

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 2021-22**

BILL NO. 2021-16

Title of Bill: Amendment – Zoning Ordinance – Animal Husbandry – Backyard Chickens

Synopsis: An Act to amend the Cecil County Zoning Ordinance, Article V, Part I, Section 58, Animal Husbandry in order to add and define backyard chickens raised in specific residential zones.

Introduced by: Vice President Gregory

Introduced and ordered posted on: November 16, 2021

Public hearing scheduled on: December 21, 2021 at: 7:00 p.m.

Scheduled for consideration: January 4, 2022

By: _____
Council Manager

PUBLIC HEARING

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

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.

Amendment – Zoning Ordinance – Animal Husbandry – Backyard Chickens

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 structure 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 **WHEREAS**, the zoning ordinance of Cecil County permits animal husbandry on NAR, SAR, RR, LDR,
26 ST, VR, UR, M1, M2, MEA and OS zones on a minimum lot size of one acre; and

27 **WHEREAS**, the zoning for animal husbandry includes back yard chickens, which might be raised
28 by a family for their own use; and

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29 **WHEREAS**, there has been a trend of families to raise their own food because of the pandemic
30 and the desire to ensure that their food is free of additives; and

31 **WHEREAS**, residents of Cecil County has expressed their desire to raise backyard chickens for the
32 health benefit and quality of life for their families; and

33 **WHEREAS**, the Cecil County Planning Commission reviewed the proposed amendments on
34 November 15, 2021.

35 **NOW, THEREFORE, BE IT HEREBY ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
36 **MARYLAND**, that the proposed amendment to Article V, Part I, Section 58, Animal Husbandry of the Cecil
37 County Zoning Ordinance is hereby adopted as follows:

38 **Section 58. Animal Husbandry**

39 **5. Backyard Chickens**

- 40 a. **The raising of backyard chickens in residential zones shall be permitted in**
41 **Northern Agricultural Residential (NAR) and Southern Agricultural Residential (SAR) 1/acre minor;**
42 **1/ 10 acres/major;**
43 **Rural Residential (RR) 1/acre minor; 1/3 acres major**
44 **Low Density Residential (LDR) 1/per acres (no W&S) or 2/acre(with W&S)**
45 **Suburban Residential Transition (ST) 1/acre (no W&S) or 4/acre (with W&S), 6/acre (Tfe Dev Rts)**
46 **Village Residential (VR) 1/acre (no W&S, or 4/acre (with/W&S)**
47 **Urbanized Residential (UR) 1/acre(no W&S); 4/acre (with W&S)**
48 **(not in MH, RM, RMU, M1, M2, MEA, OS)**

49 b. **Only in residential zones where it is enumerated as an accessory use, the keeping of hens**
50 **is permitted, provided it is in compliance with the following criteria:**

- 51 1) **The lot size shall be 20,000 square feet or larger.**
52 2) **The lot shall be improved with a single-family detached dwelling that is occupied as**
53 **a residence.**
54 3) **The maximum number of chickens is eight hens. Roosters are prohibited.**
55 4) **A weather and predator-proof hen house/chicken coop shall be provided. This**
56 **shelter shall be located in the rear yard and shall be located 15 feet from all lot**
57 **lines at a minimum, 50 feet from a neighboring dwelling, and shall not create a**

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- 58 nuisance. This minimum distance cannot be reduced through variance procedures.
59 The hen house shall allow adequate air circulation to prevent the concentration of
60 odors. Any chicken coop that has not been actively used to house chickens for a
61 year must be taken down and removed from property.
- 62 5) Hens shall have access to an outdoor enclosure that is adequately fenced to contain
63 birds on the property.
- 64 6) Feed must be kept in secure containers so as not to attract vermin.
- 65 7) The owner(s) shall conduct proper litter management practices within the shelter
66 so that odors are not detectible from adjoining properties. Waste must be
67 composted or removed from the property.
- 68 8) Chickens kept in accordance with this regulation must also be registered with the
69 Maryland Department of Agriculture as required by section 3-804 of the Agriculture
70 Article of the Annotated Code of Maryland.
- 71 9) Dwellings located within a residential area within homeowner associations must
72 adhere to regulations related to raising backyard chickens.
- 73 10) The outdoor slaughtering of chickens is prohibited.

74 **AND BE IT FURTHER ENACTED** that this Act shall take effect 60 calendar days from the date that
75 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