

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 2018-13**

BILL NO. 2018-06

Title of Bill: Amendment – Zoning Ordinance – Private Schools – Industrial Zones

Synopsis: An Act to amend the Cecil County Zoning Ordinance, Article V, Part IV, Section 88 Schools, Private in order to allow private schools in M1 and M2 zoning; and to amend the table of permissible uses to reflect this change.

Introduced by: Council President on behalf of the County Executive

Introduced and ordered posted on: July 17, 2018

Public hearing scheduled on: August 21, 2018 at: 7:00 p.m.

Scheduled for consideration: September 4, 2018

By: _____
Council Manager

PUBLIC HEARING

Notice of time and place of public hearing and title of Bill having been posted by _____ at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on _____, a public hearing was held on ____ and concluded on _____.

By: _____
Council Manager

Explanation: CAPITAL LETTERS INDICATE LANGUAGE ADDED TO EXISTING DOCUMENT
~~Strike through~~ indicates language deleted from existing document
Underlining indicates language added to document by amendment.
~~Double Strike through~~ indicates language stricken from document by amendment.

1 **WHEREAS**, pursuant to Annotated Code of Maryland, Division 1, Title 4, Subtitle 1, Section
2 4-101(a)(1), Land Use Article, it is the policy of the State that orderly development and use of land and
3 structures requires comprehensive regulation through the implementation of planning and zoning
4 controls; and

5 **WHEREAS**, pursuant to Annotated Code of Maryland, Section 4-102, Land Use Article, a legislative
6 body may regulate to promote the health, safety, and general welfare of the community; and

7 **WHEREAS**, pursuant to Annotated Code of Maryland, Section 4-103, Land Use Article, a legislative
8 body may impose any additional conditions or limitations that the legislative body considers appropriate
9 to improve or protect the general character and design of the land and improvements being zoned or
10 rezoned; and

11 **WHEREAS**, pursuant to Annotated Code of Maryland, Section 4-202, Land Use Article, the
12 legislative body shall adopt zoning regulations in accordance with the plan, with reasonable
13 consideration for the character of the district or zone and its uses and with a view to conserve the value
14 of property and encourage orderly development and the most appropriate use of land; and

15 **WHEREAS**, pursuant to Annotated Code of Maryland, Section 4-203(a), Land Use Article, a
16 legislative body shall provide for the manner in which its zoning regulations and the boundaries of
17 districts and zones shall be established, enforced and amended; and

18 **WHEREAS**, pursuant to Annotated Code of Maryland, Section 4-203(b)(1), Land Use Article, a
19 legislative body shall hold at least one public hearing on a proposed zoning regulation or boundary at
20 which parties of interest and citizens have an opportunity to be heard; and

21 **WHEREAS**, pursuant to Annotated Code of Maryland, Section 4-203(b)(2), Land Use Article,
22 the legislative body shall publish notice of the time and place of the public hearing, together with a
23 summary of the proposed zoning regulations or boundary, in at least one newspaper of general
24 circulation in the local jurisdiction once each week for 2 successive weeks; and

25 **NOW, THEREFORE, BE IT HEREBY ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
26 **MARYLAND**, that the proposed amendment to Article V, Part IV, Section 88 of the Cecil County Zoning
27 Ordinance is hereby adopted as follows:

Section 88. Schools, Private, (4.01.100)

28 Private schools, including elementary and secondary schools, including pre-school, kindergarten, as well as
29 colleges, universities, community colleges, including associated facilities such as dormitories, offices,
30 buildings, athletic fields, etc., shall be permitted in the NAR, SAR, RR, LDR, UR, VR, ST, MH, RM, ~~and~~ OS,
31 **M1 AND M2** zones provided:

32 1. That such use can and will be developed in conformity with the following area, density, building
33 coverage, frontage, setback, access, and screening requirements, where specified:

34 a. Minimum lot area, street frontage, and lot line setbacks shall be specified in a major site plan of
35 development approved by the Office of Planning and Zoning, provided that in no event shall such
36 standards be less than the area regulations for the zone in which the private school is proposed to
37 be located; and

38 b. Building coverage and screening shall be specified in a Major Site Plan of development approved
39 by the Office of Planning and Zoning; and

40 2. The requirements of subsection 1 above shall not apply to the use of any lot or tract of land for any
41 private educational institution or parochial school that is located in a building or on premises owned or
42 leased by any church or religious organization.

43 3. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay
44 Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of
45 this Ordinance prior to any approvals.

46 **Section 54. Permissible Uses Tables**

47 1. More specific use controls. Whenever a development could fall within more than one use classification in
48 the Table of Permissible Uses, the classification that most closely and most specifically describes the
49 development controls.

50 2. Whenever the Table of Permissible Uses contradicts the Specific Supplemental Use Regulations, the
51 Specific Supplemental Use Regulations shall apply.

52 3. The Chesapeake Bay Critical Area Overlay District. Some uses permitted in any particular zoning
53 classification have been determined to be inappropriate in the Chesapeake Bay Critical Area Overlay
54 District - Resource Conservation Areas (RCAs) within the County. To site or expand these uses, Growth
55 Allocation as described in Article XI, Part I shall be required prior to receiving final approvals. These uses are
56 defined by an asterisk (*) within the chart. If any particular use or project is determined to be appropriate

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57 in the RCA by the Chesapeake Bay Critical Area Commission (CBCAC) in response to a request for
58 clarification forwarded by the County, such use may not require Growth Allocation. Development projects
59 undertaken by Cecil County Government agencies are regulated by COMAR 27.02, adopted by the CBCAC.
60 Under these regulations, the County must certify to the CBCAC that individual government projects are
61 consistent with the Cecil County Critical Area Program.

62 4. Table of Permissible Uses (see following)

63 **BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that the
64 amendment to Table of Permissible Uses for 4.00.100 Schools, Private (Section 88), as indicated by
65 Appendix A is hereby adopted.

66 **AND BE IT FURTHER ENACTED** that this Act shall take effect 60 calendar days from the date it
67 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