

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 2021-24**

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 and Councilwoman Culberson

Introduced and ordered posted on: December 21, 2021

Public hearing scheduled on: January 18, 2022 at: 7:00 p.m.

Scheduled for consideration: February 1, 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 and December 20, 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 58A. Backyard Chickens (1.01.310)**

39 **Backyard Chickens shall be permitted in the NAR, SAR, RR, LDR, ST, and OS zones, provided that:**

- 40 1. The minimum lot size is 20,000 square feet.
- 41 2. The lot shall be improved with a detached dwelling and the owner of the backyard chickens
42 shall occupy the dwelling unit on the premises.
- 43 3. All chickens shall be within an enclosed continuous solid fence at least four (4) feet in height.
- 44 4. Written consent from the Homeowners Associations must be obtained prior to
45 application, if applicable.
- 46 5. The maximum number of chickens permitted is eight (8).
- 47 6. Enclosures for backyard chickens shall meet the same setbacks restrictions for an accessory
48 structure.
- 49 7. A License must be obtained prior obtaining the chickens for the property and must be renewed
50 annually. Evidence of current registration with the Maryland Department of Agriculture registration
51 must be included with application for a license unless the owner is exempt from registration under
52 state law.
- 53 8. The slaughter of chickens and sale of eggs for human consumption is prohibited.

54 **BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND**, that the
55 proposed amendment to Article II, Part I, Section 12, Definitions of Basic Terms of the Cecil County Zoning
56 Ordinance is hereby adopted as follows:

57 **“Backyard Chicken” means the raising, boarding, and/or selling of a domesticated female chicken and**
58 **Does not include roosters, ducks, turkeys, exotic fowl, goose or other bird, or fowl on parcels or lots**
59 **under one acre.**

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60 **BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that the
61 proposed amendment to Article IV, Section 54.4, Table of Permissible Uses of the Cecil County Zoning
62 Ordinance is hereby adopted as shown in Appendix 1A and 1B.

63 **AND BE IT FURTHER ENACTED** that this Act shall take effect 60 calendar days from the date that
64 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