

## ORDINANCE NO. 2024-10

Town of Rising Sun  
Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, ADDING LANGUAGE TO THE TOWN'S ZONING CODE TO ADDRESS RECOMMENDED CHANGES AND UPDATES TO ARTICLE 9 TITLED SCREENING, SHADING, AND ENVIRONMENTAL STANDARDS; AND TO REPEAL ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

**WHEREAS** the Town, located in Cecil County, Maryland is a municipality organized under the provisions of the Maryland Constitution and governed under the provisions of the Local Government Article of the Annotated Code of Maryland; and

**WHEREAS** the Town is proclaimed as a perpetual entity with the right to pass laws; and

**WHEREAS** as provided for in the LAND USE Article of the Annotated Code of Maryland, Division 1 titled SINGLE-JURISDICTION PLANNING AND ZONING [Titles 1-13], Title 4 titled ZONING, Subtitle 1 titled POWERS, §4-101 titled STATEMENT OF POLICY establishes as a statement of policy that that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning controls and that those controls shall be implemented by local government; and

**WHEREAS** in addition to the above, §4-202 titled ZONING REGULATIONS - ADOPTION; PURPOSES, provides the Mayor and Commissioners with the authority to adopt zoning regulations in accordance with the Town's Comprehensive Plan and with reasonable considerations for, among other things, the character of the district or zone and its suitability for particular uses and with a view to conserving the value of property and encouraging orderly development and the most appropriate use of land; and

**WHEREAS** the Code of Ordinances of the Town, contains Chapters 12, titled TOWN OF RISING SUN ZONING ORDINANCE which establishes the intent and authority of the zoning ordinance to promote the orderly development of the Town of Rising Sun, Maryland, in accordance with the Rising Sun Comprehensive Plan; and

**WHEREAS** the Town of Rising Sun has been actively engaged in a meticulous process to modernize and refine its zoning code, a key component of the town's Code of Ordinances. This initiative is rooted in the town's commitment to fostering structured and harmonious development, as outlined in the chapters dedicated to the Town of Rising Sun Zoning Code. These chapters not only establish the foundational intent and authority behind the zoning regulations but also align closely with the strategic vision set forth in the Rising Sun Comprehensive Plan; and

**WHEREAS** in pursuit of this goal, the town has embarked on a phased approach to enhance its code. This effort aims to address and rectify inconsistencies in the language used, provide clearer explanations of the Zoning Code's objectives, and introduce updated provisions that better accommodate the evolving landscape of land development processes. Such revisions

are crucial for ensuring that the zoning code remains relevant and effective in guiding the town's growth in a manner that is both orderly and beneficial to the community; and

**WHEREAS** central to this endeavor is the diligent work undertaken by the Planning Commission, that has been instrumental in proposing amendments to the zoning code, a task that includes the creation of new zoning districts and the comprehensive update of definitions and tables. These proposed changes are reflective of the commission's recommendations and are designed to incorporate contemporary planning practices and principles into the town's zoning framework and are modeled after the Town's Comprehensive Plan; and

**WHEREAS** through these concerted efforts, the Town of Rising Sun is not only reaffirming its dedication to strategic, well-organized development but also reinforcing its commitment to adapting its regulatory environment to meet the current and future needs of its residents and stakeholders. This ongoing process of updating the zoning code, guided by the insights and expertise of the Planning Commission, underscores the town's proactive stance in shaping a vibrant and sustainable future for all who call it home; and

**WHEREAS** it has been recognized that Article 9, titled "Screening, Shading, and Environmental Standards," requires slight revisions to eliminate ambiguities in the enforcement and jurisdiction of land development projects that are proposed in or near wetland area.

**WHEREAS** Wetlands are regulated by both the Us Army Core of Engineers and the Maryland Department of the Environment and there are examples where our existing code is not consistent with current Federal and State Guidelines; and

**WHEREAS** the Mayor and Commissioners' proposed changes to the Town's Zoning Ordinance, based on the Rising Sun Planning Commission's finding and work-product, that were submitted to the Rising Sun Planning Commission and a meeting was held on these changes by the Rising Sun Planning Commission on January 13<sup>th</sup>, 2025; and

**WHEREAS** the comments of the Rising Sun Planning Commission on these changes were given to the Mayor and Commissioners for their review and consideration; and

**WHEREAS** the Mayor and Commissioners gave public notice as required by law and held a public hearing on February 27<sup>th</sup>, 2025, to receive public input and comment.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the authority of the Mayor and Commissioners of the Town of Rising Sun, Cecil County, Maryland, that Chapter 12 of the Codified Ordinance of the Town of Rising Sun, titled TOWN OF RISING SUN ZONING ORDINANCE shall be modified as follows:

## **SECTION 1**

The Code of Ordinances for the Town of Rising Sun contains Chapter 12 titled Town of Rising Sun Zoning Ordinance, Article 9 titled Screening, Shading, and Environmental Standards, Part III titled Environmental Standards for Sensitive Areas which establishes specific regulations for any encroachments or disturbances to Perennial Streams, Intermittent Streams, and Wetlands and establishes buffers and areas not to be disturbed without required approvals.

## Amendment 1

Section 12-914. titled Environmental Standards for all Subdivisions and Development Requiring Site Plan Approval note 4 shall be modified to read as follows, with new words reflected in red and deleted text or language reflected in strikethrough:

4. Non-tidal Wetland buffer and wetland disturbance. A ~~twenty-five (25) foot~~ setback from all non-tidal wetlands, per MDE regulations, shall be required for all development around the extent of the delineated non-tidal wetland except as permitted by the U.S. Army Corp of Engineers and the State of Maryland, Department of Natural Resources, Non-tidal Wetland Division. Applicant must provide evidence of Federal and or State approvals.

### SECTION 2.

All ordinances or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled.

### SECTION 3.

Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable for a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code text adopted hereby. The Town of Rising Sun hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

### SECTION 4.

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 8 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

### SECTION 5.

If passed and adopted, the Rising Sun Town Clerk is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation.

**SECTION 6.**

**BE IT FURTHER ENACTED** that this Ordinance shall be effective twenty (20) days after its adoption.

**SECTION 7.**

**NOW THEREFORE BE IT RESOLVED** that this ordinance was introduced on this 23<sup>rd</sup>. Day of December 2024.

**SECTION 8.**

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Mayor and Commissioners of the Town of Rising Sun passed, approved and adopted this ordinance on this 27<sup>th</sup> day of February 2025.

**AYES:**

**NAYES:**

**ABSTAIN:**

**THE MAYOR AND COMMISSIONERS OF  
THE TOWN OF RISING SUN**

**BY:** \_\_\_\_\_  
**Travis Marion, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Judy C Melton**  
**Town Clerk**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**  
**THIS 23<sup>rd</sup> DAY OF DECEMBER 2024**

**BY:** \_\_\_\_\_  
**Jack A. Gullo, Jr., - Town Attorney**

STATE OF MARYLAND)  
COUNTY OF CECIL)  
TOWN OF RISING SUN)

SS:

CERTIFICATE

I, Judy C Melton, Town Clerk for the Town of Rising Sun, Maryland, do hereby certify that the above and foregoing Ordinance is a true, perfect and complete copy of the Resolution adopted by the Mayor and Commissioners of the Town of Rising Sun, Maryland, and is identical to the original thereof appearing in the official records of the Town of Rising Sun, Maryland and the same has not, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

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Judy C Melton  
Town Clerk