 2016 and concluded on December 20, 2016.

By: James Massey
Council Manager

EXPLANATION:

CAPITALS INDICATE LANGUAGE ADDED TO EXISTING RESOLUTION

~~Strike through~~ indicates language deleted from existing Resolution

Underlining indicates language added to Resolution by Amendment

~~Double Strike~~ Through indicates language stricken out of Resolution by Amendment.

1 **WHEREAS**, a local jurisdiction may adopt the mapped growth tiers in accordance with Division 1,
2 Title 1, Subtitle 5 of the Land Use Article of the Annotated Code of Maryland; and

3 **WHEREAS**, the growth tiers adopted must include the following criteria:

4 1) Tier I areas are areas that are served by public sewerage systems and mapped locally designated
5 growth areas or a municipal corporation that is a priority funding area that is served by public sewerage
6 systems;

7 2) Tier II areas are areas that are planned to be served by public sewerage systems and in the
8 municipal growth element or mapped locally designated growth areas and needed to satisfy demand for
9 development at densities consistent with the long-term development policy after consideration of the
10 capacity of land areas available for development, including in-fill and redevelopment, within the local
11 jurisdiction;

12 3) Tier III areas are areas that are not planned for sewerage service and not dominated by agriculture
13 or forest land; are not planned or zoned by a local jurisdiction for land, agriculture, or resource
14 protection, or conservation; and are one of the following:

- 15 a) Municipal corporation not served by a public sewerage system,
- 16 b) Rural villages as described in §5-7B-03(f) of the State Finance and Procurement Article,
- 17 c) Mapped locally designated growth areas, or
- 18 d) Areas planned and zoned for large lot and rural development.

19 4) Tier IV areas are areas that are not planned for sewerage service and are areas planned or zoned
20 by a local jurisdiction for land, agriculture, or resource protection, preservation, or conservation; areas
21 dominated by agricultural lands, forest lands, or other natural areas; or rural legacy areas, priority
22 preservation areas, or areas subject to covenants, restrictions, conditions, or conservation easements for
23 the benefit of, or held by a State agency, as defined in §9-206 of the Environment Article, or a local
24 jurisdiction for the purpose of conserving natural resources or agricultural land;

25 **WHEREAS**, a local jurisdiction shall strive to avoid creating a Tier III area that is bounded on all
26 sides by land in a Tier IV areas; and

27 **WHEREAS**, pursuant to Division I, Title 1, Subtitle 5, § 1-502 of the Land Use Article of the
28 Annotated Code of Maryland, the County was required to adopt a Growth Tier Map by December 31,
29 2012; and

30 **WHEREAS**, the County Executive of Cecil County adopted a Growth Tier Map on December 14,
31 2012; and

32 **WHEREAS**, pursuant to Division I, Title 1, Subtitle 5, § 1-509 of the Land Use Article of the
33 Annotated Code of Maryland, the Growth Tier Map must be incorporated into the County's
34 Comprehensive Plan; and

35 **WHEREAS**, pursuant to Act 521 of the 2013 Maryland Legislature, Cecil County Government must
36 incorporate the adopted Growth Tier Map into the County's Comprehensive Plan by December 31, 2016;
37 and

38 **WHEREAS**, pursuant to Division I, Title 3, Subtitle 2, § 3-204 of the Land Use Article of the
39 Annotated Code of Maryland, the legislative body is authorized to adopt, modify, remand or disapprove
40 the whole plan or part of the Comprehensive Plan; and

41 **WHEREAS**, pursuant to Division I, Title 3, Subtitle 2, § 3-204 of the Land Use Article of the
42 Annotated Code of Maryland, the Planning Commission is required to hold a public hearing and make a
43 recommendation to the local legislative body regarding the modification to the part of the Plan; and

44 **WHEREAS**, the Planning Commission held a public hearing on Monday, November 21, 2016; and

45 **WHEREAS**, the Planning Commission recommended tabling approval of the Growth Tier Map until
46 a deliberative process has taken place to provide a tier map that meets the requirements of the
47 Comprehensive Plan;

48 **WHEREAS, pursuant to Cecil County Zoning Ordinance, Article XVI, Part I, Section 296. Advisory**
49 **Committee; from time to time, the County Executive may appoint one or more individuals to help the**
50 **Planning Commission carry out its planning responsibilities with respect to a particular subject area.**

51 **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
52 **MARYLAND**, that Chapter 3 of the Cecil County Comprehensive Plan be modified to incorporate the 2012
53 Growth Tier Map as Map 3.6.

54 **AND, BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND, that**
55 **the County Council requests that the County Executive appoint a committee to review the current tier**
56 **map with respect to the Comprehensive Plan and develop a revised Tier Map.**

57 **AND, BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND**, that
58 this Resolution shall take effect on the date of its passage.

INTRODUCED: December 6, 2016

ADOPTED: December 20, 2016

ATTEST:

James Massey
Council Manager

Jayne Bawlshey
President of the Council

