

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

RESOLUTION NO. 52-2022 As Amended

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 September 6, 2022, at the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland, and having been published, according to the Charter on September 21, 2022 and September 28, 2022, a public hearing was held on October 4, 2022 and concluded on October 4, 2022.

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 that were notified of the Planning Commission
- 50 hearings.
- 51 B) The Council shall hold the hearing for rezoning case within sixty (60) days after receipt of the
- 52 Planning Commission's recommendation ~~THE COUNCIL OFFICE WILL SCHEDULE THE HEARING~~
- 53 ~~FOR THE REZONING CASE WITHIN A MONTH FROM THE DATE THAT THE PLANNING~~
- 54 ~~COMMISSION'S HEARING OCCURRED.~~
- 55 C) THE COUNCIL OFFICE WILL PREPARE A LETTER OF NOTIFICATION OF THE HEARING TO THE
- 56 APPLICANT, PROPERTY OWNER, AND ADJACENT PROPERTY OWNERS INFORMING THEM OF THE
- 57 HEARING DATE, TIME, LOCATION, AND INFORMATION ABOUT THE REZONING REQUEST. THE

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- 58 LETTERS WILL BE SENT BY CERTIFIED MAIL AND REQUEST A SIGNATURE OF RECEIPT.
- 59 D) THE COUNCIL OFFICE WILL PREPARE A LEGAL NOTICE, WHICH MUST INCLUDE THE PROPERTY'S
60 ADDRESS, THE NAME OF THE APPLICANT AND PROPERTY OWNER, CURRENT AND REQUESTED
61 ZONING CLASSIFICATION, AND THE SPECIFIC ELECTION DISTRICT, TAX MAP, PARCEL NUMBER; IN
62 ADDITION TO THE DATE, TIME AND LOCATION OF THE HEARING. THE COUNCIL OFFICE MUST
63 SUBMIT THE LEGAL NOTICE SO THAT THE FIRST PUBLICATION IS AT LEAST FIFTEEN
64 CALENDAR DAYS FROM THE HEARING DATE.
- 65 E) PRIOR TO THE HEARING, THE DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES WILL
66 PROVIDE THEIR staff report ~~FINDINGS OF FACTS~~, WHICH WILL BE INCLUDED IN THE COUNCIL
67 PACKETS ON THE DATE OF THE HEARING.
- 68 F) ON THE HEARING DATE, THE REZONING APPLICATION WITH ANY ACCOMPANYING DOCUMENTS,
69 LUDS staff report ~~FINDINGS OF FACTS~~, AND PLANNING COMMISSION'S RECOMMENDATIONS
70 WILL BE PROVIDED TO COUNCIL MEMBERS IN THEIR PACKETS. THE APPLICANT AND/OR
71 REPRESENTATIVE WILL PRESENT THEIR REZONING REQUEST AT THE HEARING. LUDS STAFF WILL
72 REVIEW THEIR staff report ~~FINDINGS OF FACTS~~, THEIR STAFF RECOMMENDATION, AND THE
73 PLANNING COMMISSION'S RECOMMENDATIONS. COUNCIL MEMBERS MAY ASK QUESTIONS OF
74 THE WITNESSES AND STAFF.
- 75 G) AT THE NEXT LEGISLATIVE SESSION, THE COUNCIL MAY RENDER THEIR DECISION BY MOTION, OR
76 TABLE CONSIDERATION TO THE FOLLOWING SESSION. THE COUNCIL'S MOTION MUST BE BASED
77 EITHER/OR
- 78 1) A CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD SINCE THE LAST COMPREHENSIVE
79 REZONING.
 - 80 2) A MISTAKE IN THE ZONING CLASSIFICATION OF THE PROPERTY DURING THE LAST
81 COMPREHENSIVE REZONING.
- 82 H) AFTER THE COUNCIL HAS RENDERED ITS DECISION, THE COUNCIL ATTORNEY WILL PREPARE THE
83 FINAL DECISION BASED ON THE RECORD, WHICH MUST BE SIGNED BY COUNCIL MEMBERS.
- 84 I) THE COUNCIL OFFICE WILL PREPARE A LETTER OF NOTIFICATION OF THE FINAL DECISION, WHICH
85 IS SENT BY MAIL TO THE APPLICANT, PROPERTY OWNER, ADJACENT PROPERTY OWNERS, AND
86 ANYONE WHO PARTICIPATED IN THE HEARING. THE LETTER ADVISES THE APPLICANT THAT

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87 THEY HAVE 30 DAYS TO APPEAL THE COUNCIL’S DECISION TO THE CIRCUIT COURT.

88 J) THE COUNCIL OFFICE WILL MONITOR THE JUDICIAL CASE SEARCH TO DETERMINE IF THE
89 REZONING CASE HAS BEEN APPEALED WITHIN 30 DAYS. IF NOT, THE REZONING DOCUMENTS
90 WILL BE TRANSFERRED TO LUDS FOR THEIR RECORDS.”

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

INTRODUCED: September 6, 2022

ADOPTED: October 18, 2022



President of the Council

ATTEST:



Council Manager