

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 2022-19**

RESOLUTION NO. 52-2022

Title of Resolution: Amendment- Policies and Procedures of Cecil County Council-Rezoning Cases

Synopsis: A Resolution to amend Chapter 7, Rezoning Cases, Section 7-1, in the County Council's Policies and Procedures to update the processes to reflect current procedures.

Introduced by: Council President on behalf of the County Council

Introduced and ordered posted on: September 6, 2022

Public Hearing scheduled on: October 4, 2022 at 7:00 p.m.

Consideration scheduled on: October 18, 2022

By: _____
Council Manager

PUBLIC HEARING

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

By: _____
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.

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1 **WHEREAS**, pursuant to Section 202 of the Charter of Cecil County, Maryland (the “Charter”),
2 the County Council of Cecil County, Maryland (the “Council”) is the Legislative Branch of government; and

3 **WHEREAS**, the legislative powers and procedures are outlined in the Charter; and

4 **WHEREAS**, pursuant to Section 303(e) of the Charter, the Council may adopt and publish
5 additional rules of legislative procedure that may be desirable and not in conflict with the Charter; and

6 **WHEREAS**, the Council has determined that additional policies and procedures are necessary to
7 support the legislative process in order to operate in a consistent and efficient manner; and

8 **WHEREAS**, the policies and procedures of the Council may be amended by the Council according
9 to the legislative procedures in Sections 303-304 of the Charter.

10 **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
11 **MARYLAND**, that the proposed changes to the Policy and Procedures of the Cecil County Council is
12 hereby approved as follows:

13 “CHAPTER 7

14 REZONING CASES

15 ~~a) The Department of Planning and Zoning will submit rezoning requests to the Council Manager.~~

16 ~~b) Upon receipt of a rezoning request, the Council Manager will schedule a hearing date, with such
17 hearing to be held before the County Council at a regularly scheduled legislative session. The
18 Council Manager will provide the Department of Planning and Zoning with notice of the date and
19 time of the rezoning hearing.~~

20 ~~c) The Department of Planning and Zoning will promptly submit a staff report and recommendations,
21 list of parties, and additional associated documentation, to the Council Manager, and the Council
22 Manager will distribute such information to the County Council.~~

23 ~~d) The Department of Planning and Zoning will be responsible for causing legal notice of the rezoning
24 request to be published in a newspaper of general circulation in Cecil County, for sending
25 notification letters to the applicant and all adjoining property owners, with such notice to state
26 the time, date and location of the public hearings to be held before the Planning Commission and
27 the County Council, respectively, and a copy of the rezoning application and any supporting
28 documents appended thereto.~~

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- 29 ~~e) At the public hearing, the Council President will open the public hearing and invite the applicant to~~
30 ~~present the rezoning case. The Council President shall then ask the staff to present their report~~
31 ~~and the recommendation from staff and the Planning Commission.~~
- 32 ~~f) Following presentation by Planning and Zoning staff, the applicant and interested property~~
33 ~~owner(s) (and/or their representative(s)) may present testimony in support of the application.~~
34 ~~Citizens, including but not limited to adjoining property owners, may then present testimony in~~
35 ~~opposition to the application.~~
- 36 ~~g) At the end of all testimony, the Council President will close the public hearing.~~
- 37 ~~h) After the public hearing is concluded, the Council may approve or deny the applicant's request at~~
38 ~~the same meeting. If a decision is not made after the public hearing, the County Council will~~
39 ~~consider the rezoning application under old business on a future legislative session. The County~~
40 ~~Council will, at that time, either approve or deny the applicant's request.~~
- 41 ~~i) After the County Council approves or denies the applicant's request, designated legal counsel will~~
42 ~~prepare a written opinion setting forth the County Council's findings of fact, applicable legal~~
43 ~~authority, and the County Council's decision. The opinion will be signed by the Council President~~
44 ~~or, if the Council President did not participate in the case, the presiding Council Person at the~~
45 ~~rezoning hearing. The opinion will be promptly mailed to the applicant and all interested parties.~~
- 46 A) THE DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES (LUDS) WILL CONTACT THE
47 COUNCIL OFFICE TO REQUEST A PUBLIC HEARING DATE ON A REZONING CASE. LUDS WILL
48 PROVIDE A COPY OF THE REZONING APPLICATION, THE PLANNING COMMISSION'S HEARING
49 DATE, AND LIST OF ADJACENT PROPERTY OWNERS.
- 50 B) THE COUNCIL OFFICE WILL SCHEDULE THE HEARING FOR THE REZONING CASE WITHIN A MONTH
51 FROM THE DATE THAT THE PLANNING COMMISSION'S HEARING OCCURRED.
- 52 C) THE COUNCIL OFFICE WILL PREPARE A LETTER OF NOTIFICATION OF THE HEARING TO THE
53 APPLICANT, PROPERTY OWNER, AND ADJACENT PROPERTY OWNERS INFORMING THEM OF THE
54 HEARING DATE, TIME, LOCATION, AND INFORMATION ABOUT THE REZONING REQUEST. THE
55 LETTERS WILL BE SENT BY CERTIFIED MAIL AND REQUEST A SIGNATURE OF RECEIPT.
- 56 D) THE COUNCIL OFFICE WILL PREPARE A LEGAL NOTICE, WHICH MUST INCLUDE THE PROPERTY'S
57 ADDRESS, THE NAME OF THE APPLICANT AND PROPERTY OWNER, CURRENT AND REQUESTED

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- 58 ZONING CLASSIFICATION, AND THE SPECIFIC ELECTION DISTRICT, TAX MAP, PARCEL NUMBER; IN
59 ADDITION TO THE DATE, TIME AND LOCATION OF THE HEARING. THE COUNCIL OFFICE MUST
60 SUBMIT THE LEGAL NOTICE SO THAT THE FIRST PUBLICATION IS AT LEAST FIFTEEN
61 CALENDAR DAYS FROM THE HEARING DATE.
- 62 E) PRIOR TO THE HEARING, THE DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES WILL
63 PROVIDE THEIR FINDINGS OF FACTS, WHICH WILL BE INCLUDED IN THE COUNCIL PACKETS ON THE
64 DATE OF THE HEARING.
- 65 F) ON THE HEARING DATE, THE REZONING APPLICATION WITH ANY ACCOMPANYING DOCUMENTS,
66 LUDS FINDINGS OF FACTS, AND PLANNING COMMISSION'S RECOMMENDATIONS WILL BE
67 PROVIDED TO COUNCIL MEMBERS IN THEIR PACKETS. THE APPLICANT AND/OR REPRESENTATIVE
68 WILL PRESENT THEIR REZONING REQUEST AT THE HEARING. LUDS STAFF WILL REVIEW THEIR
69 FINDINGS OF FACTS, THEIR STAFF RECOMMENDATION, AND THE PLANNING COMMISSION'S
70 RECOMMENDATIONS. COUNCIL MEMBERS MAY ASK QUESTIONS OF THE WITNESSES AND STAFF.
- 71 G) AT THE NEXT LEGISLATIVE SESSION, THE COUNCIL MAY RENDER THEIR DECISION BY MOTION, OR
72 TABLE CONSIDERATION TO THE FOLLOWING SESSION. THE COUNCIL'S MOTION MUST BE BASED
73 EITHER/OR
- 74 1) A CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD SINCE THE LAST COMPREHENSIVE
75 REZONING.
- 76 2) A MISTAKE IN THE ZONING CLASSIFICATION OF THE PROPERTY DURING THE LAST
77 COMPREHENSIVE REZONING.
- 78 H) AFTER THE COUNCIL HAS RENDERED ITS DECISION, THE COUNCIL ATTORNEY WILL PREPARE THE
79 FINAL DECISION BASED ON THE RECORD, WHICH MUST BE SIGNED BY COUNCIL MEMBERS.
- 80 I) THE COUNCIL OFFICE WILL PREPARE A LETTER OF NOTIFICATION OF THE FINAL DECISION, WHICH
81 IS SENT BY MAIL TO THE APPLICANT, PROPERTY OWNER, ADJACENT PROPERTY OWNERS, AND
82 ANYONE WHO PARTICIPATED IN THE HEARING. THE LETTER ADVISES THE APPLICANT THAT
83 THEY HAVE 30 DAYS TO APPEAL THE COUNCIL'S DECISION TO THE CIRCUIT COURT.
- 84 J) THE COUNCIL OFFICE WILL MONITOR THE JUDICIAL CASE SEARCH TO DETERMINE IF THE
85 REZONING CASE HAS BEEN APPEALED WITHIN 30 DAYS. IF NOT, THE REZONING DOCUMENTS
86 WILL BE TRANSFERRED TO LUDS FOR THEIR RECORDS."

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87 **BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that
88 all provisions of this Resolution shall take effect on the date the Resolution is adopted by the
89 Council.

INTRODUCED: _____

ADOPTED: _____

President of the Council

ATTEST:

Council Manager