

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION 2024-02**

BILL NO. 2024-02

Title of Bill: Amendment – Zoning Ordinance – Critical Area – Definitions, and Official Critical Area Maps.

Synopsis: An Act to amend the Cecil County Zoning Ordinance, Article II, Part I, Section 12, Article XI, Part 1, Section 191.11, and Article XI, Part 1, Section 192; Definitions in order to update Critical Area Statewide Base Map and All Areas.

Introduced by: Council President at the request of the County Executive

Introduced and order posted on: January 16, 2024

Public Hearing Scheduled on: February 6, 2024 at 7:00 p.m.

Consideration scheduled on: February 20, 2024

By: _____
Council Manager

Notice of time and place of public hearing and title of Bill having been posted by January 16, 2024 at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on January 24, 2024 and January 31, 2024, a public hearing was held on February 6, 2024 and concluded on February 6, 2024.

By: _____
Council Manager

Explanation: CAPITALS INDICATE MATTER ADDED TO EXISTING ORDINANCE.
~~Strike through~~ indicate matter deleted from existing ordinance.
Underlining indicates language added by amendment.
~~Double Strike through~~ indicates language deleted by amendment.

1 **WHEREAS**, pursuant to the 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
6 legislative body may regulate to promote the health, safety, and general welfare of the community;
7 and

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

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

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

19 **WHEREAS**, the Planning Commission on November 20, 2023, recommended approval of the
20 Zoning Ordinance – Text Amendment; and

21 **WHEREAS**, Article II, Part I, Section 12 defines Critical Area as all lands and waters defined by the
22 County’s approved Critical Area Program, pursuant to Natural Resources Article, §8-1807, Annotated
23 Code of Maryland; and

24 **WHEREAS**, Article XI, Part I, Section 191.11 Critical Area means all lands and waters defined by
25 the County’s approved Critical Area Program, pursuant to Natural Resources Article, §8-1807,
26 Annotated Code of Maryland; and

27 **WHEREAS**, Article XI, Part I Section 192 designates the Official Critical Area District Maps; and

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

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

35 **WHEREAS**, an amendment to the Zoning Ordinance has been proposed to amend Article II, Part
 36 I, Section 12 by deletion and insertion the definitions to include All Areas and Critical Area Statewide
 37 Base (Attachment 1); and

38 **WHEREAS**, an amendment to the Zoning Ordinance has been proposed to amend Article XI,
 39 Part 1, Section 191.11, by deletion and insertion the definitions to include All Areas and Critical Area
 40 Statewide Base (Attachment 1); and

41 **WHEREAS**, an amendment to the Zoning Ordinance has been proposed to amend Article XI,
 42 Part I, Section 192, by deletion and insertion the definitions to include All Areas and Critical Area
 43 Statewide Base (Attachment 1); and

44 **WHEREAS**, the Cecil County Planning Commission reviewed the proposed amendments on
 45 November 20, 2023.

46 **NOW, THEREFORE, BE IT HEREBY ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
 47 **MARYLAND**, that the proposed amendments to Article II, Part I, Section 12, Definitions of the Cecil
 48 County Zoning Ordinance is hereby adopted as follows:

49 **Section 12. Definitions**

50 *Critical Area.* All lands and waters defined by the County’s approved Critical Area Program, pursuant to
 51 Natural Resources Article, §8-1807, Annotated Code of Maryland. They include:

- 52 a) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide ~~as~~
 53 **AND ALL AREAS** indicated on the ~~State wetlands maps~~ **CRITICAL AREA STATEWIDE BASE**
 54 **MAP**, and all State and private wetlands designated under Natural Resources Article, Title 9,
 55 Annotated Code of Maryland;
- 56 b) All land and water areas within one thousand (1,000) feet beyond the landward boundaries

57 of **CRITICAL AREA STATEWIDE BASE MAP, AND ALL** State or private wetlands and the
 58 heads of tides designated under Natural Resources Article, Title 9, Annotated Code of
 59 Maryland; and

60 c) Modification to these areas through inclusion or exclusions proposed by the County and
 61 approved by the Critical Area Commission as specified in Natural Resources Article, §8-1807,
 62 Annotated Code of Maryland.

63 **As shown in attachment 2.**

64 **AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that
 65 the proposed amendments to Article XI, Part 1, Section 191.11 Definitions of the Cecil County Zoning
 66 Ordinance is hereby adopted as follows:

67 **Section 12. Definitions**

68 *Critical Area* means all lands and waters defined by the County’s approved Critical Area Program,
 69 pursuant to Natural Resources Article, §8-1807, Annotated Code of Maryland. They include:

70 a) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide ~~as~~
 71 **AND ALL AREAS** indicated on the ~~State wetlands maps~~ **CRITICAL AREA STATEWIDE BASE**
 72 **MAP,** and all State and private wetlands designated under Natural Resources Article, Title 9,
 73 Annotated Code of Maryland;

74 b) All land and water areas within one thousand (1,000) feet beyond the landward boundaries
 75 of **CRITICAL AREA STATEWIDE BASE MAP, AND ALL** State or private wetlands and the
 76 heads of tides designated under Natural Resources Article, Title 9, Annotated Code of
 77 Maryland; and

78 c) Modification to these areas through inclusion or exclusions proposed by the County and
 79 approved by the Critical Area Commission as specified in Natural Resources Article, §8-1807,
 80 Annotated Code of Maryland.

81 **As shown in attachment 2.**

82 **AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that
 83 the proposed amendments to **Amend Article XI, Part I, Section 192. Official Critical Area District Maps**
 84 of the Cecil County Zoning Ordinance is hereby adopted as follows:

85 1. *No Changes*

- 86 **2.** The Critical Area shall include all lands and waters defined in Section 8-1807 of the
 87 Natural Resources Article, Annotated Code of Maryland. They include:
- 88 **a.** All waters of and lands under the Chesapeake Bay and its tributaries to the head of
 89 tide as indicated on the ~~state wetlands maps~~ **CRITICAL AREA STATEWIDE BASE MAPS**,
 90 and all State and private wetlands designated under Title 16 of the Environment
 91 Article, Annotated Code of Maryland;.
 - 92 **b.** All land and water areas within 1,000 feet beyond the landmark boundaries of **THE**
 93 **CRITICAL AREA STATEWIDE BASE MAP AND ALL** state or private wetlands and the
 94 heads of tides designated under Title 16 of the Environment Article, Annotated Code
 95 of Maryland;
 - 96 **c.** Modification to these areas through inclusion or exclusions proposed by local
 97 jurisdictions and approved by the commission as specified in Section 8-1807 of
 98 the Natural Resources Article, Annotated Code of Maryland.
- 99 **3.** The County Council may elect to adjust the Critical Area Boundary to delete areas of the
 100 County from the Critical Area District only at such time as new ~~Official Wetland~~ **CRITICAL**
 101 **AREA STATEWIDE BASE MAP** are adopted by the State of Maryland or an area of the Critical
 102 Area has been approved by the Critical Area Commission for the Chesapeake and Atlantic
 103 Coastal Bays for exclusion. The County Council may also elect to add areas to the Critical Area
 104 at any time, subject to approval by the Critical Area Commission. Such changes shall be
 105 treated as amendments to the Critical Area District.

106 **As shown in attachment 2.**

107 **AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that
 108 this Act shall take effect in 60 calendar days from the date 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 a copy was made available on the Cecil County website.

BY: Council Manager