

# Rising Sun Comprehensive Plan

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Draft 3/05/2018



Rising Sun Planning Commission

These draft is draft Comprehensive Plan amendments are is an updates of the 2010 Comprehensive Plan.

## CHAPTER ONE – Introduction

### HISTORY

“From its crossroads genesis in the 1720s until the Mason-Dixon line was established in 1765, the town now known as Rising Sun was actually located in Chester County, Pennsylvania. The taxes were paid in West Chester, Pennsylvania, and all the early deeds and records are still recorded there. The town occupied part of what were the controversial “Nottingham Lots” claimed by William Penn and given to his Quaker friends in 1702 over the vigorous objection of Maryland’s Calverts. Messrs. Mason and Dixon settled the dispute by determining that the area in question was indeed a part of Maryland.

Records show that, around 1720, Henry Reynolds established a stone tavern on Nottingham Lot No. 17 to serve as a stage stop. Over the entrance was a swinging sign depicting the rays of the sun at dawn and the lettering THE RISING SUN. It was around this busy tavern that the village of Summer Hill began to grow.

Located along the direct route between Baltimore and Philadelphia, the tavern enjoyed growth in its popularity as a meeting place for business deals, political maneuvering, elections, and sundry other activities. Travelers and locals alike adopted the habit of saying “We’ll meet at The Rising Sun.” The phrase was so entrenched by the time the town’s first post office was established around 1815, that Summer Hill yielded to Rising Sun as the official name of the place. It is likely that the post office was actually located in the tavern.

Soon after the town’s incorporation in 1860, the commissioners constructed slate sidewalks, erected coal-oil street lamps, and hired a lamplighter, who doubled as bailiff and street maintenance man. Six years later, the Baltimore Central Railroad began to serve Rising Sun, and the pace of growth accelerated. Most of the town’s current structure has been built since then.

Today, Rising Sun is the business hub of a large area of farmland and rolling countryside encompassing most of the northwest corner of Cecil County. While the population of the town itself is only about 1,600, that of the surrounding rural area is more than 25,000. Small in size but big in heart, Rising Sun truly is, as the town seal declares, a Small Town Extraordinaire.” (Source Rising Sun WEB page)

## LEGAL BASIS FOR COMPREHENSIVE PLANNING

Article 66B of the Annotated Code of Maryland is the Zoning and Planning enabling legislation from which Rising Sun derives its authority to regulate land use. Section 3.05 states that:

"It shall be the function and duty of the Commission (added - Planning Commission) to make and approve a plan which shall be recommended to the local legislative body for adoption and which shall serve as a guide to public and private actions and decisions to insure the development of public and private property in appropriate relationships and which shall include any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning responsibilities of the commission. The elements of the Plan may be exercised in words, graphics, or other appropriate form. They shall be interrelated and each element shall describe how it relates to each of the other elements and the statement of objectives, principles, policies and standards."

Article 66B also states that the plan shall contain, at a minimum, the following elements:

- A statement of goals and objectives, principles, policies, and standards;
- A land use plan element;
- A transportation plan element;
- A community facilities plan element;
- A mineral resources plan element, if current geological information is available;
- An element which shall contain the planning commission's recommendations for land development regulations to implement the plan; and
- Other elements, such as a community renewal, housing, conservation, natural resources, at the discretion of the commission.

The Comprehensive Plan has been created and adopted in response to these requirements of State law. The Comprehensive Plan contains the required sections as well as a housing plan and a plan for business and industry. The Comprehensive Plan for Rising Sun is made with the general purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development of the Town, and best promoting health, safety, morals, order, convenience, prosperity, and general welfare. This Comprehensive Plan was prepared with the guidance of the Rising Sun Planning and Zoning Commission and a Citizen's Advisory Committee. Its deliberations and review, including information gathering through a locally distributed public questionnaire played a central role in the formation of plan goals and recommended policies.

## MARYLAND ECONOMIC GROWTH, RESOURCE PROTECTION AND PLANNING ACT OF 1992

The context for planning in the Rising Sun must also take into consideration the Town's role in implementing the overall growth management policies established by the State of Maryland in the Planning Act of 1992. Accordingly, the content, focus, and thrust of the *Rising Sun Comprehensive Plan* are guided by the following eight visions, which provide the framework for growth management and sound planning within the community:

1. Development is concentrated in suitable areas;
2. Sensitive areas are protected;
3. In rural areas, growth is directed to existing population centers and resources are protected;
4. Stewardship of the Chesapeake Bay and the land is a universal ethic;
5. Conservation of resources, including a reduction in resource consumption is practiced;
6. Economic growth is encouraged and regulatory mechanisms are streamlined;
7. Adequate public facilities and infrastructure under the control of the Town are available or planned in areas where growth is to occur; and
8. Funding mechanisms are addressed to achieve these "Visions."

The Maryland Economic Growth, Resource Protection and Planning Act of 1992 also added the requirement that the comprehensive plan contain a Sensitive Areas Element, which describes how the jurisdiction will protect the following sensitive areas:

Streams and stream buffers,  
100-year floodplains,  
Endangered species habitats,  
Steep slopes, and  
Other sensitive areas a jurisdiction wants to protect from the adverse impacts of development.

The Planning Act of 1992 also amended Article 66B, Annotated Code of Maryland, Zoning Planning to strengthen the relationship between plans and implementation. Section 4.09 of Article 66B states:

"(a) On or before July 1, 1997, and subsequently at intervals of no more than 6 years which correspond to the Plan revision under §3.06(B) of this Article, a local jurisdiction shall ensure that the implementation of the provisions of the Plan that comply with §§3.05(A)(1)(VI) and 3.06(B) of this Article are achieved through the adoption of applicable zoning ordinances and regulations, planned development ordinances and regulations, subdivision ordinances and regulations, and other land use ordinances and regulations consistent with the Plan."

Section 4.09, "Implementation Consistency", is commonly known as the "consistency requirement." In the publication *Managing Maryland's Growth: Models and Guideline Series*, *Achieving "Consistency" Under the Planning Act of 1992* the Maryland

Department of Planning staff suggests an operational definition of “Consistency” as follows:

“Consistency. 1) Agreement or logical coherence among things or part. 2) Compatibility or agreement among successive acts, ideas or event.” (See Section 2)

The Maryland Department of Planning report goes on to add the following guidance:

“The Plan should be unequivocal and sound, and the implementing tools and the resulting development show clear and demonstrable support of the Plan and the visions.”

## **THE 1997 SMART GROWTH AREA ACT**

The 1997 Smart Growth Area Act established policies for State funding for projects in municipalities, other existing communities, industrial areas, and planned growth areas designated as “priority funding areas” (PFAs). Priority funding areas are defined as, “existing communities and other locally designated areas, consistent with the 1992 Visions, where the State and local governments want to encourage and support economic development and new growth. The Town is required to designate and map its PFA in accordance with standards established in the 1997 Smart Growth Area Act if it wishes to receive State funding for growth related projects. Areas eligible for designation are:

Areas with industrial zoning (areas with new industrial zoning after January 1, 1997, must be in a county-designated growth area and be served by a sewer system.);

Areas with employment as the principal use which are served by, or planned for, a sewer system (Areas zoned after January 1, 1997, must be in a county-designated growth area.);

Existing communities (as of January 1, 1997) within county-designated growth areas which are served by a sewer or water system and which have an average density of 2 units per acre;

Rural villages designated in local comprehensive plans before July 1, 1998; and

Other areas within county-designated growth areas that:

- reflect long term policy for promoting an orderly expansion of growth and an efficient use of land and public services,
- are planned to be served by water and sewer systems, and

- have a permitted density of 3.5 or more units per acre for new residential development.

In 2006, the Maryland General Assembly required the preparation of a Municipal Growth Element (MGE) as part of the comprehensive plan. This element identifies areas for future Town growth through annexation as well as allows for the coordination of growth around the Town boundaries.

## The 2009 Smart, Green & Growing Planning Legislation

The Smart, Green & Growing planning legislation was designed to protect the environment and natural resources and to promote sustainable growth across Maryland. As part of this package of legislation, three planning bills were passed and signed into law on May 7, 2009. The Smart, Green & Growing legislation of 2009 amended Article 66B and its Visions, which were increased from eight to twelve, and also redefined the vision statements. These Twelve Visions provide guiding principles for the development of goals and objectives for the Town's next update to the Comprehensive Plan. Those Visions include:

1. **Quality of Life and Sustainability** – A high quality of life is achieved through universal stewardship of the land, water and air resulting in sustainable communities and protection of the environment.
2. **Public Participation** – Citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals.
3. **Growth Areas** – Growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers.
4. **Community Design** – Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural and archeological resources.
5. **Infrastructure** – Growth Areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner.

6. **Transportation** – A well-maintained, multi-modal transportation system facilitates safe, convenient, affordable and efficient movement of people, goods, and services within and between population and business centers.
7. **Housing** – A range of housing densities, types and sizes provides residential options for citizens of all ages and incomes.
8. **Economic Development** – Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State’s natural resources, public services and public facilities.
9. **Environmental Protection** – Land and water resources, including the Chesapeake Bay, are carefully managed to restore and maintain healthy air and water, natural systems and living resources.
10. **Resource Conservation** – Waterways, forest, agricultural areas, open space, natural systems and scenic areas are conserved.
11. **Stewardship** – Government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with environmental protection.
12. **Implementation** – Strategies, policies, programs and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, State and interstate levels to achieve, these Visions.

These Visions will need to be addressed by the town as part of its’ next scheduled comprehensive plan update by 2023.

The 2009 legislation also required all Planning Commission and Board of Appeals members to complete an education course, no later than six-months from the time of appointment. MDP has developed an online training course and coordinates periodic training seminars in coordination with the Maryland Planning Commissioners Association (MPCA).

Effective July 1, 2011, the Town Planning Commission must complete and submit an Annual Report to the Town Council and the Maryland Department of Planning by July 1 of each year. The Annual Report must identify the number of new residential building permits approved in the town. If more than 50 new residential building permits are issued within the calendar year, then additional reporting requirements must be submitted.

In 2012, the Maryland General Assembly repealed Article 66B and replaced it with the Land Use Article. All comprehensive plan and zoning ordinance references to Article 66B should be updated to reflect the new citations during their next scheduled update.

In 2013, the Maryland General Assembly changed the review cycle for comprehensive plans from every 6 years to every ten. The change also directed towns to complete a Five-Year Comprehensive Plan Implementation to include a summary of the following:

- (i). Development trends contained in the previous (4) annual reports filed during the period covered by the narrative;
- (ii). The status of comprehensive plan implementation tools, such as comprehensive rezoning, to carry out the provisions of the comprehensive plan;
- (iii). Identification of any significant changes to existing programs, zoning ordinances, regulations, financing programs, or State requirements that will be necessary to achieve the visions and goals of the comprehensive plan during the remaining planning timeframe;
- (iv). Identification of any State or federal laws, regulations, or requirements that have impeded local implementation of the comprehensive plan and recommendations to remove any impediments;
- (v). Future land use challenges and issues; and
- (vi). A summary of any potential updates to the comprehensive plan.

The Planning Commission must submit its' first Five-Year Implementation Report to MDP no later than July 1, 2018.

## **COMPONENTS OF A GROWTH MANAGEMENT PROGRAM**

This Comprehensive Plan provides the basic framework and direction for all components of what may be considered the Town's overall Comprehensive Planning Program. It is not a stand-alone document but is supported and, in turn, supports related policies, programs and legislation which comprise the local growth management program. These documents include:

- Zoning Ordinance
- Subdivision Ordinance
- Priority Fund Areas (PFA)

- Capital Improvements Program
- ~~BOCA~~ Maryland Building Performance Standards & ICC Building Codes
- State of Maryland Fire Prevention Code
- Cecil County Master ~~Comprehensive~~ Water and Sewer Plan
- Development Standards and Guidelines

These documents and others, when used concurrently, are the basis for directing and managing growth in the Town of Rising Sun.

## Smart Neighborhoods

According to guidelines prepared by the Maryland Department of Planning (~~DOP~~MDP) “smart neighborhoods” are, “relatively self-contained new communities with a compact mix of residential, commercial, employment/office, and civic land uses and range of housing choices, with a design that fosters pedestrian and bicycle activity, public safety, environmental protection, long-term investment, efficient use of infrastructure, and efficient provision of public services. Although the principles that govern smart neighborhoods also apply to redevelopment sites with a substantial new development component, “smart neighborhoods” generally refers to new development on large infill and greenfield sites, located within priority funding areas and consistent with the local government’s master plan” (Source: Managing Maryland’s Growth, Smart Neighborhoods, publication 2001-04, Maryland Department of Planning , September 2001). The principles of smart growth are:

### **Mixed Land Uses**

- Take advantage of compact building design
- Create housing opportunities and choices
- Create walkable communities
- Foster distinctive, attractive communities with a strong sense of place
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Strengthen and direct development toward existing communities
- Provide a variety of transportation choices
- Make development decisions predictable, fair, and cost-effective
- Encourage community and stakeholder collaboration in development decisions.

As used in the report, the term “compact mixed-use development” is used interchangeably with smart neighborhoods and ~~vice versa~~ **vice versa**. Not surprisingly, the ~~DOP~~ **MDP** guidelines follow these principles by describing the characteristics of “smart neighborhoods” (a major component part of smart growth) as:

“Integrated mix of uses, including residential, commercial, employment/office, civic, and open space;  
Range of housing types and densities;  
Compact design;  
Interconnected streets designed to balance the needs of all users, with sidewalks and on-street parking;  
Open spaces integral to the community; and  
Locations adjacent to and that extend the fabric of existing development.”

Many of the goals and objectives in this Comprehensive Plan reflect these principles of place making.

## Infill and Redevelopment

According to the ~~DOP~~ **MDP** publication (Infill and Redevelopment, Publication #2001-05), “infill refers to new development in a Priority Funding Area on vacant, bypassed and underutilized land within a built-up area of existing communities, where infrastructure is already in place. Infill includes redevelopment of lots in these areas. The following examples illustrate the wide range of potential infill scenarios:

- 2-acre brownfield redevelopment site;
- single commercial parcel vacant after a fire on Main Street;
- one or two lots in an urban or suburban residential neighborhood; and
- one or two lots in a rural village.”

Infill projects tend to be small scale, such as the examples cited above, whereas redevelopment projects tend to be large-scale projects. A land use objective of the Rising Sun Comprehensive Plan is to encourage infill and redevelopment within the Town, including revitalization of its historic commercial core. **To support revitalization of the historic commercial core, the Town will create a new and supportive zoning district category and will rezone these properties as “Old Town Commercial” or “OC” on the Official Zoning Map.**

## CHAPTER 2 - Planning Analysis

### POPULATION AND HOUSING TRENDS

#### Population Growth Trends

According to data published by the Wilmington Area Planning Council (WILMAPCO) the percentage of population living in incorporated towns in Cecil County has increased in the period 1980 to 2000 from 22.2 percent to 26.7 percent. Population estimates for the County and Towns through 2002 indicated this trend is continuing.

Within this regional context, the Town of Rising Sun has steadily grown, at a rate commensurate with that of the election district and the County. During the period 1980 to 2000 Rising Sun's growth has been proportionate with that of the election district and the County (see Table 2.1). Throughout the period the Town has maintained a population that is about 1.89 percent of the County total and about 18.3 percent of the District total.

**Table 2.1 - Population Trends**

	1980	1990	2000	Percent increase 1980-2000
Cecil County	60,430	71,347	85,951	42.23%
Rising Sun, district	6,201	7,215	9,102	46.78%
Rising Sun, town	1,160	1,263	1,702	46.72%

Source: 1990 and 2000 U.S. Census

Since 1980 Rising Sun has maintained a population that is approximately 1.89 percent of total Cecil County population. Put another way, Cecil County and Rising Sun grew at an average annual rate of about 2 percent. If this trend continues and Rising Sun maintains this share of the total County population then the following projections can be made.

**Table 2.2 - Population Projections**

	2005	2010	2020	2030
Cecil County *	95,650	101,200	111,450	119,150
Rising Sun, town **	1,808	1,913	2,106	2,252

\* Source: Maryland Department of Planning

\*\* Based on a 1.89 percent of County population projections prepared by the Maryland Department of Planning

The population projections shown in Table 2.2 represent an average annual population growth rate for Cecil County and Rising Sun of approximately 0.89 percent. This rate is in contrast to an average annual growth rate during the period 1980 to 2000 of over 2 percent. In fact, according

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to population estimates provided by the MDP, between July 2000 and July 2003 Cecil County continued to grow at an average annual rate of slightly more than 2 percent. MDP's population projections anticipate an average annual growth rate that decreases and that over the period 2010 to 2030 will be less than 1 percent.

The MDP population estimates for Rising Sun between 2000 and 2003 show the Town growing at an average annual rate of approximately 0.48 percent.

Population increase between 2005 and 2030 of 444 equals 200 additional dwellings based on a 2.2 persons per household.

## Age/Education

Median age for Rising Sun in 2000 was 33.5 as compared to a median age 35.5 for Cecil County and 35.3 for the United States. The difference is due to higher percentages than the County in the age groups under 24 years of age and a substantially lower percent of population 65 years and older (see Table 2.3).

**Table 2.3 - Population by Age - Rising Sun and Cecil County**

	RISING SUN	PERCENT	CECIL COUNTY	PERCENT	DIFF
Under 5	127	7.5%	5,957	6.9%	0.5%
5 to 17	379	22.3%	17,832	20.7%	1.5%
18 to 24	154	9.0%	6,406	7.5%	1.6%
24 to 44	524	30.8%	26,796	31.2%	-0.4%
45 to 54	200	11.8%	12,259	14.3%	-2.5%
55 to 59	44	2.6%	4,447	5.2%	-2.6%
60 to 64	39	2.3%	3,259	3.8%	-1.5%
65 plus	235	13.8%	8,995	10.5%	3.3%
TOTAL	1,702	100.0%	85,951	100.0%	

Source: 2000 U.S. Census

According to the 2000 Census 81.4 percent of the population of Rising Sun age 25 or older possessed a high school degree as compared to 81.2 percent of the County population and 80.4 percent of the U.S. population. In the same year, 13.4 percent of the population of Rising Sun 25 years of age or older had completed a bachelor's degree program or higher as compared to 16.4 percent of the County population and 13.4 percent of U.S. population.

## Employment

The 2000 Census estimates that 71.7 of the population 16 years of age or over residing in Rising Sun was included in the labor force (see Table 2.4) Over half of the employed work force was involved in management, professional and related occupations or sales and office occupations.

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The leading employment industrial sectors in order of significance were retail trade, education and social services and manufacturing (see Table 2.5).

**Table 2.4 - 2000 Labor Force Population 16 Years or Over**

	Population	Percent in labor force	Percent unemployed
Maryland	2,769,525	67.8%	3.2%
Cecil County	44,866	69.3%	2.8%
Rising Sun	896	71.7%	3.4%

Source: 2000 U.S. Census

**Table 2.5 - 2000 Occupation and Industry of Employed**

Occupation	Number	Percentage
Management, professional, and related occupations	219	25.7
Service occupations	128	15
Sales and office occupations	255	29.9
Construction, extraction, and maintenance occupations	101	11.8
Farming, fishing, and forestry occupations	5	0.6
Production, transportation, and material moving occupations	145	17
Industry		
Agriculture, forestry, fishing and hunting, and mining	5	0.6
Construction	67	7.9
Manufacturing	95	11.1
Wholesale trade	61	7.2
Retail trade	160	18.8
Transportation and warehousing, and utilities	51	6
Information	16	1.9
Finance, insurance, real estate, and rental and leasing	45	5.3
Professional, scientific, management, administrative, and waste management services	72	8.4
Educational, health and social services	143	16.8
Arts, entertainment, recreation, accommodation and food services	53	6.2
Other services (except public administration)	39	4.6
Public administration	46	5.4

Source: 2000 U.S. Census

## Income

2000 per capita income for Rising Sun was 18.6 percent below that of Cecil County and 22.2 percent below per capita income for the State (see Table 2.6). Median incomes in Rising Sun for households and families were below those of the County and State, as well.

**Table 2.6 - 2000 Income and Poverty Status**

	Per Capita Income	Median Income		Persons Living in Poverty	
		Households	Families	Number	Percent
Maryland	\$25,614	\$52,868	\$61,876	438,676	8.5%
Cecil County	\$21,384	\$50,510	\$56,469	6,066	7.2%
Rising Sun	\$17,835	\$41,089	\$48,646	149	22.2%

Source: 2000 U.S. Census

## Persons per Household

In 2000, there were 2.50 persons per household in Rising Sun, a number lower than both Cecil County (2.71) and the State (2.61). The average number of persons per household is expected to decrease in the planning period.

## Housing Characteristics

The housing stock in Rising Sun is generally older than that of the County, a reflection of decades of strongest building activity in the period 1970 to 1990 and prior to 1960. Of the total housing units, over 37 percent were built between 1970 and 1990 and nearly 40 percent were built prior to 1960 (See Table 2.7).

**Table 2.7 - Housing Age - Year Structure was Build**

YEAR STRUCTURE BUILT	Number	Percent
1999 to March 2000	15	2
1995 to 1998	38	5.2
1990 to 1994	43	5.9
1980 to 1989	164	22.3
1970 to 1979	112	15.2
1960 to 1969	70	9.5
1940 to 1959	135	18.4
1939 or earlier	158	21.5

Source: 2000 U.S. Census

Home ownership in Rising Sun was significantly less than that of the County according to the 2000 Census (see Table 2.8).

**Table 2.8 - Housing Characteristics - Occupied Housing Units**

	Rising Sun		Cecil County	
	Number	Percent	Number	Percent
Total housing units	716	100	34,461	100
Occupied Housing Units	681	95.1	31,223	90.6
- Owner-occupied units	405	59.5	23,404	75.0
- Specified renter-occupied units	276	40.5	7,819	25.0
Vacant Housing Units	35	4.9	3,238	9.0

Source: 2000 U.S. Census

This may be due in part to the lower percentage of detached single-family units and higher percentage of multi-family units found in Rising Sun (See Table 2.9).

**Table 2.9 - Housing Characteristics - Units in Structure**

	Rising Sun		Cecil County	
	Number	Percent	Number	Percent
Total housing units	735	100	34,461	100
<b>UNITS IN STRUCTURE</b>				
1-unit, detached	395	53.7	24,230	70.3
1-unit, attached	128	17.4	2,948	8.6
2 units	51	6.9	822	2.4
3 or 4 units	25	3.4	1,074	3.1
5 to 9 units	76	10.3	1,427	4.1
10 to 19 units	12	1.6	650	1.9
20 or more units	9	1.2	476	1.4
Mobile home	39	5.3	2,821	8.2
Boat, RV, van, etc.	0	0	13	0.3

Source: 2000 U.S. Census

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The median value of single family, owner occupied housing in Rising Sun was slightly less than 89 percent of that of the County (see Table 2.10). Nearly 83 percent of these units in Rising Sun were valued at less than \$150,000 as opposed to 64.7 percent in the County.

**Table 2.10 - Housing Characteristics - Selected Housing Values**

	Rising Sun		Cecil County	
	Number	Percent	Number	Percent
Single Family Owner Occupied Homes	363	100	19,065	100
VALUE				
Less than \$50,000	1	0.3	302	1.6
\$50,000 to \$99,999	99	27.3	4,034	21.2
\$100,000 to \$149,999	200	55.1	7,996	41.9
\$150,000 to \$199,999	50	13.8	3,902	20.5
\$200,000 to \$299,999	10	2.8	2,267	11.9
\$300,000 to \$499,999	1	0.3	454	2.4
\$500,000 to \$999,999	0	0	71	0.4
\$1,000,000 or more	2	0.6	39	0.2
Median (dollars)	\$117,700		\$132,300	

Source: 2000 U.S. Census

Indicators of housing condition include the lack of plumbing facilities and crowding derived from estimates of person per room. As can be seen from Table 2.11, Rising Sun had a very low percentage of occupied housing units that reported internal conditions indicating substandard housing.

**Table 2.11 - Housing Characteristics - Housing Condition Indicator**

OCCUPANTS PER ROOM	Number	Percent
Occupied housing units	694	100
1.00 or less	689	99.3
1.01 to 1.50	3	0.4
1.51 or more	2	0.3
Lacking complete plumbing facilities	3	0.4
Lacking complete kitchen facilities	0	0
No telephone service	6	0.9

Source: 2000 U.S. Census

## CHAPTER 3 – Public Process - Citizens Advisory Committee (CAC)

The objectives of the CAC process were to:

- Consider planning related issues and opportunities facing the community;
- Review the existing comprehensive planning goals, objectives and implementation strategies; and
- Recommend revisions to the Comprehensive Plan.

In the course of six work sessions the CAC was able to accomplish:

Reviewed the statutory basis for planning in Maryland, including the eight "visions" and other State planning mandates as well as the structure for local planning in Rising Sun, i.e., the Comprehensive Plan, zoning ordinance and maps, subdivision regulations, Priority Funding Areas, master water and sewer plan, building codes and design guidelines and standards. The CAC agreed that mapped information, such as those used for the Cecil County Master Water and Sewer Plan and the State's Priority Funding Area (PFA) should reflect the recommendations of the updated *Rising Sun Comprehensive Plan*.

Listed and discussed Rising Sun's strengths, weaknesses, opportunities and threats (SWOTS). The SWOTS were later prioritized

Considered regional and local socio-economic and land use trends and population projections in order to better understand Rising Sun today and the population growth the Town may expect in the future (See Attachment B).

The CAC agreed that the Maryland Department of Planning projections for Cecil County are conservative.

Reviewed the goals, objectives, policies and recommendations contained in the 1996 *Rising Sun Comprehensive Plan* and recommended revisions that reflect the CAC's discussions.

Conducted mapping exercises wherein the CAC considered future growth scenarios given expected population growth, existing land use patterns (County and Town), natural and physical constraints, as well as pending development projects. The result of the mapping exercise is a recommended land use plan that reflects a long range build-out plan and that identifies extra-territorial areas that could become part of the Town of Rising Sun in the future.

Considered desirable design characteristics of new residential development and identified strategies for achieving the community character attributes most desired for new neighborhoods.

## CONSENSUS FINDINGS

The consensus of the participants on the CAC was that the citizens value the features of small town community life offered in Rising Sun. These features include:

- friendly neighborly relations;
- personal relationships -a place where everyone knows everyone else;
- a positive living environment in which to raise children and build a family;
- promotion of traditional American values;
- physical features of small town USA, such as the Town Square; and
- proximity to major cities and metropolitan centers.

The residents recognize the importance and desirability of maintaining the small town character and sustaining the rich heritage and legacy of the Rising Sun community. The residents want the Town to judiciously consider present and future growth and require new development to reflect the principles and visions of "Smart Growth" in a manner that maintains and extends the small town atmosphere highly valued and esteemed by all inhabitants of Rising Sun.

The attached materials summarize more specific findings and recommendations of the Citizen Advisory Committee (CAC) for the 2005 update of the *Rising Sun Comprehensive Plan*. These findings and recommendations are based on the following consensus positions:

- Development Pressure and housing growth in and around the Town are likely to occur during the planning period (2009 -2030).
- It is in the best interest of the Town to have direct land use management responsibility for as much of the growth as possible that will occur within the identified growth area.
- New development should be fully responsible for its impacts to community facilities, services and infrastructure related to the development, including off-site impacts.
- It is imperative for the Town to have adequate staff and expertise to insure that new developments are planned, designed and built to the highest possible standard. Additional emphasis needs to put on construction inspections and adherence to minimum standards for health, safety and welfare. Aggressive enforcement of minimum development and construction standards is needed.
- New development should not be permitted unless adequate public facilities to fully serve the proposed development exist or will be in place at the time final approvals are given.
- Any upgrades to the Town water and sewer systems necessitated by new

development should be fully funded by the development(s) benefiting.

- Developers should be required to construct planned public improvements, such as parks, greenways and pedestrian trails, regional stormwater management facilities and off-site road improvements that are located on, serve and or benefit the proposed development.
- As necessary, the Town should institute development impact fees or similar measures to fund needed off-site improvements to Town facilities and infrastructure.
- Development regulations and standards should be revised to require all new residential development reflect "smart neighborhood" and place making principles.
- New residential developments should be required to be mixed-use projects. Conventional subdivisions should only be permitted upon a compelling demonstration that it is in the best interest of the Town to do so. We make this recommendation because we feel that the recommended design principles are the best means of sustaining the positive socio-economic and physical characteristics of the Town so highly valued.
- Attracting retirement-aged oriented developments will have a positive economic impact on the Town. Development regulations should facilitate the creation of high quality active adult and continuing care retirement communities. Incentives for this type of development, e.g., bonus densities, should be considered.
- Residential development needs to be balanced by growth of employment uses (e.g., commercial, business, service, and light industrial uses) to the maximum extent practical. The Growth Plan identifies Area for development of new employment uses.
- Additional commercial uses should be encouraged consistent with population growth and demand in the Town and surrounding market area.
- Commercial uses serving neighborhood should be located convenient to residences (i.e., within walking distance). Equal emphasis should be placed on safe vehicular access and on making appropriate pedestrian travel connections with nearby residential neighborhoods. New community serving commercial areas may be needed as well.

## **RECOMMENDATIONS - GOALS, POLICIES AND OBJECTIVES**

The following are the CAC's recommend revised goals, policies and objectives for the updated *Rising Sun Comprehensive Plan*.

## LAND USE

### Land Use Goals

Growth Management • Achieve the spirit and intent of the following eight visions:

- 1 Development is concentrated in suitable areas;
- 2 Sensitive areas are protected;
- 3 In rural areas, growth is directed to existing population centers and resources are protected;
- 4 Stewardship of the Chesapeake Bay and the land is a universal ethic;
- 5 Conservation of resources, including a reduction in resource consumption is practiced;
- 6 Economic growth is encouraged and regulatory mechanisms are streamlined;
- 7 Adequate public facilities and infrastructure under the control of the Town are available or planned in areas where growth is to occur; and
- 8 Funding mechanisms are addressed to achieve these "Visions."

Residential • New residential neighborhoods designed according to "smart neighborhood" and traditional place making principles that enable and support neighborly, personal relationships traditionally found in small towns.

Commercial • Commercial, business and service establishments adequate to serve the needs of Rising Sun and surrounding regional markets at appropriate locations.

Industrial • Light manufacturing and research technology business activities that offer quality employment opportunities for the residents of Rising Sun and the surrounding region.

Open Space • The Town's best scenic landscape features such as hillsides, forests, and waterways retained for the enjoyment of present and future generations.

Natural Resource Conservation and Sensitive Areas Protection • A high quality natural environment within and surrounding the Town.

### Land Use Objectives

The following overall objectives should be pursued by the Town for the achievement of a balanced land use plan consistent with sound planning principles, local need and in harmony with regional influences:

- Encourage greater recognition by all citizens that land is a finite resource and its wise use and effective conservation is essential for the survival of existing and future generations (Note: This objective is consistent with Vision 4 of the Planning Act, "stewardship of the Chesapeake Bay and the land is a universal ethic").
- Integrate land use and transportation systems to provide for the logical continuation and improvement of existing streets, highways and pedestrian systems.
- Promote and maintain a well-planned pattern of compatible and efficient utilization of land and water resources which concentrates development in suitable areas.

### *Residential Land Use Objectives*

In order to insure safe, livable residential neighborhoods (new and old) the following residential objectives are established:

- Implement laws and programs that assure orderly and diversified residential development in appropriate areas of the Town and adjoining areas.
- Establish development standards and guidelines that assure seamless integration of neighborhoods by requiring coordinated development design that includes compatible and complimentary adjacent land uses, continuation of "green" systems and appropriate vehicular and pedestrian connections.
- Assure connectivity between and with adjacent neighborhoods and subdivisions.
- Establish appropriate protective measures to stabilize, protect and enhance existing residential neighborhoods by prohibiting encroachment by incompatible land uses and encouraging appropriate infill and redevelopment.
- Locate public and commercial facilities, services, and amenities within convenient walking distance of residential neighborhoods.
- Encourage residential development reflecting good design practices that will make efficient use of available land and produce attractive residential neighborhoods and other development. Develop appropriate residential design standards and guidelines which insure new neighborhoods are compatible with the community and architectural character of Rising Sun.
- Encourage energy conservation in residential development. Establish subdivision and zoning regulations that accommodate techniques that achieve greater energy efficiency (Note: This objective is consistent with Vision 5 of the Planning Act, "conservation of resources, including a reduction in resource consumption, is practiced").

In 2018, the Planning Commission revisited the CAC's recommendations and proposed supporting text amendments to the comprehensive plan that would assist the Planning Commission with preparing updates to the Zoning Ordinance and Official Zoning Map.

## Residential Land Use Policies

The development policies proposed by this Comprehensive Plan are designed to address the above objectives. The following are recommended policies for residential development.

- Larger residential developments (ten acres or more) shall be planned in neighborhoods with mixed residential ~~uses~~ housing types.
- Developments should be evaluated with regard to the availability of, and impact on, public facilities and Town services.
- Adequate recreational facilities and open space should be required as part of new residential developments where applicable.
- Existing residential neighborhoods should be protected from incompatible land uses.
- Develop a hierarchy of residential zones with a range of residential densities and residential types needed to support a variety of housing types by location, character and lot size. Residential zoning categories should reflect very low, low, medium and higher density development types, including a new residential zone needed to maintain the very low rural residential density development types already existing in the town's future growth and annexation areas.

## Commercial Land Use Objectives

Recognizing the existing commercial development, within the Town and in its area of influence, other land use patterns and the circulation system, the following commercial land use objectives are recommended in order to support the basic land use concept:

- To develop a viable, efficient system of commercial **uses and intensities** at appropriate locations and in accordance with contemporary design standards. Establish a greater range of commercial zoning categories to support a range of commercial uses by location, character, lot size and traffic or parking impacts needed to support the growth and development concepts outlined in this comprehensive plan. New zoning categories should include the "Old Town Commercial Center" or "OC" district to support commercial development on smaller lot sizes, generally less than one acre in size, in the historic commercial core; the "Limited Commercial" or "LC" district should support commercial and employment uses that meet the daily convenience and shopping needs of the nearby residents, generally on commercial lots less than three acres in size, or are a part of a series of contiguous commercial lots to create a district or node, generally less than ten acres in size; the "Neighborhood Convenience Centers" or "NC" district to support low intensity commercial uses within an approved Planned Unit Development (PUD); the "Commercial Centers" or "CC" district should support more intensive commercial/retail development on commercial lots generally larger than one-half acre in size and located along a major road, or are located within a PUD greater than 200 acres in size; the Employment Center or "EC" district should provide large employment populations, including offices, research, hospitals, and manufacturing uses; and the Rural

Business or “RB” district for limited commercial uses, such as, hotels, agricultural supplies, outdoor recreational facilities, active or passive parks, animal sanctuaries, or vehicular and equipment sales, maintenance and general repairs, requiring municipal water and sewer and located along major highways in annexation areas.

- Emphasize safety, convenience, and attractiveness in all commercial developments.
- Prevent strip commercial development by encouraging clustering of commercial activities at optimal locations.
- Permit convenient neighborhood scale commercial development in residential areas.
- Encourage the revitalization of the ~~central business area~~ **historic commercial core** through cooperative public/private partnerships and by encouraging and facilitating appropriate infill and redevelopment.
- ~~—~~ **To maintain the appropriate use and scale of commercial development in the historic commercial core, the Town should create a new zoning category and designate qualifying parcels in the historic commercial core as “Old Town Commercial Center” or “OC”. Existing Central Commercial zoned parcels along Main Street, Queen Street and Cherry Street should be rezoned to “OC”. The new “OC” zone should also include the remaining R-2 parcels fronting E. Main Street and S. Walnut Street which have not already been incrementally rezoned to Central Commercial.**
- Where appropriate, permit commercial uses to be collocated with other types of uses such as industrial, office or community facilities.
- Where a range of Light Commercial, Central Commercial and/or Light Industrial land uses abut, such as, along East and West Main Street, the Town should consider adjusting the permitted uses section of the zoning ordinance to consolidate permitted uses, and to consolidate the zoning classifications of the various parcels into a single zone to create a district or node, such as, the new Limited Commercial “LC” district. This consolidation will support the assembly of parcels for redevelopment.
- The Town should consider consolidation of the R-2 and Central Commercial zoned properties on the north side of East Main Street, between the railroad right of way and Maple Heights Lane, to create a new “Limited Commercial” or “LC” district. The new “LC” district zoning ordinance regulations should be more supportive for the smaller commercial parcel sizes and create a unified Limited Commercial “LC” district.
- The Town should consider consolidation of the Light Commercial zone property at 224 East Main Street with the larger Central Commercial zoned property to create a new unified “Commercial Centers” or “CC” zoned district.

- The designation of new Employment Centers or “EC” zone, in the northeast section of the Town of Rising Sun Growth Area Map, Map 2, will provide for large employment populations, including offices, research, hospitals, and manufacturing uses.
- The town should consider the creation of a new “Rural Business” or “RB” zoning district to allow for some limited commercial uses in annexation areas along major highways, such as, parcels designated as Business General (BG) on the Cecil County Official Zoning Map. The RB zone would accommodate commercial development on parcels generally larger in scale than the new Limited Commercial district and not allow uses as intensive as the Commercial Centers or Employment Centers district zones. RB zoned parcels must be served, or scheduled to be served, by municipal water and sewer. RB parcels should be 10 acres in size, or less, and any cluster of RB properties, should not exceed 25 acres in size. A minimum distance of 2,500 feet, between RB districts, should be required to prevent strip commercial development.

## Commercial Land Use Policies

- Minimum standards for commercial entrance locations, traffic site lines, landscaping, bufferyards, and other site improvements should be strictly adhered to in site design.
- Where feasible, new commercial development should be located in parks of a campus-like form (with access provided from internal streets) that combine commercial facilities with other types of uses such as light industrial uses or additional community facilities in order to create community focal points.
- When a commercial use abuts a residential property or residential street, landscaping plantings that protect adjacent residential uses will be required.
- The Town will adopt development provisions that permit neighborhood scale commercial establishments at appropriate locations, in large scale, planned residential developments. Neighborhood scale commercial uses will be limited to parcels or areas designated as “Neighborhood Convenience Centers” or “NC” within a Planned Unit Development (PUD). More intense “Commercial Centers” or “CC” will be permitted with PUDs of at least 200 acres in size.
- The Town will adopt commercial design standards that improve the quality and appearance of new commercial development including minimum site landscaping, street tree planting, parking lots layout, and signage standards.
- The Town will work with merchant and/or landlord organizations in the ~~CBD~~ historic commercial core to coordinate public improvements with private investment in buildings and building sites. Commercial uses in the historic commercial core shall be limited to parcels zoned as “Old Town Commercial” or “OC”.

- The Town will avoid commercial intrusion into established residential neighborhoods by strictly limiting conversion of residential structures to nonresidential uses adjacent to the ~~CBD~~ historic commercial core.

## Industrial Land Use Objectives

- Minimize undesirable effects of industry such as smoke, odor, noise, etc.
- Have a variety of attractive, safe, and convenient sites suitable in terms of size, location, physical characteristics of the land, and accessibility to transportation available for desirable new light industry.
- Designate land for light manufacturing and research-office activities. Locate such lands adjacent to proposed highway-oriented commercial centers and other major commercial centers and high density areas.
- Strictly control industrial uses in order to insure high standards of development compatible with the residential nature of the area.

## Industrial Land Use Policies

- Special consideration should be given to the potential negative impacts of existing and proposed industrial facilities on health, safety and welfare of employees and residents of the neighborhood.
- Special consideration should be given to the potential negative impacts of existing and proposed industrial uses on existing and planned public facilities.
- Special consideration should be given to impact of the operation of industrial facilities on the surrounding area.
- New industries will be directed into areas that have access to major transportation routes that provide rapid and safe movement within the County and to sources of supply and distribution of raw materials to points outside the County. This should be achieved within the limits of the existing or planned transportation system.
- The Town should do all it can to insure that adequate community facilities, particularly water and sewerage infrastructure, are available for desirable new industrial uses.
- Where feasible, the Town should encourage new industrial development to locate in industrial parks of a campus-like form.
- The Town will protect land with unique potential for economic and industrial development from encroachment by other land use activities.

## **OPEN SPACE**

### **Open Space Objectives**

- Retain non-permanent open space in predominantly low intensity use until it is necessary and desirable to develop it.
- Where desirable, reserve land in advance in the form of open space for reservoirs and major utility right-of ways as well as land for other basic facilities.
- Provide for a variety of open space areas, recreational facilities and the protection of undevelopable natural areas for the enjoyment and betterment of all existing and future residents.
- Establish a system of public park and recreation areas linked by pedestrian trails to serve the needs of Town residents.
- Reserve land that is subject to flooding and drainage channels for appropriate open space uses.

## **RESOURCE CONSERVATION AND SENSITIVE AREAS**

### **Natural Resource Conservation and Sensitive Areas Protection Objectives**

- Protect water quality and conserve those natural features which make a significant contribution to the character of the Town.
- Adopt a Wellhead Protection Plan and Ordinance to protect the Towns' water sources.
- Maintain the environmental quality of the watershed areas by putting in place protection measures as necessary including limiting development in floodplains, steep slopes, and other sensitive natural areas to protect natural resources.
- Conserve fish, wildlife and plant habitats;
- Conserve forest and woodland resources and, wherever possible, replenished them through tree conservation measures and replanting programs and compliance with the Maryland Forest Conservation Act.
- Coordinate with the Maryland Department of Natural Resources and the U.S. Department of Interior in the protection of rare, threatened, and endangered species habitat.
- Require evidence of Federal and State environmental permits as a condition of local development approval.
- Plan and locate development to minimize destruction of the area's natural features. Ensure that the landscape is preserved in its natural state, insofar as practical, by minimizing tree and soil removal.

- To encourage property owners to place environmentally sensitive lands under conservation easements through national, regional, State and local land trust organizations.
- To assure that proper stormwater management and sediment and erosion controls are enforced. .
- Encourage the continued growth of Rising Sun in a manner that will conserve its significant natural features by requiring proper planning and design techniques.

## TRANSPORTATION

### Transportation Goals

- Provide a public transportation program that meets the needs of the population for safety, mobility and access to facilities and opportunities and assures the effective and economical movement of people and goods within and through the Rising Sun area.

### Transportation Objectives

- Provide a coordinated system of major roadways and local-streets that will best serve the Town and its immediate environs in accordance with the *Rising Sun Comprehensive Plan* and County, State and regional transportation objectives. Plan improvements to the Town's street network to correspond to and support the overall Land Use Plan.
  - Minimize congestion in the Town by providing by-passes and peripheral roads for through traffic and working in conjunction with the State Highway Administration to control truck traffic on MD 274.
  - Improve the visual quality of Town streets through such as things as landscaping, improved signage and special street furniture.
- Maintain and enhance the quality of the existing road system.
    - Coordinate transportation planning and programming with all appropriate state and regional agencies.
    - Set level of service policies that reflect the community character objectives for the planning districts.

Encourage use of existing and planned transit and other ridesharing services to reduce travel on the highway system.

## Transportation Policies

- Land developers should pay for any alteration, improvements or additions to public streets and other transportation facilities that will be needed to support the proposed development and will not be provided through normal Town capital improvement programming, including but not limited to streets, entrances, deceleration and turning lanes, and "park and ride" lots.
- The Town will give priority to upgrading those streets that have weight restricted bridges or streets that are of inadequate width for fire equipment to safely transverse at higher speeds, to a condition that permits adequate emergency response times.
- The Town will not permit development that creates a traffic or safety hazard on roads serving the development unless the developer funds and/or constructs necessary improvements to the off-site access roads.
- Where possible and appropriate, existing roads and highways should be improved and new linkages built to support the Town's transportation objectives. Responsibility for these improvements should be proportionally and equitably shared by the public and private sectors.
- Roadway capacity on County and State roads should be conserved by limiting and controlling future access points.
- Strip forms of development should be discouraged. Access onto major public roads should be reduced whenever possible.
- When new roads are built by the public or private sector, the roads should be constructed with an appropriate design which is suited to the road's primary function.
- New roadway construction and major improvement projects for existing Town streets should be scheduled as part of an overall Capital Improvements Program.
- The Town should work with the State Highway Administration to ensure that improvements to major State Highways in the area will allow these routes to continue functioning as important components of the local transportation system.
- The Town should promote alternatives to driving alone and encourage the State to inform citizens of the public and private monetary and environmental costs of continued dependence on autos.
- The Town supports providing bicyclists and pedestrians safe, convenient, and inviting routes and walkways between activity centers.
- The Town will promote safe and convenient access for people to transportation systems and ensure that there is adequate access from individual properties.

- The Town will plan for adequate rights-of-way taking into account existing and future development and proposed alternative transportation support facilities and programs.
- All developments will have adequate access and circulation for public service vehicles, but actual paved street sections should be as narrow as possible to maintain a human scale.
- The Town encourages the use of recycled materials (recycled/crushed concrete, bricks and blocks) whenever possible when making right-of-way improvements.
- The Town encourages the use of alternative fuels (re-refined oil, electric, and compressed natural gas powered cars) to save energy resources.
- The Town will work with the State and adjacent jurisdictions to coordinate the land use and transportation elements of the Comprehensive Plan in order to achieve the reduction in drive alone rates.
- Traffic and roadway planning initiatives will be coordinated with emergency management agencies including development and maintenance of an emergency evacuation plan for use in the event of severe weather or catastrophic event.
- At the appropriate time, the Town will explore the feasibility of improved transit service for area residents and encourage such services when needed and economically feasible.
- The Town will require that the configuration of new street and road connections in undeveloped areas assure connectivity to the overall street and highway system.
- New local access streets serving commercial land uses should provide safe and convenient access and be designed in a way that preserves or contributes to the land use they are serving.
- New residential streets serving residential neighborhoods should be designed to ensure that the streets: provide safe and convenient access for motorists, pedestrians, cyclists, and emergency vehicles; maintain the integrity of the land uses and streetscapes they are serving; provide access within new neighborhoods and to adjacent neighborhoods, shopping areas, and schools; and manage vehicular traffic volumes, and minimize speed, required local travel distances, and congestion.

## **COMMUNITY FACILITIES**

### **Community Facilities Goals**

#### General

- Insure adequate public facilities and services for Town residents.
- Insure orderly and progressive growth and the provisions of vital municipal services

through the staging and guiding development, particularly on vacant lands adjacent to the Town.

- Provide appropriate staffing and expertise to insure adequate and timely development project reviews by the municipal government.

## **OPEN SPACE AND RECREATION**

- Establish local parks within easy access of Rising Sun's present and future residents.
- Provide for an open space system of sufficient size and location qualities in order to meet the complete range of recreation activities.

### **Open Space and Recreation Objectives**

- Insure that human needs for physical refreshment and outdoor recreation are accommodated.
- Where possible link the park system to community activity centers and residential neighborhoods with pedestrian trails.
- Provide for an Open Space system of sufficient size and locational qualities in order to meet the complete range of recreation activities.

### **Open Space and Recreation Recommendations**

- Adopt a Town park, recreations and open space plan that includes greenways, trails, active and passive recreation areas. Implement the plan through a combination of public and private efforts, including developer exactions of land and improvements.

### **Police and Fire Protection Goals**

- Adequate levels of police, fire and emergency medical response. Police and Fire Facilities Objectives
- To accomplish its basic mission by providing service to all areas of the Town with appropriate facilities, manpower, and equipment distributed according to need.
- Support the local volunteer fire department-Community Fire Company of Rising Sun.

### **Health Facilities Goals**

- Adequate health care facilities to service the needs of Town residents. Health Facilities Objectives
- Provide for areas for development of professional medical facilities.

- Cooperate with the County and State in the improvement and provision of public health facilities and services within the Rising Sun area.
- Cooperate with the County and State in the development of local health centers in those areas where the gap between health needs and available facilities and services is the greatest.

## Utilities Goals

- Adequate public utilities to service the needs of Town residents  
Utilities Objectives
- Maintain and ensure the continued improvement of the Town's water and sewer facilities.  
  
Ensure that all future development within and outside the Town is adequately served with water, sewer, storm drainage and other utility systems in an economic and coordinated manner.
- Control future development patterns by phasing areas to be serviced by water and sewer.
- Cooperate with respective county and state agencies in the development of adequate and coordinated utility systems in the land areas adjacent to the Rising Sun Planning area.

## Library Facilities Goals

- To help insure the availability of public library facilities to the whole population of the Rising Sun area.
- To stress the relationship of libraries to other programs aimed at achieving the Town's objectives of improving the environment and broadening cultural opportunities.

## HOUSING

### Housing Goal

- To provide for varied housing needs as evidenced by the Town's population composition, existing and projected, and to provide for a living environment that is healthy, safe and attractive.

### Housing Objectives

- Preserve housing in good condition from replacement by other uses or public facilities unless a greater public need would be served by such action.
- Encourage continued maintenance and upkeep of existing housing and stimulate the replacement of housing that becomes unfit for human habitation.

- Provide a balanced housing stock with housing opportunities for all Town residents.
- Encourage the development of affordable housing for all Town residents.
- Improve housing conditions for all the Town's residents, especially the disadvantaged population.

## Housing Policies

- A variety of housing types should be provided for in the Town's land use controls.
- The Town will encourage the use of innovative programs to provide a suitable mix of housing types in affordable price ranges.
- The purpose of Town housing and building codes is to insure high standards of quality in new construction, but with sensitivity to housing affordability.
- The Town will continue to encourage, through both private and public actions, the renovation or removal of substandard housing.
- The Town will continue to encourage, through both private and public actions, an opportunity for families to live in adequate homes in price ranges that are affordable.
- The Town will create a range of residential zoning districts to support a variety of housing types by location, character and lot size to support very low, low, medium and higher density residential development.

## HISTORIC AND CULTURAL RESOURCES

### Historic and Cultural Resources Objectives

- To encourage identification, preservation, and restoration of historic buildings within the Town, regardless of location.
- To seek out federal and state funding programs which might be used to assist restoration and upkeep of the buildings.

### Historic and Cultural Resources Policies

- The Town supports promotion of historic sites through tourism efforts and business services that are complementary to historic areas.
- The Town Commissioners support efforts of preservation and cultural organizations in the Town and encourage open communications between those same organizations.
- The Town encourages school and community participation in historical resource management programs through education and public awareness.

## RECOMMENDATIONS - COMMUNITY DESIGN

Much of the CAC's concern for maintaining Rising Sun's special character led to discussion of the characteristics of new development and how to integrate the new with the old. The CAC concluded that the design of new development should reinforce Rising Sun's unique identity and promote character in the town and landscape by responding to and reinforcing locally distinctive patterns of development, landscape and culture. New neighborhoods should have a focal point that provides a distinct identity for the neighborhood while at the same time blending in with the overall character of the Town. Design standards for new communities should provide for a central and integrated location with equal access from the surrounding neighborhoods to serve as the community focal point.

Growth should result in a Town that has a clear image and a form that is easy to understand. To achieve this, we must insist on legibility through development that provides recognizable routes, intersections and landmarks to help people find their way around. Places where form, layout, and way finding devices make them easy to understand are likely both to function well and to be pleasant to live in or visit.

An enduring positive quality of Rising Sun is its socio-economic diversity. New development should continue the theme of Rising Sun as a place with variety and choice. We can promote diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs. Development regulations should require diverse neighborhoods that provide for a broad mix of uses and housing types. We should foster neighborliness in Rising Sun by insuring attractive and successful outdoor areas. New development, infill, and redevelopment should provide for and enhance public spaces and routes that are attractive, safe, uncluttered and work effectively for all society, including disabled and elderly people.

Rising Sun should be a place that is easy to get to and move through. We can help insure access and local permeability by requiring new developments connect with each other and by requiring development designs that integrate well with the overall land use and transportation plans for the Town. A network of pedestrian and bike trails and greenways should be implemented so that people can travel safely throughout the Town and adjoining areas without relying on the automobile.

If change is inevitable, Rising Sun should be a place that changes easily. We should be cautious of allowing development that is not readily able to adapt and respond to changing social, technological and economic conditions. We should be mindful that fine grain, small scale development is easier to adapt than large-scale mega-structures.

The public realm, which includes streets, sidewalks, open space, parks, community buildings, etc., makes up a large part of any development. If we are successful in achieving the qualities we desire in the physical definition of streets and public places of shared use, we will have accomplished many of the community character objectives we endorse. Rising Sun should be known as a place where public and private spaces are clearly distinguished. This can be accomplished by insuring that design of street frontages and the enclosure of space by development clearly define private and public areas.

A large part of the character of Rising Sun is the result of the natural features that permeate and surround our community. Development regulations (and the enforcement of those regulations) should insure a collective ecological responsibility. We should continue to vigorously apply regulations and standards to preserve natural resources, trees, water areas, etc., protect sensitive environmental areas, manage run-off to minimize damage to water quality, and when appropriate mitigate any negative impacts on land, air, water vegetation and energy.

To achieve these design objectives the CAC concluded that development regulations and standards should be revised to require all new residential development reflect "smart neighborhood" and place making principles. Specifically, new residential development should consist of well-planned, mixed-use neighborhoods that include:

- a range of housing types and densities;
- compact design;
- interconnected streets designed to balance the needs of all users, with sidewalks and on-street parking;
- open spaces integral to the community;
- location adjacent to the Town; and
- designed to extend the Town into new areas in a manner that insures development that is consistent with and complimentary to the existing Town character.

All new residential developments should be required to be designed as mixed-use, planned neighborhoods or master planned communities. Conventional subdivisions should only be permitted upon a compelling demonstration that it is in the best interest of the Town to do so. To accomplish this end, the Town should adopt Planned Neighborhood (PN) or Planned Unit Development (PUD) zoning provisions and require all annexed lands and large-scale in town project be developed as PNs (see Attachment C sample Planned Neighborhood Ordinance). The PN or PUD should be based in design policies and objectives (much like the one articulated above) that appear in the Comprehensive Plan.

## **RECOMMENDATIONS - LAND USE**

The CAC mapped land use recommendations which are shown on Map 1. The CAC did not recommend any major changes to the existing land use plan within the corporate area with the exception of extending a small area of "Highway Commercial" south of MD 274. The consensus opinion of the CAC members was that it continues to be in the best interest of the Town to have its land use plan map reflect the ultimate build-out of the Town, i.e., beyond the year 2030, and to identify areas adjacent to the Town boundary in which Town and County land use policies should be coordinated. The population estimates are fully developed in Attachment B.

However, as described in detail in the Water Resources Element, sewer capacity constraints combined with severe funding limitations at this time preclude the timely provision of sufficient

wastewater treatment capacity to address this theoretical phased growth scenario. Accordingly, in the short term, the Town will focus its efforts on meeting the requirements imposed by the Maryland Department of Environment to bring the current wastewater treatment plant into compliance. Available capacity will be directed to completing the construction of currently approved projects within Town that are presently under development moratorium. Any additional capacity will be prioritized to facilitate infill and redevelopment needs. The third priority will be to serve limited development on parcels shown in the Municipal Growth Element to be priorities for potential annexation. **The town should consider creating a new commercial zoning district, such as, Rural Business, to support the potential annexation of existing County zoned commercial properties, in the rural areas, without also expanding the range and intensity of commercial uses generally allowed in the Central Commercial zone.**

The CAC recognizes that Phase III Includes land currently planned for conservation (Kilby, Inc. property), which classification the CAC feels may not endure long term and should be planned as part of the Rising Sun growth area. The "growth" plan also includes a land use category entitled "Mixed-Use Employment" area. The Mixed-Use Employment area is targeted as a location for development of business and light industrial uses in park-like setting. Believing that it is important for the Town to balance population and housing growth with employment growth, the CAC did not specify when this area should be developed, only that expansion across US Route 1 should follow development of employment uses south of US Route 1. Worthwhile employment uses should be encouraged in these locations whenever possible. **The new Employment Center zone should support this area.**

The Land Use Plan also includes a category entitled "Infill" which consists of intervening lots and small parcels. Similar properties may be annexed in the future to resolve failing septic systems problems and/or to achieve contiguity.

Included in the category, "Park and Open Space" are two areas (in and out of Town) that may be used for regional stormwater management. Future development on these sites should include this consideration.

Map 2 reflects the staging of water and sewer facilities consistent with the land use plan recommendation. In addition, this map includes a recommended Priority Funding Area (PFA) boundary that is congruent with the Growth Area boundary.

## CHAPTER 4 – Land Use

### INTRODUCTION

The Land Use Plan Element is the most important element of the Rising Sun Comprehensive Plan in that it establishes the relationship between the town's existing pattern of development and the location, distribution and scale of future development. It also influences the location and timing of public facilities and transportation system improvements. The enhancement of specific township qualities, preservation of rural character, and protection of natural resources is achieved by all elements of the Comprehensive Plan with the land use element serving as the cornerstone. The cost-effective provision of roads, water and sewer facilities and other public services cannot be assured without a clear means of managing growth by directing it to specific areas where development infrastructure already exists and away from rural areas of the township where it does not exist. The Land Use Plan provides that means.

The Land Use Plan element of the Comprehensive Plan is where the various planning goals and objectives and chapters on specific topics must be integrated into a comprehensive whole. The way in which land use districts are mapped, their infrastructure requirements, the objectives established for resource protection, definition of community character, and provision of public facilities and transportation improvements must all be integrated into the Comprehensive Plan through the land use plan. In short, more than any other single plan element, the land use plan captures a future vision of the Town's development pattern. Finally, the land use plan is a fundamental extension of town growth management philosophy and illustrates the spatial land development implications of growth management policy.

The purpose of this section is to advance recommendations concerning land use development guidelines within the Town of Rising Sun. It is a guide to the proper direction of future development as well as maintaining and improving the existing environment. Included in subsequent sections of this report are proposals for circulation and community facilities, which although presented separately are closely related elements of the Land Use Plan.

The Rising Sun area maintains a rural character. Agricultural use and forests comprise a large percent of the area outside the incorporated limits. Based on information gathered for a recent water study, the land use in the watershed was categorized as shown in the following figure.

The location and form of recent growth within the Town has been influenced by growth pressure originating in the Wilmington-Newark, Delaware area, and to a lesser extent, from Baltimore. Nearby highways such as I-95, US 40, and US 1 provide relatively easy access to employment in these urban areas.

The land use plan for the Town defines nine (9) land use districts (See Map 1). These districts recognize existing land use patterns and are responsive to the Goals and Objectives of the Comprehensive Plan. Each district emphasizes a particular intensity of land use or resource and allows an appropriate mix of development consistent with the principle goals of the district. The nine districts and the guidelines attached to them are intended to serve as a guide to the comprehensive rezoning of the Town. **In 2018, the Planning Commission evaluated the Comprehensive Plan and Zoning Ordinance to recommend and support the comprehensive rezonings outlined in these text amendments.**

The land use proposals that follow refer to lands both within the Town limits and surrounding areas outside the limits. The recommended Growth Area land use plan (Map 2) recommends residential density levels that are in harmony with present County planning objectives and the location of commercial and industrial land uses consistent with the planning objectives of the Town.

## EXISTING LAND USE

Cecil County’s 2007 GIS land use data set indicates that approximately 1040 acres are located within the corporate limits (see Table 4.1). A little over one quarter of the land area of the Town is in residential use in 2009. If we consider that the majority of the land classified as agriculture will be available for conversion to residential, the residential land use category could become as much as 65 percent of the total land. Employment related land uses, i.e., commercial and industrial comprise approximately 11.5 percent of the total land area of the Town. Town-owned, county-owned, institutional (e.g., school property) and semi-public uses like churches and civic organizations, make up approximately 8.5 percent of the land area of the Town.

**Table 4.1 - Existing Land Use - 2009**

LAND USE	ACRES	PERCENT
Very Low Density Residential	2	0.4
Low Density Residential	55	5.3
Medium Density Residential	185	17.8
High Density Residential	39	3.7
Commercial	104	10.0
Industrial	16	1.5
Institutional	34	3.3
Other Developed Lands	54	5.2
Agricultural	392	37.7
Forest	124	11.9
Water	17	1.6
Wetlands	17	1.6
(one acre lost to rounding errors)		
<b>TOTAL</b>	<b>1,040</b>	<b>100%</b>

Source: Cecil County 2007 land use data layer

## LAND USE OBJECTIVES

The following overall objectives should be pursued by the Town for the achievement of a balanced land use plan consistent with sound planning principles, local need and in harmony with regional influences:

- To encourage greater recognition by all citizens that land is a finite resource and its wise use and effective conservation is essential for the survival of existing and future generations *(Note: This objective is consistent with Vision 4 of the Planning Act, “stewardship of the Chesapeake Bay and the land is a universal ethic”)*

- *To encourage the continued growth of Rising Sun in a manner that will preserve its significant natural features by requiring proper planning and design techniques for future development in order to be more sensitive to environmental concerns (Note: This objective is consistent with Vision 2 of the Planning Act, "sensitive areas are protected").*
- To establish strong protective measures to help stabilize, protect and enhance the substantial residential development and neighborhoods in the town.
- *To integrate land use and the street and highway network to provide for the logical continuation and improvement of existing streets and highways in proper coordination with State and municipal facilities currently in existence.*
- *To provide for a variety of open space areas, recreational facilities and the protection of undevelopable natural areas of the town for the enjoyment and betterment of all existing and future residents*

## **RESIDENTIAL LAND USE**

The residential land use plan indicates areas that should be maintained in, or reserved for, residential use. This is particularly important since the level of community facilities that will be needed to serve the Town's residential population is dependent upon the recommendations regarding density, location and distribution of dwellings.

### **Residential Land Use Objectives**

In order to insure safe, livable residential neighborhoods (new and old) the following residential objectives are established:

- To prevent development on land that is not suitable for residential development because of soil characteristics, water table, or other faults from being developed.
- To locate residential development convenient to services and amenities.
- To encourage residential development reflecting good design practices that will make efficient use of available land and produce attractive subdivisions and other development.
- To protect residential areas from encroachment by incompatible land uses.
- To encourage energy conservation in residential development, to establish subdivision and zoning regulations to accommodate techniques that achieve greater energy efficiency

*(Note: This objective is consistent with Vision 5 of the Planning Act, "conservation of resources, including a reduction in resource consumption, is practiced").*

## Policies

The development policies proposed by this Comprehensive Plan are designed to address the above objectives. The following are recommended policies for residential development.

- 1 The density of **new** residential development should be based on the availability of community facilities **and the character of the assigned zoning district.**
- 2 Developments should be evaluated with regard to the availability of, and impact on, public facilities and town services.
- 3 Adequate recreational facilities and open space should be required as part of new residential developments where applicable.
- 4 Residential areas should be protected from incompatible land uses.
  - A. Through traffic and heavy vehicles should be prevented, where possible.
  - B. In-fill development and redevelopment should be encouraged where appropriate.
  - C. Land development regulations should reflect proper design standards including landscaping and street tree requirements.

The main characteristics of the land use districts are summarized below.

### **Predominantly Single Family District (~~PSF~~)**

The intent of **the Predominately Single Family District, or ~~the~~ the R-1 and the new Town Rural Residential (RR) zoning districts ~~is~~ are** to provide for low-density single-family detached residences and supporting uses. **The ~~is~~ R-1 zones ~~is~~ are** located in areas of the Town where low-density single-family development patterns are generally established or where services and facilities will be adequate to serve the anticipated population. This zone is designed to secure for residents a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts. **The ~~PSF~~ Predominately Single Family =District** is also intended to provide for minor in-filling of existing neighborhoods consistent with the existing character. Density in the **~~PSF~~ Predominately Single Family District** should be maintained in the 2 - 4 dwelling units per acre **in the R-1 and 1 – 1.5 dwelling units per acre in the RR.** Once annexed to the Town, areas of the County to the southwest, southeast and east of the town limits are also suggested for residential development in a similar R-1 density range. **Existing rural residential development in the Town future growth area or annexation area, with County RR zoning, may be annexed as Town RR, provided they are connected to Town water and sewer upon annexation. If the County grants a density waiver during the annexation process, then these areas would be eligible for R-1 zoning. R-1 properties must be served, or scheduled to be served, by municipal water and sewer.**

Encouragement of cluster development in the **~~PSF~~ Predominately Single Family District** and adjoining county areas should be evaluated in an attempt to obtain a varied landscape and balanced community. Cluster development is an innovative technique that protects the

environment and fosters economic development. The ~~PSF~~ **Predominately Single Family** District should be designated for cluster development under the town zoning scheme, where appropriate. Since there is sufficiently large vacant areas suitable for residential development in those areas of the County planned for this land use classification, it is suggested that the cluster development form be utilized to the maximum extent possible to preserve and effectively use each site's natural amenities.

Cluster development can be utilized as a development option in appropriate instances where the preservation of flood plains, steep slopes, forests, wooded areas, etc., is to the benefit of the area. Basically, clustering is a pattern of development wherein housing sites are grouped somewhat close together around access courts with the remainder of the residential subdivision tract left in its natural state. Lot sizes may be reduced, permitting the housing sites to be clustered. However, the number of lots and the overall density of development remains in agreement with the overall intent of basic zoning classifications for area. For example, under conventional zoning practices, a ten-acre area zoned for ten similar sized one-acre building lots would, under cluster development, retain the same development density of ten units, but these units would be more compactly arranged to provide for more common open space.

Review of the existing zoning map (2018) by the Planning Commission identified fifteen R-3 zoned parcels along the west side of Mount Street that meet the predominately single family district characteristics but are not zoned as R-1, consistent with adjacent R-1 zoned land. These fifteen parcels have been developed as single family residential units and should be considered for R-1 zoning to maintain the character of the existing development and the single family residential abutting along Mount Street.

## **~~Prodominantly~~ Multi-Family Districts (~~PMF~~)**

The ~~R-2 and R-3~~ ~~PMF~~ zoning districts are primarily for multi-family dwellings and supporting uses. Within these Districts, a variety of housing-types -- including single-family, two-family, duplexes, townhouses, and apartments -- are encouraged in order to provide for a mix in housing prices, household size, age groups, and lifestyles. Residential cluster is encouraged for development on minimum lot areas to provide for additional open space for common use by local residents as well as by the adjacent community. Recreation, health, and social service facilities for the elderly and handicapped are also encouraged in this zone.

~~Multi-Family~~ ~~PMF~~ Districts also includes certain vacant lands abutting the southeastern portion of the town's business district, and lands adjacent to the intersection of the U.S. 1 Bypass and MD 276. It is suggested that maximum flexibility be encouraged in achieving dwelling unit variety and distinguished site design within these designated medium-high density areas.

Review of the existing zoning map (2018) by the Planning Commission identified four areas that meet the predominately ~~multi family~~ multifamily district characteristics but are not zoned as R-2 or R-3.

Existing Light Industrial zoned lands along Colonial Way have developed in non-traditional light industrial uses and those lands and existing vacant Central Commercial lands should be considered for designation as medium-high density residential areas, such as, the adjacent R-2 zoned parcel to the east.

415 Mount Street is developed as a single family unit and is zoned R-1. Similar abutting parcels, to the north and east, have an R-2 zoning classification. Abutting parcels to the east and south are zoned R-3. This parcel should be considered for R-2 zoning to eliminate a 'spot' zoning. The R-2 zoning would allow the existing single family use to continue as a conforming use but would allow the parcel to benefit from the R-2 zoning classification.

106 Mount Street is developed as two multi-family apartment units, on three abutting parcels of land. Two of the parcels have an R-3 zoning classification. The parcel in the center contains parking/access for the two apartment units but has an R-1 zoning. The center parcel is also part of the larger Rising Sun Middle School parcel to the west. This center parcel should be considered for R-3 zoning to support sufficient land area needed to maintain a multi-family development.

414 and 422 N. Walnut Street are developed as single family units and are zoned R-2. Abutting parcels to the north, south, and west are zoned R-3. These parcels should be considered for R-3 zoning to eliminate a 'spot' zoning. The R-3 zoning would allow the existing single family uses to continue as a conforming use but would allow the parcel to benefit from the R-3 zoning classification.

31 Pearl Street is developed as a single family unit and is zoned R-3. Similar abutting parcels to the north and east are zoned R-2. This parcel should be considered for R-2 zoning to eliminate a 'spot' zoning. The R-2 zoning would maintain the existing character of the adjacent R-2 zoned properties.

In addition, it is proposed that the vacant lands south of the town be encouraged to develop diversified housing types through "Planned Unit Development" (PUD) techniques or other applicable planned residential development options which allow flexibility in site design (capitalizing on natural amenities of an area) and housing type (permitting varied housing units in a suitable site relationship). The PUD areas are suggested at a low-medium and a medium-high density range (1-6 dwelling units/acre)

In order to meet varied housing needs as evidenced by the town's population composition, (existing and projected) the predominant concerns appear to be:

- A large segment of the present and future population in the family bearing age group.
- An increasing segment in the future will be in the over 60 age bracket.

It is suggested that within the town limits and immediate adjacent areas residential land use plans cater primarily to the bulk of its population needs (25-44 age bracket) with consideration for accommodation to the over 60 age bracket. This item suggests a policy that allows, in a limited and controlled fashion, the introduction of the following housing types:

- Semi-detached
- Patio Townhouses
- Garden Apartments

## COMMERCIAL LAND USES

The basic concept of the commercial land use plan is to meet the needs of the whole community through the provision of adequate commercial facilities. Commercial activities, by their very nature, take on varied forms and characteristics with differing land, locational and trade area requirements. As an overall concept of development, a hierarchical system of commercial facilities is recommended. That is, commercial facilities are geared to specific trade areas, providing essential services which do not compete with one another. **To achieve this objective, the Town should create a range of commercial zoning districts to better protect and promote existing commercial areas and to direct future commercial opportunities.**

### Commercial Land Use Objectives

Recognizing the existing commercial development, within the Town and in its area of influence, other land use patterns and the circulation system, the following commercial land use objectives are recommended in order to support the basic development concept:

- Emphasize safety, convenience, and attractiveness in all commercial developments.  
Prevent strip commercial development by encouraging clustering of commercial activities at optimal locations.
- Protect existing and future residential development from the close proximity of intense commercial activity.
- Provide convenient neighborhood scale commercial development in residential areas.
- Improve the quality and appearance of new commercial development within the Town.
- Establish a cooperative public/private partnership for the benefit of the ~~Central Business District~~ **historical commercial core**. Maintain a clear distinction between the ~~CBD~~ **historical commercial core** and adjacent residential areas.
- Establish a hierarchy of commercial zoning districts, such as, a new “Old Town Commercial Center” or “OC”; a new “Neighborhood Convenience Centers” or “NC” zone for limited commercial uses in the Planned Unit Development or “PUD” developments; a new “Limited Commercial” or “LC” zone for smaller commercial parcels; a new “Commercial Centers” or “CC” zone for larger and more intensive commercial development; a new “Employment Center” or “EC” zone in future growth areas; and a new “Rural Business” or “RB” zone for existing limited commercial development or nodes in future growth areas.
- Integrate smaller Light Commercial District or Light Industrial District zoned parcels with adjacent Light Commercial or Light Industrial zoned parcels to maximize business expansion opportunities. Consider renaming the zone or district in the zoning regulations as “Limited Commercial” or “LC” to recognize a merger of Light Commercial and Light Industrial uses. Consider renaming the Central Commercial District to

“Commercial Centers” in the zoning ordinance to recognize the change in the hierarchy of commercial zoning districts.

## Commercial Land Use Policies

Minimum standards for commercial entrance locations, traffic site lines, landscaping, bufferyards and other site improvements should be strictly adhered to in site design.

Where feasible, new commercial development in the Commercial Centers “CC” or Employment Center “EC” districts should be located in parks of a campus-like form (with access provided from internal access streets) that combine commercial facilities with other types of uses such as light industrial uses or additional community facilities in order to create community focal points.

When a commercial use abuts a residential property or residential street, landscaping plantings that protect adjacent residential uses will be required.

Review of the existing zoning map (2018) by the Planning Commission identified undeveloped Central Commercial zoned lands along Colonial Way, which is not a major roadway. Undeveloped Commercial Center zoned land should be considered for other uses, such as, medium-density residential to facilitate the character of new and adjacent development.

The Planning Commission reviewed the existing Central Commercial zoned lands along Buckley Avenue, which is not a major roadway, and are surrounded by R-2 and R-1 zoned land. These parcels should be considered for the new “Limited Commercial” or “LC” zoning to support the continuation of existing uses on these parcels and to ensure that future commercial activities and uses are in character with the smaller existing parcel sizes and adjacent residential character.

The Planning Commission also identified the need to create a new “Rural Business” commercial zoning category that did not automatically expand the range of commercial uses in the future growth area, through annexation.

The Town will adopt development provisions that permit neighborhood scale commercial establishments at appropriate locations, in large scale, planned residential developments.

The Town will adopt commercial design standards that improve the quality and appearance of new commercial development including minimum site landscaping, street tree planting, parking lots layout, and signage standards.

The Town will work with merchant and/or landlord organizations in the ~~CBD~~ historic commercial core to coordinate public improvements with private investments in buildings and building sites.

The Town will avoid commercial intrusion into established residential neighborhoods by strictly limiting conversion of residential structures to non-residential uses adjacent to the ~~CBD~~ historic commercial core.

A system of commercial areas or business centers implies a concentration and categorization of business activities. It is recommended that the size and character of each center, containing retail stores and consumer services, be closely related to the needs of its market and surrounding

development. It is further suggested that the strip form of commercial development be discouraged in favor of planned clustering of business activities.

In planning for a diverse system of complimentary business centers some consideration will need to be given toward developing appropriate commercial development standards which are in harmony with established community planning principles. As a general background for this section of the plan, it is important to note the difference between various types of commercial facilities proposed for Rising Sun and vicinity. To reduce the possibility of confusion, a general classification has been made of ~~four-six~~ distinct ~~shopping-commercial~~ center types: the **Old Town Commercial Center**; **Limited Commercial**; the **Neighborhood Convenient Centers, within Planned Unit Developments**; ~~the Highway-Oriented-Commercial Centers~~; **Rural Business**; and ~~Mixed-Use-Employment~~ Center.

## **Old Town Center (TC)**

This is the existing main business area of Rising Sun which services the Town as well as the surrounding area. The purpose of this district is to provide appropriate locations for select commercial activities. Provision should be made for accommodation of a wide range of business pursuits, retail sales and office and service activities which serve the needs of citizens of the area. The district is designed to preserve, and to encourage the continued development, as well as redevelopment, of the ~~Central Business~~ **Old Town Commercial** area consistent with the unique land use mix which currently exists. Generally this ~~district~~ **area** covers the historic commercial center of the Town and as such is intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than associated by incidental light and noise of congregation of people and passenger vehicles. This ~~district~~ **area** also provides for some residential uses.

The ~~Old Town's central business~~ **Old Town's center** ~~area~~ **area** needs to be revitalized. The ~~Town's center~~ **area** presently is adequate to serve the existing population. However, with the influx of more families into the area, certain aspects of the Town need to be strengthened. In particular the following are suggested for the ~~Old Town Center~~ **Old Town Center** ~~area's~~ revitalization:

- The principle of concentration of uses in the center of Town is recommended. Scattering commercial areas along the principle streets in Town is rejected as a planning alternative. Concentrating uses closely together provides ease of access for shoppers, convenience of parking and shorter distances for carrying packages for the consumer.
- Providing an attractive and pleasing environment by rehabilitating existing stores, to make them physically attractive, establishing attractive landscaped areas, walkways, and street furniture.
- Providing accessible off-street parking areas and minimizing traffic on streets adjacent to stores to allow safe street crossings for the pedestrian.
- Orienting the town center to the pedestrian and not to the automobile in that the center is made easy to reach by auto and made safe, efficient and attractive for the shopper with minimum intrusion possible by the ubiquitous automobile.

- Creating a new zoning district, such as, the “Old Town Commercial” district or “OC” to support the continued commercial use and revitalization of the area.

## Neighborhood **Convenience Centers (NC)**

The Neighborhood **Convenience Centers** features primarily convenience goods, and personal services, (food, drugs, sundries for everyday needs and possible gasoline or auto service station). The characteristics of a neighborhood **convenience** center is that it is within a few minutes walk or drive from the residential area. Usually there are anywhere from two to six stores in such a center.

Neighborhood **convenience** centers serve residential areas **with a Planned Unit Development or “PUD”**. It is proposed that residential areas of sufficient population and documented need contain individual neighborhood centers that include other facilities such as day care centers and playgrounds.

## Highway-Oriented ~~Center~~ **Commercial (HO)**

~~These is commercial uses center is are~~ located on a major road. This type of center provides space for quality auto-oriented uses such as a drive-in bank, cleaners, Seven-Eleven Store and other similar types of establishments. The intent of this District is to provide for the local and regional oriented business with a variety of office and commercial uses that are not suitable for location in **the Old Town “OC” or Neighborhood Convenience Center “NC” other zones. Highway Oriented Commercial** ~~This zones is are~~ primarily automobile accessible and allows for more intensive uses **and include the Limited Commercial “LC” and Commercial Centers “CC” than the TC or NC Districts.** The ~~new HO~~ **Limited Commercial “LC” and Commercial Centers “CC”** ~~Districts~~ should be located adjacent to major transportation routes in locations where new development can be grouped with existing compatible development.

Highway-oriented centers should be designed so as to cluster the commercial uses as a unit, with special access drives and well-planned parking areas to avoid congestion on adjacent streets. In addition, landscaped buffers, as well as imaginative site and architectural design, should be encouraged within these areas.

**In future annexation areas, existing commercial zoned properties, or nodes, should be considered for the new Rural Business “RB” zone. The Rural Business zone would support existing commercial development without expanding the range of commercial uses that are permissible in the Central Commercial zone. Uses could include, hotels, agricultural supplies, outdoor recreational facilities, active or passive parks, animal sanctuaries, or vehicular and equipment sales, maintenance and general repairs.**

**RB zoned parcels must be served, or scheduled to be served, by municipal water and sewer. RB parcels should be ten acres in size, or less, and any cluster of RB properties, should not exceed 25 acres in size. To limit strip commercial development along major roads, a minimum distance of 2,500 feet, should be required.**

## **Mixed-Use Employment Center (MU)**

The Mixed-Use Employment Center is not mapped, but provisions should be made in the zoning ordinance for such uses at appropriate locations and under appropriate conditions and designated as “Employment Center” or “EC”. The Mixed-Use Employment Center is generally located in the northeast section of the Town of Rising Sun Growth Area Map, Map 2. The Mixed-Use Employment Center would combine shopping facilities with business and light industrial uses as well as community facilities such as a library branch and meeting areas to compliment the planned residential area surrounding it. The Mixed-Use Employment Center should provide convenience shopping facilities as well as some light industrial and research facility buildings for those residents living within a planned development. Basically, it would be a large neighborhood employment center. Also, such facilities as a branch library could be located in this center.

## **INDUSTRIAL LAND USE**

The purpose of the Industrial District is to establish appropriate areas that will be held out for light and necessary supporting accessory uses and facilities. Business and industrial sites should be large enough to be designed as industrial parks that complement surrounding land uses by means of appropriate location of buildings and service areas, attractive architecture, effective buffering, and substantial site landscaping. Also, locating industrial uses adjacent or near commercial areas will tend to stimulate the activities within the commercial areas.

The basic industrial land use plan concept is derived mainly from the likely demand for light industrial facilities. The purpose of this District is to provide areas in which the principal use of land and buildings is for business services, light manufacturing and assembly plants, processing storage, warehousing, wholesaling and distribution. It is the intent that permitted uses be conducted so that noise, odor, dust, and glare of each operation is confined within an enclosed building.

### **Industrial Land Use Objectives**

Minimize undesirable effects of industry such as smoke, odor, noise, etc., in efforts to reduce hazards to public health and safety.

Have a variety of attractive, safe, and convenient sites suitable in terms of size, location, physical characteristics of the land, and accessibility to transportation available for desirable new industry.

### **Industrial Land Use Policies**

Special consideration should be given to the potential negative impacts of existing and proposed industrial facilities on health, safety and welfare of employees and residents of the neighborhood.

Special consideration should be given to the potential negative impacts of existing and proposed industrial uses on existing and planned public facilities.

Special consideration should be given to impact of the operation of industrial facilities on the surrounding area.

New industries will be directed into areas that have access to major transportation routes that provide rapid and safe movement within the County and to sources of supply and distribution of raw materials to points outside the County. This should be achieved within the limits of the existing or planned transportation system.

The Town should do all it can to insure that adequate community facilities, particularly water and sewerage infrastructure, are available for desirable new industrial uses.

Where feasible, the Town should encourage new industrial development to locate in industrial parks of a campus-like form as opposed to a linear form that maximizes road frontage exposure.

The Town will protect land with unique potential for economic and industrial development from encroachment by other land use activities.

## **Light Industrial (LI)**

The LI district encompasses area currently zoned for light industrial uses within the corporate limits. ~~In addition, land located in the County on the northeast side of Town has been included in the Light Industrial land use category. It is the intent of the Town to this area develop as a planned light industrial/employment park when served by adequate public facilities.~~

## **OPEN SPACE (OS) AND AGRICULTURAL (AG) LAND USE**

The Rising Sun area is rich in agricultural land and much of this should be preserved for this use and protected from encroaching development pressures. Also, the area has a multitude of waterways and lands that are subject to periodic flooding.

The purpose of the Agriculture and Open Space District is to identify areas in need of special regulatory protection for the land and water resources and to recognize general areas, where sensitive natural features and other development constraints limit uses. Most of this land is presently farmed and it is suggested that this type of use should continue on this land in the future. Included in this classification are areas best suited for agriculture, open space or low intensity recreation uses. Permitted development in these areas should be strictly regulated, to ensure minimum adverse environmental impacts, with special attention given to maintaining natural conditions.

Over eight hundred acres in the planning area are suggested to be preserved as water ways and open space. This land, because of its soil condition and water ways, should be preserved as open through the use of special flood plain control ordinances

### **Agriculture and Open Space Objectives**

Reserve through zoning, tax policy and other appropriate means, productive agricultural soils for continued agricultural use where appropriate.

Plan and locate development to avoid destruction of the area's natural features or interference with access to them.

Protection, preservation and enhancement of major physical and environmental features such as hills, forests, waterways and water bodies.

Prohibit development on all flood plain areas by creating flood plain control ordinances.

Reserve land that is subject to flooding and drainage channels for appropriate open space uses. Retain non-permanent open space in predominantly low intensity use until it is necessary and desirable to develop it.

Where desirable, reserve land in advance in the form of open space for reservoirs and major utility right-of ways as well as land for other basic facilities.

## **Open Space**

A minimum common open space (spaces designed and intended for the use and enjoyment of all residents of the development) should be set aside in residential developments and improved with such complimentary structures, improvements as are necessary and appropriate for the use, benefit and enjoyment of residents of the development. Common open space areas should be exclusive of tidal wetlands and road rights-of-ways/parking areas and only a limited amount of those areas designated as nontidal wetlands.

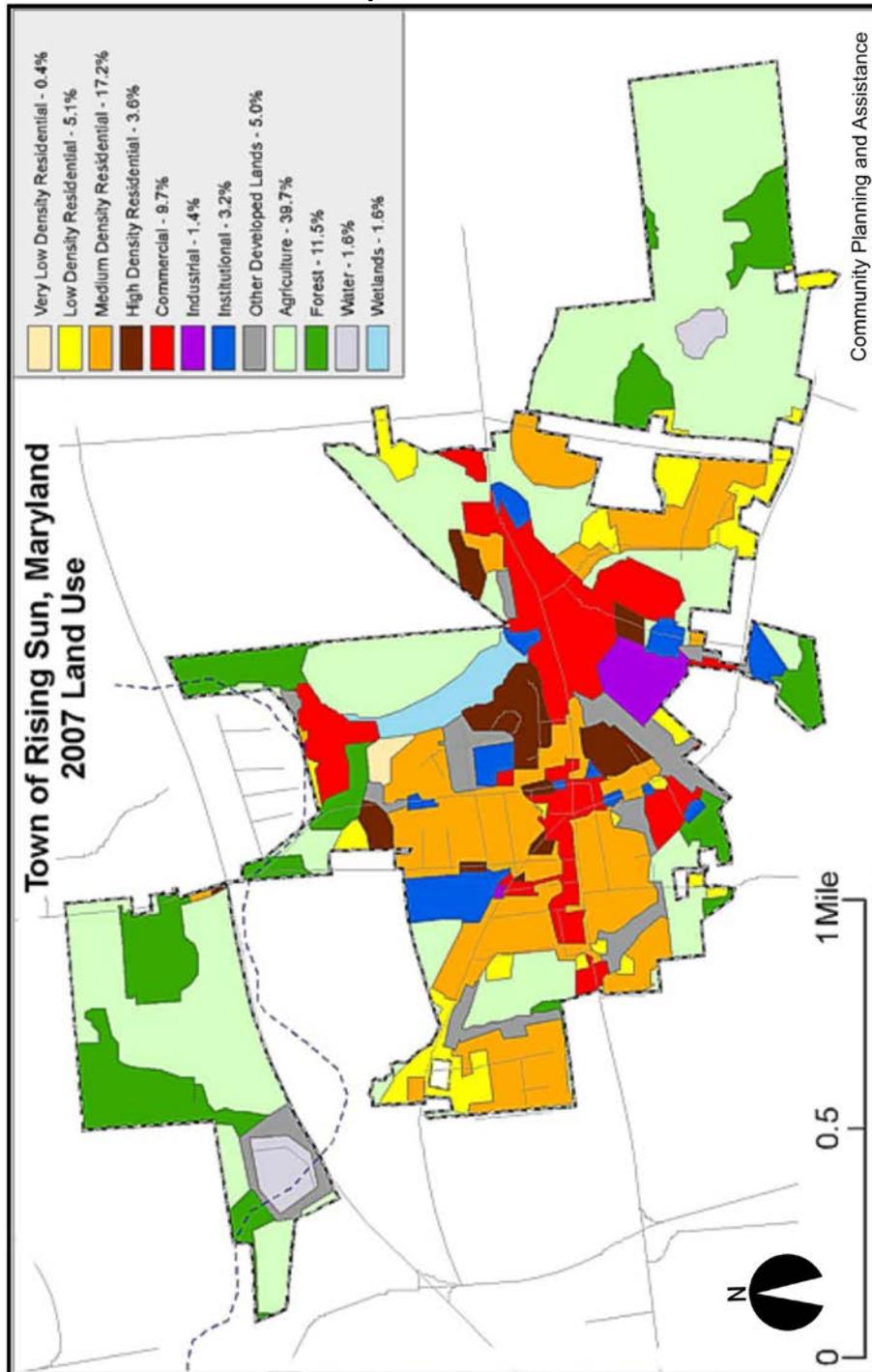
Common open space may serve recreational purposes, preserve significant site features, and preserve open space. The uses authorized should be appropriate to the purposes intended to be served. Open space designed to serve recreational purposes should be appropriate to the scale and character of the cluster development, considering its size, density, expected population, and the number and type of dwelling units proposed.

At least 15 percent of any site should be set aside as permanent open space. Where possible, this open space should encompass streams and stream buffers. Stream buffers that are part of the pedestrian trails and/or bikeway system shown in this Plan should be dedicated to public use. The Planning Commission may allow payment in-lieu of open space in whole or in part. Planned and cluster communities should be required to set aside at least 30 percent of the site in permanent open space. In addition, at least 20 percent of a development site should be landscaped with tree species native to Cecil County. Stormwater management areas should not be considered as open space areas.

## **Agriculture**

The Agriculture areas, shown on Graphic 5, form a greenbelt surrounding the Rising Sun planning area. They contain low intensity and resource utilization land uses that lend a rural character to the surrounding countryside and help form the definition of a planned rural/urban demarcation.

Map 1 Land Use



## CHAPTER 5 Municipal Growth Element

### (House Bill 1141 2006 Session) An Amendment to the Comprehensive Plan

#### INTRODUCTION

The purpose of the Municipal Growth element is to develop, in coordination with Cecil County, a plan for future territorial growth which will serve as a guide for annexation, growth, and land preservation. By statute, the element must consider certain items; these are paraphrased below and organized according to the planning process.

#### VISION

- Future municipal territorial growth (comprehensive and long-term view of annexation potential and land supply)
- Relationship of long-term development policy to the vision of future municipal character

#### BACKGROUND

- Past growth patterns

#### Needs

- Population growth projections
- Municipal land capacity (must be considered in determining land needed for growth)
- Land supply needed to satisfy demand consistent with the long-term development policy

#### Land constraints

- Rural buffers and transitions
- Sensitive areas protection

#### Public Services

- Services needed for growth
- Infrastructure and service financing
- Any extra-territorial service responsibilities

The Municipal Growth element must also be integrated with the Town's Land Use element and prepared in conjunction with the Town's Water Resources element.

The law encourages, but does not require, the use of joint planning agreements with the County in order to provide support and continuity for the Town's growth plans.

## GROWTH CONSIDERATIONS

### Future Municipal Territorial Growth

A growth area has been unofficially delineated around the Town of Rising Sun as part of the Town's planning process. Also, a schematic for future growth and protected lands around Town has been prepared in draft form. Because of a shortage of wastewater treatment capacity, and Town obligations to correct the treatment system, the Town is deferring the adoption of a growth area map (or municipal growth plan), as part of this element.

### Municipal Growth Policy

The Town adopts the following interim policy:

Based on the eleven considerations above, the Town of Rising Sun has adopted an interim policy to not expand its territorial boundary until infrastructure issues have been resolved, current Town commitments for infrastructure have been fulfilled, and land supply becomes inadequate for short or long term needs. As a general rule, land supply will be inadequate when the supply-to-demand ratio falls below that of Cecil County.

The Town will amend the Municipal Growth element and other relevant parts of the Comprehensive Plan at such time as the interim policy is no longer desirable or necessary. As a routine matter under State law, the Town will re-examine the Plan at least once every ~~six~~ ten years for needed changes, or by 2023.

Long term forecasts of employment growth, coupled with Cecil County's rapid growth and high growth pressures, require that the Town's planning program be able to respond to bona-fide economic growth proposals that may involve a request for annexation. Therefore, the Town reserves the right to make exceptions to the general growth policy for non-residential projects that meet the following criteria:

- Infrastructure must adequate and if the Town is providing the service, current Town obligations must first be satisfied
- The project is consistent with the Town Comprehensive Plan, as adopted or as may be amended

### Current Status of Town-County Growth Plans

Map 2 Growth Area appears at the end of this element. The purpose of the Map is to show long term thinking about future growth, irrespective of the Town's inability to adequately serve such growth at the current time. The Map has no added significance until and unless infrastructure issues are resolved and the Town Comprehensive Plan, including the Municipal Growth element, is appropriately amended.

Several additional graphics are included at the end of this element to illustrate compatibility, incompatibility, and ambiguity between the Town's growth area with the plans and programs of Cecil County. These include: Graphic 2 Cecil County Comprehensive Plan, Graphic 3 Cecil

County Urban Growth Boundary, Graphic 4 Composite County Water and Sewer Service Areas, Graphic 5 Cecil County Greenbelt Growth Scenario, and Graphic 6 Cecil County Zoning. The two most important and up-to-date Graphics (Zoning and Water and Sewer Service) indicate that Cecil County and Rising Sun are in substantial agreement over the amount and specific locations of future growth around the Town.

## **LONG TERM DEVELOPMENT POLICY AND MUNICIPAL CHARACTER**

The character, visual cohesiveness, and bounded edges of the Town should stay intact. New edge development will be permitted, but it must reflect traditional Town character in terms of scale, land use, and design. The Town may consider patterns of housing styles, lot arrangements, setbacks, open space provisions, and other elements of design to guide infill, redevelopment, and new growth in a manner that reinforces community character.

The Town is nearly enveloped by planned growth in Cecil County (see end of element: Graphics 2, 3, 4, 5 and 6). The Town has a self-interest in protecting the character of Rising Sun, thus the Growth Area extends to cover much of the growth planned by Cecil County.

Under County planning and zoning, much of the Growth Area is planned for residential use. The impact of future growth on municipal character is better managed by the municipal government, thus, the long term development policy of Rising Sun (once the interim growth policy ceases relevance and utility) is to accommodate the development planned and zoned by the County under municipal jurisdiction.

There are also significant areas within the Growth Area where land will not be developed due to natural resource issues and open space needs.

### **Past Growth Patterns**

Historical growth patterns are described in the Background Section of the Comprehensive Plan. The Town has a long history of being a rural population and growth center within the US Route 1 corridor. According to statistics from the Maryland Department of Planning, the Town was 538 acres in size in 1997, and increased its territory by 412 acres, or 71 percent, by the end of 2005. As of 2009, the Town contains a measured 1040 acres. The Town does not foresee such rapid territorial growth in the future given the supply of vacant land in Town for residential development.

### **Population Growth Projections**

Population projections are used to ensure that an adequate supply of land is comprehensively planned and zoned to meet residential land demand and to provide an extra measure of supply for market flexibility and private sector choices.

In Table 5.1, the projected Town population for the year 2030 is given for different growth scenarios, ranging from 3,259 to 4,715. Without the high and low data, the average of all methods is 3,919 people by the year 2030. Interestingly, the independent TAZ (WILMAPCO) projection closely matches MDP's high development pressure scenario (4,220 versus 4,208). Also noteworthy is that even the lowest development pressure scenario forecasts growth in excess of Rising Sun's historical (constant) share of County population (3,557 versus 3,259).

**Table 5.1 Population Projections for 2030 (Seven Scenarios and Methods)**

Method	2030 Population
Constant Share of Cecil County (2.0%)	3,259
Geometric Growth	4,715
Average of Linear Regression and Geometric (without high and low extremes)	3,839
Lowest Development Pressure	3,557
Highest Development Pressure	4,208
Average Development Pressure	3,770
Transportation Analysis Zones (data adjusted to fit Town geography)	4,220
Average of All Methods	3,938
Average of All Methods (without high and low)	3,919

Sources: TAZ data from WILMAPCO; constant share calculated based on MDP County data; remainder of projections are unofficial growth scenarios by MDP (2009).

Table 5.2 shows Town population growth in five year increments from 2010 to 2030. Projections are based on the high development pressure scenario to ensure an adequate land supply; to reflect longer term growth forecasts in Cecil County, particularly in and around Rising Sun; and to prepare for an eventual economic upturn and improved wastewater treatment capabilities.

**Table 5.2 Population Projections 2010 to 2030**

2000	2010	2015	2020	2025	2030
1751	2,259	2,661	3,114	3,632	4208

Source: MDP High Development Pressure Scenario (March 2009)

## HOLDING CAPACITY OF GROWTH AREA

### Parcel Data

In 2005, the holding capacity of the three phases of the Deferred Growth Area was calculated to be 5,050 dwelling units (or households) with an estimated capacity of 13,029 people. The estimates were based on a detailed parcel-by-parcel analysis.

A review of this data indicates that the estimates may be over stated, primarily because of land requirements that reduce housing production by nearly one-half. For example, it will be necessary to devote land for afforestation and forest retention, and for protection of water quality and the avoidance of sensitive areas. The development capacity of each deferred growth phase has been revised in Table 5.3. The yield assumes roads and other rights-of-way, passive and active open spaces, common areas, and protected lands consume 45 percent of the gross acres.

**Table 5.3 Development Capacity of the Growth Area**

Number of Parcels	Gross Acres <sup>4</sup>	Residential Yield	Population
13	975	2,265	5,890 <sup>1</sup>
13	975	3,412	8,700

<sup>1</sup>Assumes 15,000 sq. ft. lots net under R1 zoning and household size of 2.60 people

<sup>2</sup>Assumes 3.5 du/net acre and household size of 2.55 people

The measured area is the basis for non-point source water quality estimates in the Water Resources Element.

An alternative method to the “measured acreage” by assumed development density scenario is based on a parcel by parcel evaluation of its current development potential under adopted zoning and possible net yields for each individual existing parcel. No assumptions are made regarding possible “lot assemblages” although review of existing geographic dispersal suggest limited opportunities for many of the smaller lots. Realistically, the resubdivision of larger developed residential lots (theoretically allowing for building of one or two additional dwelling units is unlikely and not consistent with maintaining community character or local preferences. However, as a purely academic exercise, those potential dwelling unit yields are included in tables 5.4 and 5.5 below.

**Table 5.4 Development Capacity of Growth Area  
Based on Individual Parcel Analysis and Zoning**

Growth Area			
Number of Parcels		Acreage	
Vacant Ag	Developed Ag	Vacant Ag	Developed Ag
4	7	169	479
<b>Vacant Res</b>	Developed Res	Vacant Res	Developed Res
26	140	45	171
<b>Dwelling Unit Yield based on R1 Zoning and Individual Parcel Sizes</b>			
<b>Vacant Ag</b>	Developed Ag	Vacant Res	Developed Res
<b>392</b>	1111	104	156*
<b>980</b>	2777	260	390
<b>313</b>	889	83	317**
<b>782</b>	2222	207	792
<b>Total household population by totaled Dwelling Unit yield 1</b>			4407
<b>Total household population by totaled Dwelling Unit yield 2</b>			4005

Population “carrying capacity” based on 2.5 persons per household (2000 census)  
 \*assumes every parcel with a home will resubdivide to the maximum permitted under the Zoning although this is unlikely in reality. (net to 10% req. open space + 10% roads, etc.) but not including 140 existing dwellings. \*\*Includes 140 existing dwelling units in the overall estimate of “potential development” Adding assumed 350 persons per 140 du results in very similar overall estimates for the two methods, i.e 4407 vs 4355.

This method reveals 864 acres of development potential. The balance of the 975 measured acres is included in other land uses that do not have an impact on development and also includes acreage taken up in roads, a figure that is typically in the range of 10% of overall land use in residential areas.

**Table 5.5 Development Capacity of Rising Sun Town  
Based on Individual Parcel Analysis and Zoning**

Town of Rising Sun					
Vacant R1 Res		Vacant R2 Res		Vacant R3 Res	
#Parcels	Acreage	#Parcels	Acreage	#Parcels	Acreage
25	77	29	146	7	18
<b>Dwelling Unit Yield</b>		Dwelling Unit Yield		Dwelling Unit Yield	
				5000 sq ft	2000 sq ft
<b>76</b>		<b>620</b>		116	292
<b>Population capacity based on 2.5 persons/hh (dwelling unit) per 2000 Census</b>					
<b>190</b>		1550		290	730
<b>Total Population “absorption” capacity with existing Town land inventory</b>					<b>2470</b>

Non-conforming lots are assumed to require a variance from the Board of Appeals. A number of lots are less than 500 square feet and are assumed to require reconfiguration in order to qualify as a “buildable lot.”

The Knutsen Farm is subject to potential development and has a capacity for 250 dwelling units or 625 persons.

## **MUNICIPAL LAND CAPACITY**

Map 1 (at the end of the Land Use element) shows 2007 land use and land cover for Rising Sun. Within the Town limits, there are approximately 120 acres of forest and 413 acres of farmland. The Knutsen Tract is about 201 acres of farmland, and the Planning Commission has already determined the maximum development potential for that farm on the basis of preliminary site plan review resulting in net yield of 250 potential dwelling units. That figure is included in the summary calculation of sewer allocation set aside for intown infill development addressed in the Water Resources Element. Some additional shortfalls in acreage counts are due to missing data in the Maryland Property View parcel data set. It is assumed that future data sets will correct these errors of omission and additional refinement will then be possible. Some of this land is not available for development due to ownership and environmental features. In addition, land will be withheld from development to provide community open space, to meet requirements of the State forest conservation law, and to provide area for roads, stormwater management, and so on. The shape of land parcels and access points will also affect the amount of acres that can actually be used for residential and non-residential buildings. Based on the Town land use plan, vacant municipal land will provide for 696 single family dwelling units (at R1 and R2) and a range of between 290 and 730 multi-family units (at R3) for a holding capacity of between 2,030 and 2,470 additional people. The Knutsen Farm can accommodate another 625 residents. Combined with the estimated 2010 population of 2,259, the Town can hold between 4,914 and 5,354 people. This is between 16 and 27 percent higher than the projected 2030 population of 4,208.

Municipal land capacity represents a supply of sites that can accommodate immediate needs and longer term growth. While there are no assurances that owners of long held undeveloped parcels will make these sites available in a timely manner, the current supply is ample. The Town will make provisions to reserve water and sewer service for existing vacant lots-of-record, and for the possible subdivision of larger parcels. Although the Town’s planning and zoning program does not unnecessarily impede infill development or the use of vacant land in Town, there are some areas that have disincentives for development including stream buffers and wetlands.

## **Land Supply to Support the Growth Policy**

Table 5.6 summarizes land demand in relation to land supplies within the Town and the Growth Area. The Table shows that the Growth Area and existing in-town capacity provide a land supply that is about 2.2 times the amount needed by year 2030.

**Table 5.6 Land Demand in Relation to Land Supply  
Under the Long Term Growth Policy**

Anticipated Population Growth	2015	2020	2025	2030
Land Demand (population)	2661	3114	3632	4208
Land Supply (population)				
Town Capacity (all land, low density scenario)	4914	4914	4914	4914
Town Capacity (all land, high density scenario)	5354	5354	5354	5354
Growth Area (all land, low yield scenario)	4005	4005	4005	4005
Growth Area (all land, high yield scenario)	4407	4407	4407	4407
Supply to Demand Ratio for Town	1.8 – 2.0	1.6 - 1.7	1.4 - 1.5	1.2 – 1.3
Supply to Demand Ratio for Growth Area	1.5 – 1.6	1.2 - 1.4	1.1 – 1.2	0.9 – 1.0

Because the Town does not control private land use decisions, but rather depends on a functioning market place for production of housing units and non-residential floor space, there must be more land available for growth than what may be calculated to be an adequate supply. Moreover, having enough land for population growth is a fundamental obligation of municipal government, whereas having more than needed ranges from being practical, at best, to being more difficult to manage, at worst. In summary, it is better to have more land than necessary, than not enough.

Cecil County has approximately four times the amount of land needed for projected growth. The Town of Rising Sun will strive to improve upon that ratio of supply to demand, but not to the extent that the County will have market advantages over the Town.

Existing municipal capacity is not viewed by the Town as a constraint on annexation of land for economic growth, provided services are adequate and the growth is consistent with the Town Comprehensive Plan.

The Town of Rising Sun presumes that each municipality in the County will exercise its own judgment about how much, if any, County growth should be targeted. Rising Sun's Municipal Growth element is based on the following principles:

- a. County population projections to the year 2030 provide an estimate of the size of the pot of growth opportunity, and Town growth plans can affect how much of the pot will be captured.
- b. State and County land use and environmental policy discourage large lot residential growth on septic systems.
- c. State and County land use and environmental policy encourage growth in compact walkable forms, on smaller lots, and served by public sewer.
- d. The choice of whether or not to grow is determined by each local government and implemented through the Comprehensive Plan.
- e. The Town of Rising Sun will have a Comprehensive Plan and the facilities to accommodate growth, and can regulate land use and development to prevent adverse impacts to water supply and water quality.

## Services Needed for Growth

**Water, Sewer, and Stormwater Management:** The Water Resources element estimates the adequacy of sewer and water service to serve existing and future development. The Town Sewer and Water Plan is a functional plan used (along with others) to implement the Land Use Plan Map. Upgrade of the Town's wastewater treatment plant is needed before the Growth Area Map can be implemented.

The Water Resources element also examined stormwater management by assessing the non-point impacts of land use changes under the Land Use Plan Map, modeling revised development scenarios, and calling for urban best management practices for development.

The Town will assess the impact of each project, keep good records, maintain a reasonable reserve capacity for water and sewer, guarantee service taps to vacant lots of record, and use Water Supply and Wastewater Treatment Capacity Management plans or protocols. This will allow the Town to control growth rates. Annexation would proceed in accordance with the phases set forth on the Deferred Growth Area Map.

**Other Services:** The Comprehensive Plan includes a thorough report on services including schools, libraries, public safety and EMS, and recreation (see Community Facilities and Services element). Services are adequate at present. A determination of service adequacy will be required for new development and may result in deferral of project approvals. Annexation proposals will be referred to the County and State for input on the adequacy of services that fall under County or State jurisdiction.

Once all municipalities in the Cecil County area have adopted municipal growth plans, the cumulative impact of municipal growth on town and county services and facilities should be assessed by the County. The Town notes that public services and facilities are already addressed in detail in local and State functional plans for open space and recreation, schools and libraries, water and sewer, planning and zoning, and public safety.

## Financing Mechanisms

The Town has both public and private sector sources for infrastructure financing. As incorporated municipalities, the Town has the authority to enact excise taxes and impact fees. These tools exact infrastructure funds from developers as a condition of project approval; excise taxes are by far the more flexible tool in terms of how the funds can be used. The Town can also enact a tax increment financing district to charge homeowners in a defined area to help pay for infrastructure.

Developer Rights and Responsibilities Agreements (DRRA) can be used to legally bind the Town and a developer for specific development projects. Assignment of infrastructure responsibilities is often an important part of these agreements.

The Town will continue to compete for federal and State funds that support growth. The Town will review their Priority Funding Area (PFA) maps, and annexation proposals, and establish the necessary criteria, if possible, to achieve PFA status.

Following are additional details on impact fees, excise taxes, and tax increment financing, taken from a 2007 Growth Report by the Sage Group, prepared for Cecil County.

## Impact Fees

An impact fee is most commonly assessed on the construction of new structures to pay for the expansion of the service capacity of government, including by supporting the construction of fire stations, police stations, sewer/water supply systems, parks, libraries, etc. Impact fees are designated for specific uses and funds are not to be intermingled with the general fund.

In places lacking impact fees (e.g., municipalities, County), jurisdictions must either generate funds for infrastructure expansion from the existing tax base or through the issuance of bonds. One can imagine a circumstance under which the existing community would see their taxes raised in order to finance new infrastructure and then eventually see their taxes dropped again once new taxpaying development formed around the infrastructure. The problem with this structure is that raising taxes is rarely politically convenient, and therefore communities end up in an equilibrium characterized by moderate taxes, permanently inadequate infrastructure and stunted development.

Impact fees would allow for projects to move forward within the growth corridor, thereby siphoning off much of the residential development pressure from the county's rural areas. Impact fees should be set considerably higher in the county's agricultural regions than within the growth corridor and presumably reinvested in water/sewer infrastructure, schools and other government controlled facilities

## Excise Taxes

Excise taxes represent another approach. These are sales taxes and can be levied on real estate transactions. Excise taxes are not as constitutionally limited as impact fees, which is typically viewed as an advantage from the perspective of local government, but funds generated from these taxes may be diverted for non– infrastructure purposes. If excise taxes are adopted, the study team recommends that the use of these funds be largely limited to infrastructure build–out within the county's growth corridor.

## Tax Increment Financing for Re-development

Tax increment financing (TIF) permits jurisdictions to create special districts and to make public improvements within those districts that will generate private sector development. During the development period, the tax base (assessed value) is frozen at the predevelopment level. Though property taxes continue to be collected, taxes derived from increases in assessed values (the tax increment) resulting from the new investment either head toward a special fund created to retire bonds issued to accommodate the development or to promote additional economic expansion in the district.

Impact fees [can be used] to help accelerate new development within the growth [area], while TIF districts could be defined to promote redevelopment of already developed areas that suffer from an unacceptably low average quality of development.

## **Rural Buffers and Transitions**

The Cecil County Comprehensive Plan envisions that residential development and rural conservation land will surround the Town. However, the County's Northern-Agricultural Residential Zone does permit (as the name implies) large lot subdivisions, on well and septic system, within the rural conservation area. Thus, it is fair to say that the Town does not have strong greenbelt protection for now. Land for open space needs and land avoided for environmental reasons (both in and out of Town) may provide suitable buffers and transition areas in certain locations.

## **Extra-Territorial Service Obligations**

As a general rule, the Town will not extend service in the future to areas that are not within Town or annexed. The Town's Land Use Plan Map should be reflected in, and supported by, the Cecil County Water and Sewer Plan.

## **Sensitive Areas Protection**

Sensitive Areas are avoided and point and non-point sources of pollution will be reduced. Steep slopes, habitat of threatened or endangered species, and wetlands are avoided. Stream buffers will be protected in the Town. (See also, the Sensitive Areas element.)

## **RECOMMENDATIONS**

### a) Annexation Plan:

The phasing of annexations, prioritizing of sites, site planning, and zoning coordination with the County should be addressed. Guidance should be developed for preparation of an Annexation Plan that is consistent with the Municipal Growth and Water Resources elements. This should include assessments of wastewater treatment, water supply, and non-point source impacts on the watershed.

### b) TDR's:

The Town should evaluate the practical value of developing an interjurisdictional TDR program with the County, whereby development rights under County zoning can be voluntarily sold and transferred for use in the Town or in mapped Growth Areas. One important goal is long term protection on greenbelt sites.

c) Municipal Character Policy:

Under the Town's long term development policy, the character, visual cohesiveness, and bounded edges of the Town should stay intact. New edge development is permitted, but it must reflect traditional Town character in terms of scale, land use, and design. The Town should consider identifying patterns of housing styles, lot arrangements, setbacks, and other elements of design that can guide infill, redevelopment, and new growth in a manner that reinforces community character.

d) Development Review Policy:

Development projects and annexation proposals should include analyses of several key factors. Developers, landowners, and applicants should provide these analyses and the Town can refer these to the County and State Planning for review and comment. The key factors include:

- Preservation of community character
- Protection of water quality (stormwater runoff)
- Adequacy of sewer treatment capacity and potable water supply
- Consistency with smart growth principles and the Comprehensive Plan
- Coordinated development plans the Octoraro Creek watershed.

e) Planning Contracts:

Joint Planning Agreements: The law enables the County and Town to enter into formal agreements as a means to solidify the inter-jurisdictional aspects of the new Comprehensive Plan (e.g., the Land Use Plan Map). A Joint Planning Agreement between the Town of Rising Sun Cecil County should be developed. Components of a Joint Planning Agreement are listed below.

Developer's Rights and Responsibilities Agreements: The DRRA is similar to the Joint Planning Agreement, but operates on a different level. The DRRA is a contract between the municipality and the developer that spells out rights and responsibilities of the parties. The tool was developed as a response to complaints from the development industry that Maryland's vesting law is too severe, and that developers need some assurance that their projects will not be abandoned under pressure to ignore the local Comprehensive Plan, zoning laws, and project approvals. The Town should develop a standardized DRRA that can be adapted to suit particular projects.

## MUNICIPAL GROWTH PLAN

The Town of Rising Sun, in cooperation with Cecil County, has designated areas for future growth. (See Map 1 at the end of this element.) The designations are based on three considerations:

- Adequate acreage for the long term that allows comprehensive interjurisdictional planning for growth, as opposed to case-by-case annexation.
- Adoption of a Plan that accommodates growth, preserves greenbelts, and minimizes the impacts of growth on water quality.
- Municipal capture of County population growth to reduce sprawl.

To be successful over the long term, the Town's plan for growth should include a Joint Planning Agreement with the County.

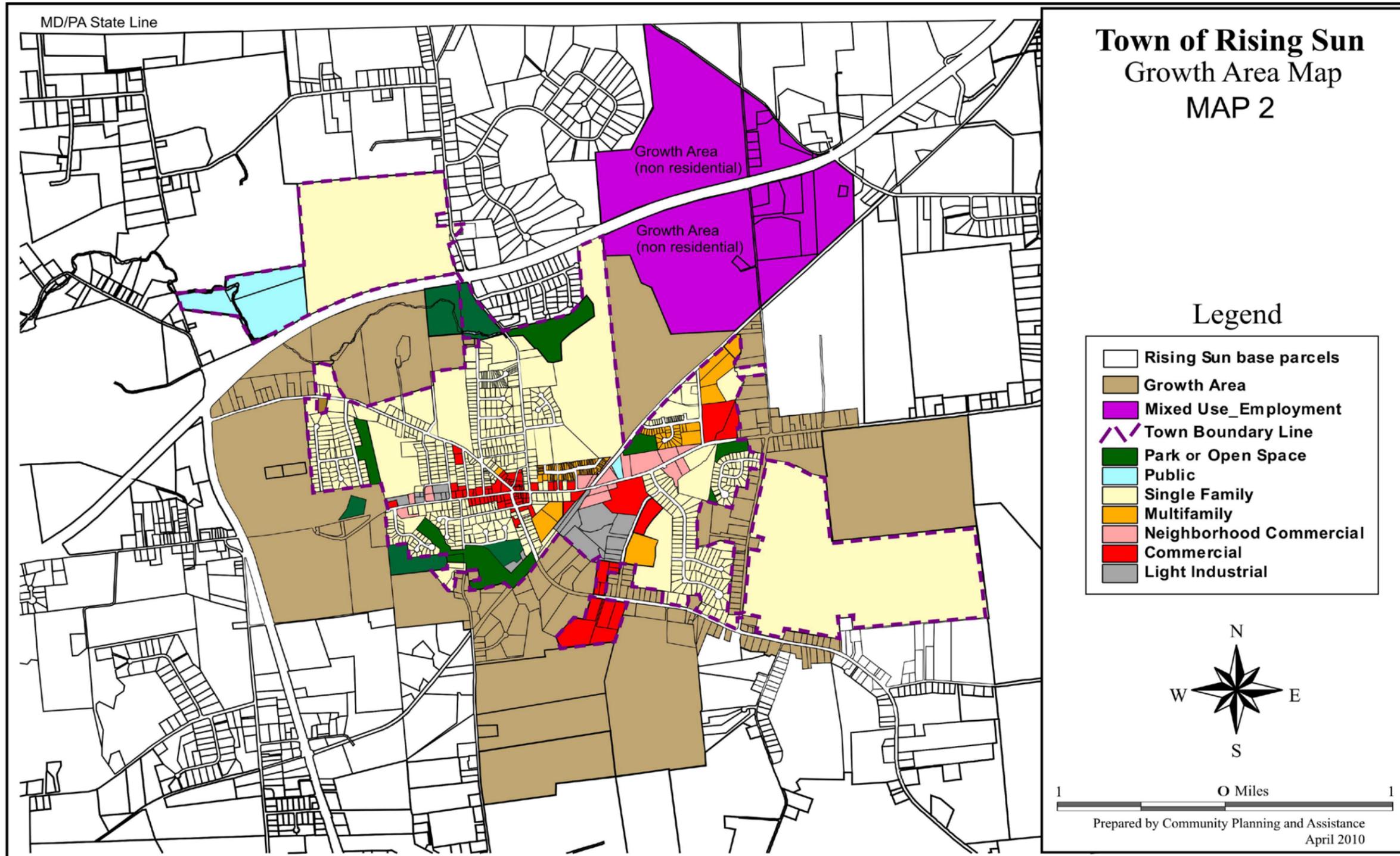
#### A) Components of a Joint Planning Agreement for Growth

- These areas are the locations that the Town may annex in the future.
- The County agrees to provide the appropriate zoning in a timely fashion or to grant zoning waivers if needed.
- The County agrees to incorporate these areas in its Comprehensive Plan and Water and Sewer Plan during the next update.
- The order of annexation will be determined by adjacency, landowner choices, and availability of services.
- Forest conservation practices and 100 foot stream buffers will be required for developing sites.
- Annexation plans must be consistent with the Municipal Growth element.
- Developers will be required to estimate project impacts on water quality, water supply, and waste water treatment capacity.
- Project design will reflect traditional town character, as relevant.
- Until annexed, the County will refer proposed land use changes in these areas to the Town for review and comment.
- As part of the process of annexation, the Town does not want the County to prematurely adopt zoning for implementation of the Growth Areas. The Town should work with the County to develop two-tiered zoning (or an alternative) that allows higher density only upon successful annexation.

## B) Components of a Joint Planning Agreement for Land Preservation

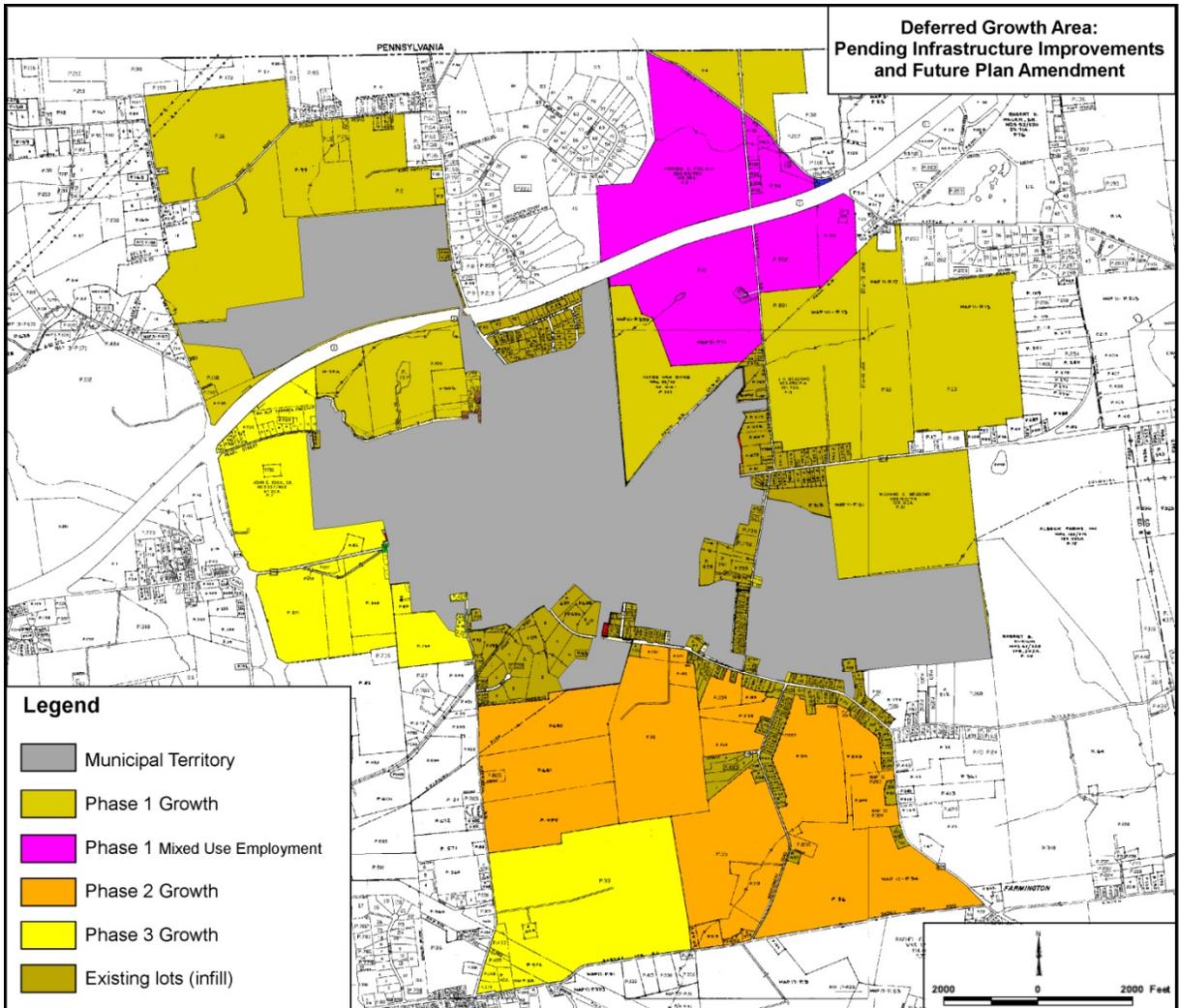
- These areas are planned for preservation by the County.
- The County and Town will explore the transfer of development rights from Greenbelts to areas within the Town and Growth Areas.
- These areas are part of the geographic setting of the Town and the Town has an interest in what happens on these sites.
- The County and Town will discourage growth and development.
- The County will refer proposed land use changes in these areas to the Town for review and comment.

The Rising Sun Future Growth Plan is depicted on Map 2 on the following page



Map 2

In 2006, a draft growth area map was prepared for the Town as part of the long range planning process. That map (see graphic 1, below) has evolved into the Town's Growth Area Map, Map 2 included on the preceding page. Noteworthy, is the much larger area originally conceived as a growth plan that was considered consistent with both Town and County visions at the time. Passage of House Bill 1141 added additional considerations to the planning process that resulted in significant downward sizing of the original growth area.



**Graphic 1**

Another significant change was the elimination of specific phasing for the new and smaller growth area. While arguably still large [in terms of a methodology based on the vagaries of population projections], the reality of parcel sizes adjacent to the Town of Rising Sun precludes a rational method for “choosing” one or two properties – and thereby setting the stage for potential “windfalls and wipeouts.” Ownerships are subject to change as are the development plans that property owners wish to pursue. Due to these unknowns and experience with changing market factors the

Town has determined to map all of the potential parcels that might be subject to a positive annexation review.

That is not to say that every parcel would be annexed if all property owners were to petition for immediate annexation. Annexations must be consistent with the Comprehensive Plan, and one of the Town's policies is to proceed with orderly and contiguous development in a manner that ensures adequate public facilities will be available to support development or upgrades and capacity expansions are planned to become available in a reasonable time frame.

If only one or two tracts of land were identified for potential future growth and annexation, and their owners chose not to participate in the development process (while another tract was the subject of development pressure), then the Town would be faced with amending the Comprehensive Plan every time an "unplanned" or "inconsistent" annexation was contemplated. That scenario is neither reasonable nor consistent with the intent of comprehensive long-range planning.

## **INFILL DEVELOPMENT**

The Rising Sun Growth Area map also shows several large tracts of undeveloped land already within Town boundaries. These tracts and smaller "infill" parcels constitute the primary development opportunities for Rising Sun at this time. Additionally, a number of projects are in various stages of development related to phased approvals for site plans that require waste water treatment allocations.

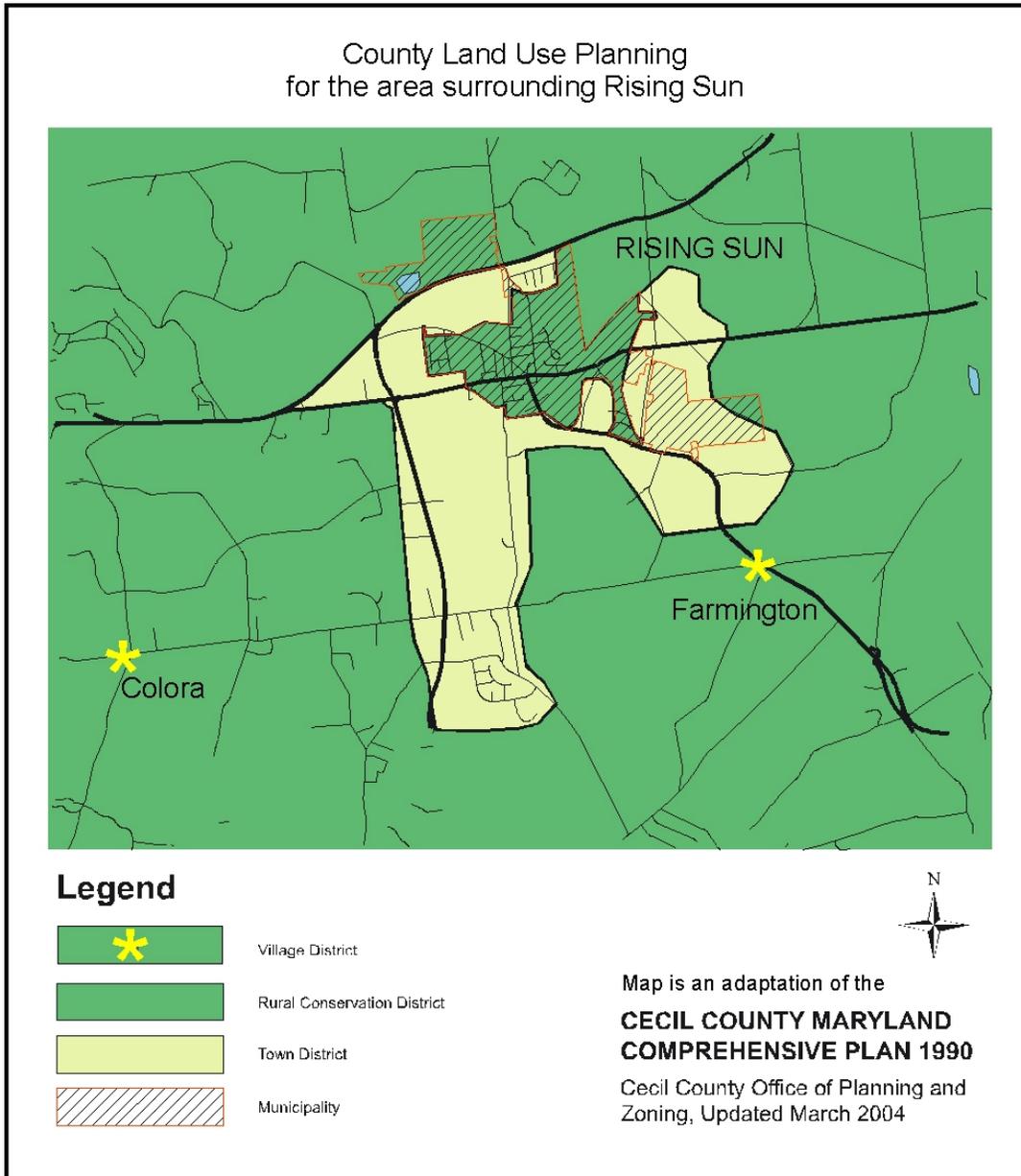
As will be discussed in greater depth in the Water Resources Element, the Town of Rising Sun has been struggling with the performance of its existing waste water treatment plant. Discharges have exceeded permit limits for a number of years, and the Maryland Department of Environment (MDE) has restricted additional discharges until remedial measures can be completed.

Even with improvements to the plant's performance [which are anticipated to begin final design and construction in the near term], overall capacity is limited to the current permitted discharge of 275,000 gallons per day. At that level of operation, treatment requirements will be equivalent to Biological Nutrient Removal (BNR). Cost estimates to achieve process upgrades are around six million dollars. This cost will severely burden existing users, and if capacity is increased then MDE has indicated that Enhanced Nutrient Removal (ENR) standards will be imposed on the plant (even if it stays below the 500,000 gallon per day discharge threshold typically applied to standard setting practices).

This reality minimizes the Town's ability to accommodate municipal annexations in the near term. Annexation and growth within the planned Growth Area will of necessity require an expanded and upgraded waste water treatment plant that meets ENR standards. The cost for such an upgrade is unknown at this time. However, it is Town policy not to further overburden existing users with additional debt service. Accordingly, new growth will be required to fund its share of wastewater treatment. MDE has indicated that at this time, and as a practical matter, future potential plant capacity expansion will be capped at 670,000 gallons per day.

Cecil County Comprehensive Plan

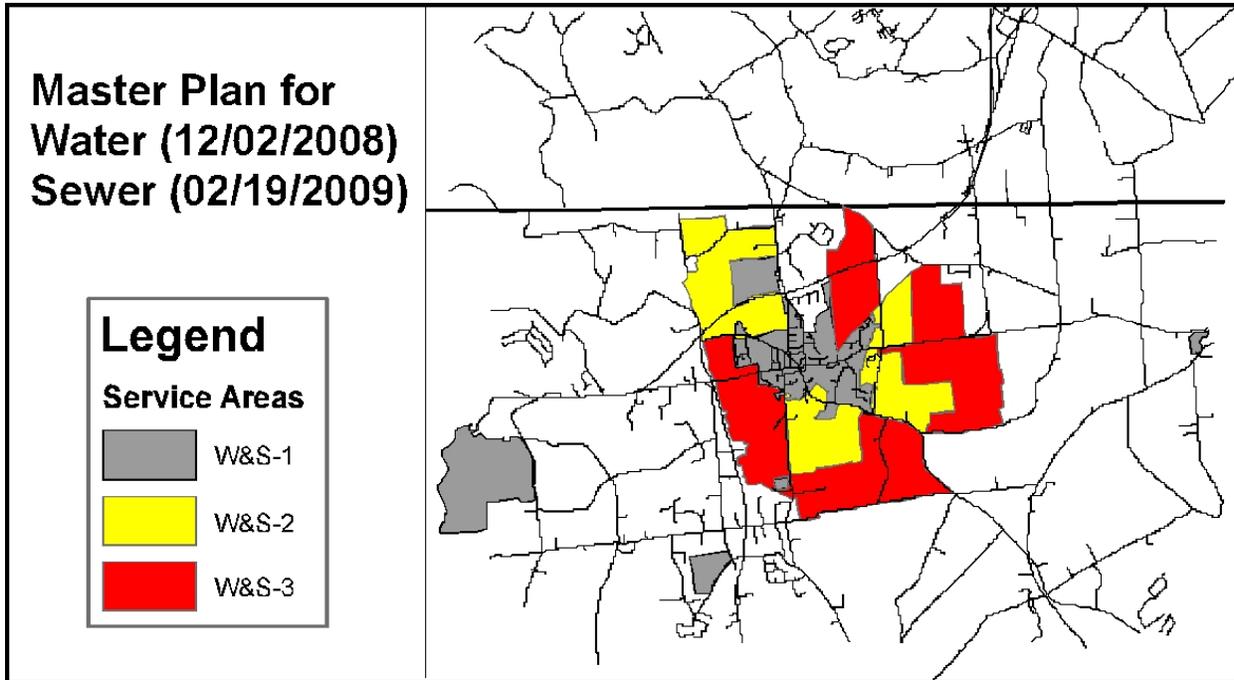
Graphic 2





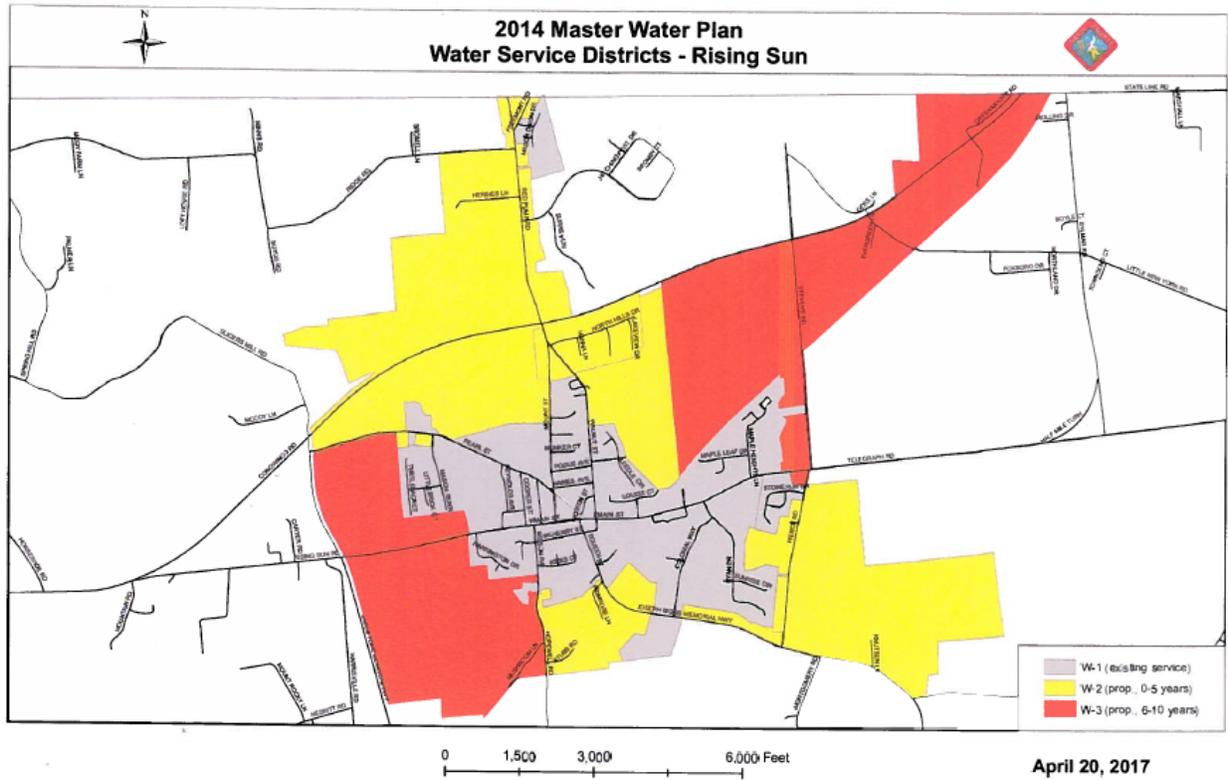
### Cecil County Water and Sewer Service Area Map

As the most recent official maps, Cecil County's Water and Sewer Service Area Maps (see composite below) indicates growth and development in its most substantial form, nearly surrounding the Town. A Water Service Area Map amendment was approved by MDE in 2017 and is included as Graphic 4B.



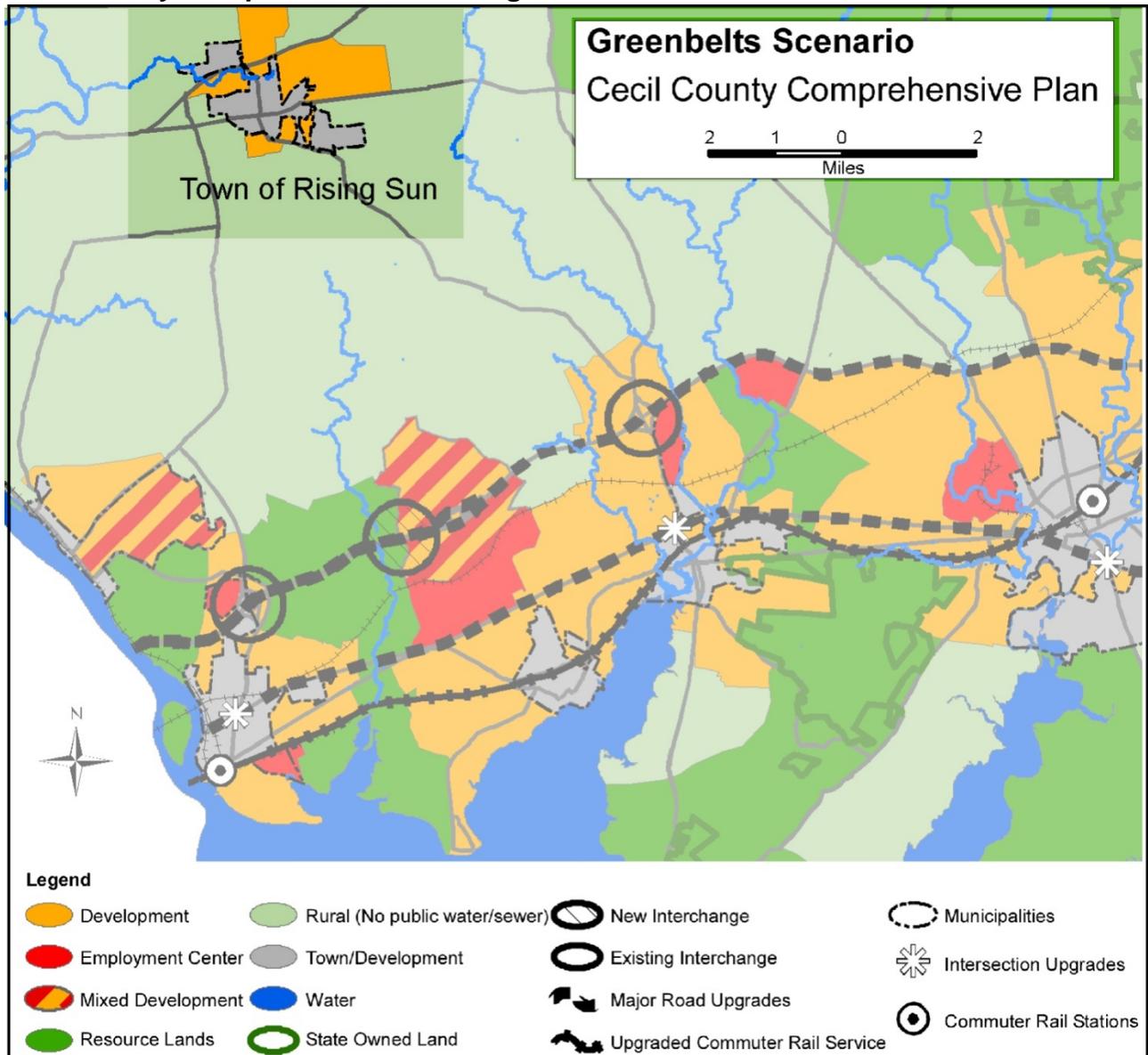
Graphic 4

Source: Cecil County Water and Sewer Plan



**Graphic 4B**

Graphic 5  
**Cecil County Comprehensive Planning Scenario: Greenbelts**



As the County worked to update its Comprehensive Plan, several long term growth scenarios were under review. The scenario most advantageous in terms of protected lands, improved water quality, and municipal growth is the Greenbelt Scenario. This map indicates a preference for growth to the north and northeast of Town.

### Cecil County Zoning in the Rising Sun Area

Despite differences between various County plans as to future growth around Rising Sun, the County's Zoning Map forms the legal basis for land use control and thus plays a key role in any

future growth area and annexation plan. Under the State's annexation statute, the Town will have to adopt zoning that is similar to the County's zoning (for a particular subject site), or risk waiting for a five year period before the Town can apply the zoning that it desires. The major differences between County zoning and Town growth planning are as follows.

- Large areas within the Deferred Growth Area are zoned for Agriculture-Residential (this zone permits large lot homes on well and septic; otherwise known as sprawl).
- The area planned by the Town for mixed use employment (northeast of Town) is zoned for Agriculture-Residential and Suburban Residential.

## CHAPTER 13 Implementation

The Comprehensive Plan is intended to capture a vision of the future Rising Sun. As such it provides a basis for a wide variety of public and private actions and development decisions which will be undertaken in the town over time. It is not a -static document because a community is not static, but one which provides general guidelines to the local community in order that piecemeal improvements or day to day decisions can be properly evaluated against their long-range impact upon the community and their relationship to existing settlement patterns.

The Plan and, in particular, the Land Use element indicates the proposed general or conceptual development pattern of the town projected to the year 20430. However it is not a detailed blueprint. Local conditions, values, and philosophies change as a result of economic and political pressures and realities and regulatory changes at the county, state, and federal level and the Plan must subsequently be responsive to these changes. The Plan is not a document which encourages regimentation. It is, however, a guide which encourages patterns of development which permit orderly and economical growth of the community in a manner which can be more efficiently served with a variety of governmental services and facilities.

Sections which follow identify methods to implement plan proposals. Implementation involves the concerted actions of both town elected officials and certain appointed boards.

### DEVELOPMENT FORM

The following discussion outlines the context in which the Town should review the zoning ordinance and other techniques that will be employed to implement the Plan. This context is particularly important in that the goals, objectives and recommendations of the Town's plan encompass areas beyond the corporate limits. The way in which the Rising Sun area grows is important to the future of the Town and planning for the manner in which it will develop now is also important, jurisdictional issues ~~not withstanding~~ **notwithstanding**.

Although it may be appropriate for the zoning ordinance to provide for open space development forms (cluster and planned) of development that are useful for protecting sensitive natural resources and providing open space, it is also important to provide for traditional neighborhood design. There are areas within the corporate limits and immediately adjacent to the Town where traditional develop may be more appropriate.

Important concepts that should be kept in mind as the Town develops their zoning ordinance, subdivision regulations, street standards, and other related implementation techniques are discussed below. Quality considerations and creating pedestrian friendly streets should be a universal vision that bridge all development types. Traditional neighborhood development concepts are particularly relevant to vacant in-town parcels and areas immediately adjacent to the Town.

## **Quality**

The Rising Sun Comprehensive Plan and its implementation should set the basis for development of a “quality community”. This will not only benefit the residents of the Town, but will also help make Rising Sun a desirable growth center within the overall Growth Management scheme of the County, a preferred living environment.

A quality community is one that offers a unique sense of place. Having clearly defined boundaries (a town center, connected neighborhoods, surrounded by open space) is a major part of this objective giving one a sense of arrival upon entering the community.

Maintaining human scale when planning for new neighborhoods, civic improvements, employment and shopping centers will help insure a community for people. The elements of the Plan should place emphasis on people not the automobile. This includes providing for pedestrians (with sidewalks and trails), ensuring lots of trees grow in the community, and encouraging human interaction by allowing houses and stores to locate close together and within walking distance (See Illustration 1). In addition, the Town should take the long view and plan for transportation alternatives. This means encouraging development design that will not preclude transit in the future.

New and old neighborhoods should be self-contained to the extent possible. Offices, stores, restaurants, schools and even light manufacturing can be compatible with residential neighborhoods. Offices, homes, stores, schools and parks should be permitted close together. This way the zoning helps provide for pedestrian communities.

Quality communities are places of diversity and home for people of all ages, incomes, race and ethnic background. Neighborhoods offering a wide range and mix of housing types, including small apartment buildings, row houses, accessory living quarters and small homes on small lots situated among large homes can help achieve this objective.

Quality communities include trees; lots of shade trees. Trees offer many positive environmental benefits. This is particularly true along sidewalks and in parking lots where there should be at least one tree for every five parking spaces

In the developing street standards for new development the Town should not ignore the benefits of alleys and requiring parking lots be located to the rear of buildings. Alleys and rear parking lots maintain attractive streets and sidewalks and move things not particularly attractive, e.g., trash, utility poles, parking spaces, compost piles, and parking to the rear of buildings, thus allowing the buildings and structures to provide a greater sense of enclosure and security.

The Town should also be cognizant of the role of architecture in creating quality. People enjoy living among buildings that are beautiful and hospitable and that harmonize with the surroundings. Builders and developers should be encouraged to use materials and designs people have found attractive for decades. Historic building and structures can serve as architectural models for new buildings and structures. At the same time, preserving historic buildings preserves our sense of history and reflects our roots.

All our citizens, young and old, should be able to see the reminders of our community's heritage, and take pride in it. Preserving historic buildings preserves our sense of history and reflects our roots. Historic resources should be valued and preserved and worthy historic buildings should be adapted to new uses, rather than destroyed. New developments should be designed to complement historic buildings, rather than clash with them.

Design, both site and architecture should strive to create pleasant outdoor spaces. It is a basic human desire to feel a sense of enclosure. Outdoor spaces convey a sense of enclosure as well. By contrast we note that in suburban areas the design is wide open, with houses plunked in the middle of large lots. These settings provide little or no outside privacy and lack sense of community. Outdoor spaces, such as public squares and small parks, act as centers of communities. As an example, places like Annapolis create outdoor space by setting houses close together to make streets outdoor rooms. Buildings form the walls, street trees form ceiling, and private spaces are located in the rear yards

Although we are planning for concentrated growth in the area, we need to respect nature. Not every corner of the area can support development. Places with critical environmental limitations and sensitive areas — such as wetlands, floodplain and steep slopes — should be off-limits to development. All development should be required to incorporate appropriate measures to minimize environmental impacts.

The most important wildlife habitat areas should be preserved to maintain a biologically healthy diversity of species. Children should be able to find quiet places to hear frogs around a pond at dusk, the rustle of the leaves of fall, and the humming of insects' wings.

Providing parks in neighborhoods will help to awaken a new neighborhood spirit in the town. These parks should provide for both active and passive recreational pursuits, with playground equipment, basketball hoops, tennis courts, play areas, horseshoe pits, picnic tables, and shelters. There should be places for children and adults to play, and quiet places to just relax on a sunny day. Parks can become the focal point of the neighborhoods. Community parks should also be enhanced to meet the recreational needs of a growing population and the County and town must work together to develop new ballfields, soccer fields and athletic practice fields.

Finally, quality communities are well maintained and safe. Maintenance is often the chief difference that distinguishes communities of character from slums. Rigorous attention to maintenance is necessary. Policing that emphasizes public order helps maintain the social environment in quality communities.

The Plan and implementing ordinances and regulations must be developed with these quality considerations in mind and each new project (public or private) must be rooted in the vision they connote. Each new development should be viewed as a part of an incremental growth process,

creating an identity of its own, but at the same time fulfilling a role as a piece of the Town. Development projects must reflect a unity and positive relationship to the overall plan for the Town. In this way new developments can enhance the order and richness of the community.

## **Transportation Concepts**

Among other things, new development (and minimum development standards) should reflect an awareness of the importance of streets to the quality of life. The Rising Sun Comprehensive Plan calls for streets and pedestrian trails that are pleasant to walk along.

Since building and especially maintaining roads is one of the most costly responsibilities of the government, it is important to fully use the transportation system that we have in place. In some areas, Town-owned and maintained unconnected streets do not contribute to increased route options and the shorter trips for pedestrians, bike riders, or autos. New streets must be designed so as to provide for the logical extension of the Town's existing grid pattern and reflect the areas' functional hierarchy.

A road system with many two lane roads works more efficiently than one with a few four and six lane roads. The system with more, but smaller roads, provides more options for getting around for all travelers. The ability of pedestrians to cross lanes or vehicles to make left hand turns is also less complicated and takes less time on roads with fewer lanes. More road connections allow fewer miles to be traveled saving fuel and reducing pollution. It is in all of the citizen's best interest to add to the road system as needed to maintain straightforward connections for all travelers. These means that the street should be laid-out with consideration for extending the Town's grid system to the throughout the planning area, as appropriate (See Illustration 2).

Bike riders need to be encouraged with good bike routes, bike racks at destinations, and showers and lockers at work and school. To encourage people to walk, streets, homes and businesses need to be built in a way that makes streets inviting. The network of pedestrian trails and greenway shown on the Plan specifically for the use of pedestrians and bicyclists should be implemented. This way people will be able to travel safely throughout the town and adjoining areas without relying on the automobile. These trails should link the neighborhoods with key destinations such as schools, parks, commercial areas, and centers of employment. This will contribute to reducing our dependence on the automobile.

## **Traditional Development Forms**

In all cases, development can and should help create an exciting, attractive and vibrant community in the Rising Sun area. New concepts — using the historic development forms of the Town, e.g., grid streets, alley, narrow lots, and shallow front yard setbacks — should be permitted, encouraged and, in some areas, preferred. Traditional neighborhood design exhibits characteristics that are compatible with the vision of a quality community discussed above. These characteristics are:

Neighborhood size is limited to an area that can be physically articulated with clear edges and a focused center; Shops, workplaces and residences for all income groups are in close proximity;

## ZONING ORDINANCE

Zoning is one of the more important means of implementing a Comprehensive Plan. An effective Zoning Ordinance based on Comprehensive Planning enables the orderly, compatible, and desirable development of a community. Based on the Comprehensive Plan and in accordance with the Maryland Planning and Zoning Enabling Act (~~Article 66B~~ Land Use Article) and the Zoning Ordinance of Cecil County, Maryland, the following recommendations are made as a basis for zoning in the Rising Sun area.

It is proposed that the Zoning Ordinance of Rising Sun follow the Cecil County Zoning Ordinance in format for the sake of consistency and development patterns and ease in coordinating reviews between the County and Rising Sun. The various sections and regulations of the Ordinance should be similar to those of the County Ordinance.

Outlined below are the particular districts and suggested regulations that should be considered based on the Comprehensive Land Use Plan discussed in the previous sub-section. These districts add regulations correspond in most instances to the Cecil County Regulations.

### Residential

It is proposed that the residential land use regulations include the cluster zoning concept discussed in the Land Use Section of this report. It would be desirable that residential districts be developed under this concept where such factors as location, natural features, existing and planned transportation facilities, and recreation and open space objectives of the Comprehensive Plan indicate. Basically, the following residential districts should be permitted:

**Very Low Residential Zone (RR):** This residential area is meant to maintain the existing development character of existing County zone RR parcels in the future growth area that become annexed.

- A. One-family detached dwellings;
- B. Farm buildings;
- C. Accessory structures; and
- D. Educational facilities, religious and community facilities.

**Low-Medium Residential Zone (R-1):** This residential area is meant to encourage a quiet and hazard-free living environment of semirural character and contains residences and other uses related to them. The following uses could be permitted in these areas:

- A. One-family detached dwellings;
- B. Farms;
- C. Recreation areas or buildings;

D. Educational facilities, religious, medical and community facilities;

E. Neighborhood commercial centers.

Medium-High Residential Zone (**R-2 and R-3**): This residential area permits a wider variety of dwelling types needed to meet today's housing needs. The uses that could be permitted in this area are:

A. Multiple dwellings;

B. Townhouses;

C. Neighborhood commercial areas

D. Various recreational facilities;

E. Educational, religious or medical and community facilities.

**Planned Unit Development Zone (PUD):**

The basic premise underlying the planned development concept is that a neighborhood, instead of the individual lot becomes the unit for planning. The planned unit concept includes single-family homes, multi-family dwellings, and shopping facilities as part of a unified development scheme, together with needed school and recreation facilities. The general objectives of a planned residential development is to provide flexibility in site design, producing variety in the physical development pattern of a community and a more desirable living environment than would otherwise be possible under strict interpretation of zoning ordinance requirements. It is also the objective of this zone to encouragement more efficient and desirable use of open land. It basically differs from the cluster concept in that it allows for a greater variety of land uses and housing types in a particular development. Clustering is basically concerned with allowing site design flexibility with one housing type. For the most part, Planned Unit Development embodies the following basic principles:

- 1 The gross population density and building intensity remain unchanged and conform with the basic over all density requirements of zoning district. However, lot dimensions and areas need not meet specific ordinances requirements.
- 2 Residential lot sizes related to single-family units may be reduced producing common open space areas and pedestrian walkways.
- 3 A variety of housing types, ranging form single-family residences, through townhouses and garden apartments is encouraged.
- 4 Supportive ancillary uses such as schools, recreational areas, shopping and employment facilities (**NC and CC**) is also encouraged.

It can be seen that the Planned Unit Development concept attempts to develop a totally integrated development containing all the uses and facilities that one normally associates with a well developed neighborhood.

The advantages of a Planned Unit Development as a community development pattern is obvious. Variety in housing type and land use, flexibility in site design allowing adequate separation of vehicular and pedestrian traffic expanded open space/recreational areas, and decreased development as well as maintenance costs, can be achieved.

Commercial-Industrial Zones (EC): The following commercial and industrial zone districts should be permitted and, furthermore, under each commercial or industrial area specific regulations should be included as follows:

1. Clustering the uses;
2. Providing open space with integrated recreation areas tots lots and sitting areas;
3. Regulation as to percentage of land and amount of landscaping required in each area;
4. Separation of pedestrian from vehicular traffic;
5. Amount and design of parking facilities as well as the amount of landscaping required in each parking facility.
6. Regulations on type and size of signs permitted;
7. Height and bulk of building;
8. Parking for commercial and industrial uses should be placed behind the principal structure to the extent possible;
9. Outdoor storage, except that associated with agricultural activities, should be screened from public ways and adjacent residential uses by vegetation or walls;
10. Nonresidential uses fronting on arterial or collector street segments should subject to Street Buffer requirements.
11. Nonresidential uses should be required to landscape at least 25 percent of the site with plant species native to Cecil County. All site plans must conforms to the Rising Sun Forestation Ordinance.
12. Commercial site design standards should either limit size coverage or set minimum open space requirements. Landscaping and screening of parking areas should also be required.
13. Commercial recreation and light industrial uses that can be blended into the rural countryside may be permitted in appropriate location provided they do not adversely impact the environment and rural character of the surrounding area.

**Old Town Center Commercial Zone (OC):** This zone should permit shopping establishments necessary to serve the Town as well as surrounding area such uses as restaurants, banks, specialty shops, food stores, department stores, service stores, such as barbershops, bakery, delicatessen, drug store, dry cleaner, florist, etc.; as well as community facilities such as churches, fire stations, post office, library, etc.

**Highway Commercial Zone (LC, RB -and CC):** This zone should contain uses catering to highway travelers such as drive-in banks, bowling alleys, food shops, motels, professional offices, restaurants, personal service businesses, etc.

**PUD Commercial Zone (NC and CC):** This zone should contain uses which serve a larger area than a neighborhood and also may contain community facilities such as a post office branch, a library branch, etc. The main commercial uses in this area are service-oriented for daily convenience goods such as dry cleaners, food stores, barber shop, delicatessen, drug store, book, newspaper and magazine store, shoe repair, and similar uses. Also, community meeting areas and other cultural-oriented uses.

**Neighborhood Commercial Zone (LC):** This zone should be geared to provide service and goods to a small population or neighborhood. It is limited to use such as a small food store or delicatessen, drug store or other type of similar uses on a smaller scale than the PUD Commercial Zone.

**Light Industrial Zone (LI):** This zone is meant to contain industrial uses which are compatible with residential and commercial uses. The uses permitted in this zone have a relatively minor nuisance value. The uses permitted might include:

- 1 farms and other uses associated with agricultural activities;
- 2 wholesale businesses, warehouses;
- 3 manufacturing, compounding, processing or packaging of good products, pharmaceutical, ceramic products, musical instruments and other manufacturing that is void of fumes noise or other similar light manufacturing uses.

~~Agricultural Zone~~ **Open Space:** There are no Agricultural Zoned lands depicted in the existing Official Zoning Map or the Town of Rising Sun Growth Area Map. ~~In this zone, agricultural land will be protected from encroachment by other uses in order to encourage a stable agricultural economy for the area. Permitted uses this zone may include farms and other uses associated with agricultural activities.~~ The primary purpose of the ~~Agricultural Zone~~ **the Open Space category** is to maintain the existing rural character of the Rising Sun area by ~~encouraging the continuation of agricultural and forestry uses and be~~ **by** requiring that the essential elements of the rural character be maintained in development. The ~~elements of rural character include large rolling farm fields, tree lined stream valleys, and views from the roads of open space in natural vegetation.~~

Farmland is steadily being converted to residential and other non-agricultural uses. Development pressure on remaining farmland is reflected in currant land values and ownership patterns.

The preservation of agriculture, forest cover, and large expanses of open space is essential to maintaining this existing rural character. The Town could make special provisions for the continuation of agriculture and forestry activities in the Agricultural Zone affording them protection as development occurs and be minimizing the loss of productive lands and natural vegetation to the extent possible.

To reduce conflict between incompatible uses the Zoning Ordinance should include performance provisions that establish minimum development standards including minimum open space requirements, landscaping, forestation, and ~~buffer yard~~ **buffer yard** standards. Performance standards that address environmental concerns should also be included in Zoning and Subdivision regulations.

## **DEVELOPMENT DESIGN AND COMMUNITY CHARACTER**

This chapter addresses the many aspects of development design in Rising Sun. Development design can be generally defined as the management of the visual and physical development of the built environment. Primary emphasis is placed on the preservation of the town's character. The intention is to respond to growing public concern about the increasing transformation of the town's traditional rural landscape to sprawling suburban residential and strip commercial development ownerships and communities through the nation. Managing development design to maintain and enhance the character and aesthetics of the town is an important component of the Comprehensive Plan. Application of development design standards is appropriate anywhere human features are present, and where the physical and visual properties of development can significantly influence the character of the town. Development design guidance, or the lack thereof, significantly affects real estate values, community pride, a sense of obligation to private property, personal enjoyment and satisfaction, and the overall investment climate in the community.

### **Town Center**

The Town Center has traditionally served as focal points for the surrounding rural community, providing some range of service and convenience to residents. They plays an important functional role in providing homes, limited neighborhood-oriented commercial services and businesses, and civic buildings such as churches, post offices, fire stations, etc.

The Town Center has a unique character and “sense of place” with which local residents easily identify. Development design standards for the Town Center will help to preserve and enhance their image while still accommodating limited future growth in a responsible manner. It is ironic that the traditionally tightly-knit village pattern so typical in traditional villages in America is illegal to produce or emulate in many, if not most, communities today. Developers are required to rigorously separate different land uses and set each house on suburban size lots. Such regulations inadvertently destroy the character of villages and towns at a rapid pace and prohibit the development of new villages that foster as sense of place. **The creation of a new “Old Town Commercial” or “OC” zoning district will ensure that zoning regulations work to preserve and enhance the Town Center.**

The following are recommended development design guidelines for the existing and future Town or neighborhood Centers:

## Resource Protection Standards

It is intended that resource protection standards will apply in all planning districts. These will be designed to protect such resources as flood plains, wetlands, steep slopes, and forested areas. The protection standards will be consistent with those presented in the Natural Resources and ~~Sensitive~~ Sensitive Areas element of this Plan.

## The Rural Landscape

Within those areas designated as agriculture, the Plan recommends providing zoning ordinance and subdivision regulation incentives for cluster development. Through the clustering approach for rural subdivisions, the developer is able to modestly increase base densities and decrease lot sizes in return for setting aside 30 to 50 percent of the overall parcel as open space. The resultant open space would be permanently protected by conservation restrictions for future agricultural use, forestry, or simply community open space.

Buildings should either be located in a wooded fringe at the edge of fields, or screened and setback from the fields and public roadways by a landscaped buffer area. Buildings should be sited so that obstruction of views from public ways will be minimized. This can be achieved by taking advantage of topographic changes or existing vegetation. This design approach would preserve rural views and enhance the rural image of the town. Although individual septic systems could be built for each house, joint systems shared by several houses would become possible, allowing siting on the most suitable soils in the tract, and at the greatest distance from any wells. Subdivision lots should be accessed from a single private road instead of numerous driveways fronting on public routes.

When zoning highway commercial areas, the town should not succumb to the “broad brush” approach of designating all roadside areas for new commercial development, but should instead examine the rural landscape to identify the amenities and visual resources which are present. Rather than allowing linear developments, commercial zoning can break the standard pattern by designating commercial nodes in compact, centralized areas, with visually important landscapes protected in between. Commercial development, regardless of where it is located in the towns, should also be subject to development appearance standards which ensure compatibility to surrounding land uses and promote a high quality built environment that compliments the community character of Rising Sun. **The creation of new “Limited Commercial”, “Commercial Centers”, and “Rural Business” zoning districts will work to address highway commercial development.**

## Bufferyard Performance Standards

One of zoning's most important functions is the division of land uses into districts that have similar character and contain compatible uses. All uses permitted in any district have generally similar nuisance characteristics. In theory, the location of districts is supposed to provide protection, but in Rising Sun this is not always the case because uses as diverse as single-family residential and commercial can occasionally be found adjacent to one another. Bufferyards will operate to

minimize the negative impact of any redevelopment or future use of vacant land on neighboring uses.

The bufferyard is a combination of setback and a visual buffer or barrier and is a yard or area together with the planting required thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement of this Plan are designed to minimize nuisances between adjacent zoning districts to ensure the desired character along public streets and roads. The planting units required of bufferyards can be calculated to ensure that they do, in fact, function as "buffers".

Bufferyards should be required to separate different zoning districts from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

## **Development Appearance Standards**

All future development in the town, except for single-family homes and farm buildings, should be subject to some level of design review for compliance with minimum development appearance standards. These minimum standards that should be achieved are performance standards rather than inflexible and stringent criteria. The intent of these performance standards is to promote quality development that will complement the community character of Rising Sun. One of the reasons for implementing these standards is, of course, to positively influence development aesthetics. However, this objective is justified by the greater goals of protecting and enhancing real estate values, fostering of civic pride, and improving the overall investment climate within the town.

These standards are not intended to restrict imagination or development creativity, but rather, to assist in focusing on development design principals which should result in enhancing the visual appearance of the built environment in the area. The development appearance standards relate to such factors as: relationship of buildings to the site; relationship of existing buildings and site to adjoining areas; landscape and site treatment; building design; signs; and, maintenance. These standards should not be considered cost prohibitive or overly restrictive since they embody common sense design principles which were traditionally employed throughout the country prior to the advent of post-war suburbanization.

The following are recommended development appearance standards for future multi-family, commercial and industrial development in all areas of Rising Sun:

### **Relationship of Buildings to Site**

Place newly installed utility services and service revisions necessitated by exterior alterations underground wherever possible.

### **Relationship of Buildings and Site to Adjoining Area**

## **Landscape and Site Treatment**

- Preserve and develop natural or existing topographic patterns where they contribute to beauty and utility of a development. Permit modification of topography where it contributes to good appearance, or where it is necessary.
- Provide an inviting and stable appearance for the pedestrian through grades of walks, parking spaces, terraces, and other paved areas.
- Provide landscape treatment to enhance architectural features, strengthen vistas and important axes, and provide shade.
- Achieve unity of landscape design by repetition of certain plant varieties and other materials and by coordination with adjacent development.
- Select plant material for interests in its structure, texture and color, and for its ultimate growth. Use plants that are indigenous to the area and others that will be hearty, harmonious to design, and of good appearance.
- Protect plants by appropriate curbs, tree guards, or other devices in locations where they will be susceptible to injury by pedestrian or motor traffic.
- Enhance parking areas and traffic ways with landscaped spaces containing trees or tree groupings.
- Where building sites limit planting, require the placement of trees in parkways or paved areas.

## **Building Design**

- Do not restrict architectural style. Base the evaluation of the appearance of a project on the quality of its design and relationship to surroundings.
- Buildings should be scaled and sized in harmonious conformance with permanent neighboring development.
- Materials should have good architectural character and should be selected for harmony of the building with adjoining buildings. Materials should be of durable quality. Materials should be selected for suitability to the type of buildings and the design in which they are used. Buildings should have the same material, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways. In any design in which the structural frame is exposed to view, the structural materials should be compatible within themselves and harmonious with their surroundings.
- Building components, such as windows, eaves, doors, parapets, should have good proportions and relationships to one another.
- Colors should be harmonious and should use only compatible accents.

- Mechanical equipment or other utility hardware on roof, ground, or buildings should be screened from public view with materials harmonious with the building, or they should be so located as not to be visible from public ways.
- Exterior lighting should be part of the architectural concept. Fixtures, standards, and all exposed accessories should be harmonious with building design.
- Refuse and waste removal areas, service yards, storage yards, and exterior work areas should be screened from view of public ways.
- Monotony of design in single or multiple building projects should be avoided. Variation of detail, form, and siting should be used to provide visual interest. In multiple building projects, variable siting of individual projects should be used to prevent a monotonous appearance.

## **Signs**

- Every sign should have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
- Every sign should be designed as an integral architectural element of the building and site to which it principally relates.
- The number of graphic elements on a sign should be held to the minimum needed to convey the sign's major message and should be composed in proportion to the area of the sign face. C The colors, materials, and lighting of every sign should be restrained and harmonious with the building and site to which it principally relates.
- Each sign should be compatible with signs on adjoining premises and should not compete for attention.

## **Maintenance -- Planning and Design Factors**

- Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures should be conducive to easy maintenance and upkeep.
- Materials and finishes should be selected for their durability and wear as well as for their beauty. Proper measures and devices should be incorporated for protection against the elements, neglect, damage, and abuse.
- Provisions for washing and cleaning of buildings and structures, and control of dirt and refuse should be incorporated in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish should be avoided.
- Provisions for landscape maintenance and replacement (i.e. native species) should be added.

## Summary

Essentially, the broad choice in future development patterns for Rising Sun is between a creative extension of the traditional rural character concept, and repetition of conventional suburban development practices, wherein 100 percent of the tract is covered by streets, houses, yards, and strip commercial development. The former enables a large proportion of new homes and businesses to be sited so as to command uninterrupted views across open fields, pastures, and woodlands permanently protected from future development.

When a subdivision, shopping center, or other large scale development is proposed in a rural setting, residents and town officials often have difficulty convincingly describing just what is at stake. Fortunately, or unfortunately, the quality of a rural landscape is not easily measured in dollars and

cents. Lacking a direct market value, however, a rural landscape might wrongly be assumed to have no value. This is a very real dilemma in a society which knows the value of very few intangibles, such as rural character.

Application of the development design standards described in this chapter should help the next generation of development to be skillfully fitted into the town in a manner which preserves and enhances rural character and quality of life. Incorporation of these standards into town's development ordinances will help ensure that necessary discussion occurs and that development design choices are made consciously rather than by default. This development design program should address the loss of character due to the homogeneous visual appearance of suburban sprawl in Rising Sun.

## PLAN ADMINISTRATION AND ENFORCEMENT

One of the most important, yet often neglected, issues to be considered in the formulation of the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations is administration and enforcement. Even the most well conceived plans and ordinances will lose effectiveness (and in some cases be invalidated) without consistent and equitable administration and enforcement. The responsibility for administering and enforcing the Comprehensive Plan and its associated ordinances and regulations rests primarily with the Town Council, Planning Commission, Board of Zoning Appeals and the town staff. Each group has a different role in administration and enforcement. Their roles need to be defined and understood in the context of the new plan. guidance in decision-making, and the size and cost of staff needed to effectively enforce regulations.

Once this plan is adopted, adherence to the comprehensive plan will result in more efficient and effective regulation, administration and enforcement, and eliminate many of the legal arguments for re-zoning based on "change". In order to fulfill this role, however, the plan must contain high quality standards that are easy to interpret and readily enforceable. Failure to make use of a comprehensive plan as a guide for future development, regardless of its merits, is bound to lead to inconsistent and ineffective enforcement of zoning regulations. For this reason, it is important that town officials make distinctions between decisions based on a plan and decisions based on concerns with the application of the plan. If decisions are not based on consistent application of plan policies, but rather as piecemeal reactions to zoning proposals, then the Community should

direct the planners to revise the plan rather than attempt to formulate reactive policy at the zoning decision level.

A comprehensive plan and a zoning ordinance, by their very design, are intended to complement each other. Basically, a comprehensive plan is used to guide development, while a zoning ordinance is a legal document that regulates how and where it is done. A zoning ordinance serves as a set of standards against which site development is reviewed. For example, if a review of a proposed development is taking place and there is an existing policy regarding control of access to roads, then the adequacy of access control should be a critical aspect of the review. If a project will have adverse impacts on neighboring residents, then a determination needs to be made as to how the project can be revised to mitigate these impacts, if at all, in terms of landscaping, setbacks and other standards. If the ordinance is utilized throughout the review process, then officials need only determine whether the proposed development meets or fails to meet the standards set forth. If the proposal conforms to the Comprehensive Plan and Zoning Ordinance, then development can begin. Otherwise, the developer is faced with one of two options: amend the proposal or forego development. Another response, of course, is to challenge the regulation in the courts. Developers may simply challenge the appropriateness of certain regulations as applied to their particular development. A developer may also challenge the validity of the ordinance itself. If zoning ordinances are constantly and successfully challenged, then this will most certainly be reflected in the quality of regulation enforcement.

One of two courses of action can be taken in the event that a standard is challenged as inequitable: the law can be upheld, ensuring that the development remain in keeping with the Comprehensive plan and ordinance, or the validity and fairness of the plan itself can be reviewed. A review of the plan, including any revisions, however, should occur separately from any development review process. The Town Council and Planning Commission should establish a procedure for reviewing and updating the plan. When a concern arises during a development review, the Council and the Planning Commission should defer action until the planning staff have had an opportunity to review the concerns within the context of the Comprehensive Plan. Rather than grant a precedent setting variance, Town officials, if the issue warrants it, should amend the plan and then grant the development approval. Otherwise, individual cases are more likely to be treated on an individual basis, thereby undermining any attempts to improve the quality of zoning administration and enforcement. Unfortunately, the very nature of the development review process lends itself to this case-by-case approach. When reviewing the conformance of a development to the plan and ordinance, particular features of the plan are bound to be brought into question. The natural tendency is to become involved in the issue of inequity and the plight of the landowner, losing sight of the larger purpose of the plan. Questions of inequity cannot be permitted to overshadow the plan. The plan and ordinance, after all, are supposed to serve as a standard for regulation and should not be reviewed each time a development is proposed. If the town is concerned about an apparent inequity, it should have specific mechanisms to force a review of the policy. Often planning officials monitor alleged inequities or concerns about unfair ordinance provisions over a two or three year period. If the same complaints reoccur, then they responsibly recommend changes to the elected officials. This technique eliminates knee-jerk amendment reactions to isolated incidents of complaint regarding equity.

The purpose of a comprehensive plan is to provide a basis for consistent, high quality enforcement. To accomplish this, the plan and zoning ordinance must contain definitive and relevant policy statements that are readily achievable.

The quality of enforcement is not simply related to the quality of the plan. It is also jeopardized when confronted with poor technical support. Accurate assessment of site development problems and an ability to assist the developers in meeting the community's goals are essential functions regardless of the type of ordinances or plans a community has adopted. Inadequate staffing will also influence the quality of administration and regulation enforcement. Without proper staffing it becomes difficult, at best, to effectively administer and enforce zoning ordinances.

Inadequate funding often serves as a contributing factor to lack of proper enforcement. Adequate funding is essential for drawing high quality professionals with technical expertise. It is also necessary to keep staffing levels high enough to efficiently and effectively administer and enforce regulations.

Adequate funding is essential for proper enforcement of these documents. Increasing population and growth, and subsequent pressures for development, will directly affect costs relating to enforcement. New initiatives will require a high degree of administration and enforcement effort. The increased interagency coordination required for plan review and the additional review of environmental impact assessments or transportation impacts of projects are just two examples of the increased demands which will be placed on the town staff in the future. Another factor that can contribute to lack of enforcement in the development plan review process is the lack of guidance for handling discretionary decisions. The effect is the same as approaching site development on a case-by-case basis. Without proper guidance, discretionary decisions are likely to result in varying degrees of enforcement of zoning ordinances.

Enforcing a comprehensive plan uniformly is difficult without set standards for handling discretionary cases. Proper guidance through development review process management will vastly improve the quality of enforcement and administration.

One enforcement issue that deserves special treatment is non-development review related. It is the monitoring of compliance with the regulations on a day-to-day basis after the development has been completed. Often, it is violations of this nature that are the most visible way for town residents to measure the success of the planning program. The accumulation of junk cars, illegal trailers, illegal home occupations, and illegal signs are typically frequent infractions.

Another difficult type of infraction to monitor is the continued compliance with site plan requirements. For example, landscaping or screening may be required as a condition of an approval; however, even if it is installed as per the plans, it is difficult to ensure that the plantings live and thrive and continue to function.

The process for actually forcing compliance with a regulation, that is getting corrective action or stopping an action, can be a cumbersome one. Even with the most blatant violations such as closing an illegal business, the legal and judicial process can be lengthy. This can be a costly and time consuming drain on the resources of the town.

Realistic penalties are a common problem in zoning enforcement. Zoning violations under the current Ordinance are established as a misdemeanor, a criminal offense, punishable by a fine or imprisonment. Meeting the test for a successful criminal prosecution may add more delay time and cost to the proceeding. Frequently, judges are reluctant to give an offender a criminal record

for most zoning violations. Certain offenses such as sign and setback violations may be able to be handled by civil penalties which should be explored with the town attorney as the zoning ordinance is revised.

## Alternative Policies

Several measures can be taken to insure higher quality regulation administration and enforcement. Some of these measures are administrative and budgetary. Others have to do with the structuring of the plan and ordinances. In many instances, the term "alternative" policies is misleading. Some of these policies are mandatory if the town is to have effective zoning administration. The following policies will be discussed:

- Professional Staff
- Funding Performance Standards
- Staff Authority
- Periodic Review and Plan Amendment
- Uniformity in Administrative/Ministerial Functions
- Information Management

In general, the administrative policies of professional staff and funding should be viewed as essentials of any planning program. Without these elements, good ordinance administration is, at best, problematic. The regulatory approaches do contain some choices that the town must address.

Professional Staff -- Developing a highly professional planning staff, which possess both planning and management skill, will greatly enhance the quality and level of administration and enforcement. First, and foremost, professional competence requires a commitment to seek and hire qualified personnel for all planning and administrative positions. Job descriptions should be prepared and only qualified people hired to fill the positions.

A second requirement is proper funding to ensure that qualified individuals are attracted to the town and retained long enough so that they can be effective. Adequate funding for all administrative tasks should also be provided. Inadequate funding for such tasks as zoning administration, regulating subdivisions, variance and conditional use processing, as well as issuing building permits, will result in poor and inconsistent enforcement. If there are insufficient personnel to inspect for compliance of both plans and actual construction, the best plans and regulations will be inadequate. Cross training of town personnel be knowledgeable about other ordinances and programs should help to identify violations.

Funding -- Inadequate funding should never serve as an excuse for low quality administration and enforcement. Funding can be provided one of two ways: through a General Revenue Fund or through a fee structure. Long range planning functions are a town effort that benefit the entire community. It is therefore logical that long range planning should be supported out of the town's

General Revenue Fund. The short range planning activities such as subdivision review, zoning administration and building permits should be supported by fees for permits, inspections, or processing of zoning applications. Fees should be adequate enough to cover support provided by town departments and any planning costs that are directly related to these activities. These costs can be identified in the budgets of respective departments and are easily calculated. Short range planning and administration should not cost the town money. This is in keeping with the widely held view that developments should be responsible for paying their own way. There are existing fee structures that can be modified to implement this goal. Using General Revenue Funds to cover administrative costs is still an option. This, of course, is a political decision and should be made accordingly. Limited resources in the General Revenue Fund, however, should not be used as an excuse for inadequate funding of administrative services, since other mechanisms for covering these costs are available.

Performance Standards -- The term performance standard implies the existence of a firm standard that can quantitatively be determined. Instead of seeking to protect the environment to the maximum extent possible, it sets a standard for protection (floodplains 100%, woodlands 70%). There is no room to debate the achievement of a standard. If 32% of a woodland is to be disturbed, then the standard has not been met. It is clear that this type of planning means more work in developing the ordinance. The standards have to be tested, and the equity issues over the impact of the standard have to be carefully weighed before the standards are adopted. Once in place, however, there is a much lower demand on staff, since each review is a question of checking to see if the plan conforms to measurable standards. Time consuming debates, position papers, and reports that characterize ad hoc reviews dependent on arm twisting can be eliminated. The major difficulty with adopting performance standards is that it requires solving problems up front rather than postponing them to a later date and not every potential issue can be anticipated and resolved with quantitative standards. However, a better effort to quantify standards than is presently in place is clearly possible.

Staff Authority -- Effective administration depends on the appropriate use of staff and an understanding of the different roles played by elected officials, appointed boards and commissions, and the professional staff. The primary job of elected officials and planning commissions is to make policy decisions. Once policy is made, the staff should be directed to implement the decisions. This is a critical distinction. Where possible, authority must be delegated to the staff and, where delegation is not feasible, the role of elected officials and/or appointed Commissioners should be sharply defined.

Periodic Plan Review & Amendment -- A comprehensive plan or ordinance is based on a whole series of goals and objectives. Because the elected officials hold the public hearings and adopt the ordinances, they clearly understand all of the details at the time of adoption. However, as memories begin to fade and different officials are elected, the level of understanding diminishes. Thus a series of standards and findings of fact required of the Town Council before making amendments is a very useful structure for decision-making.

The Comprehensive Plan will require periodic review evaluation and update to assure it serves the town's purposes. The Plan, ~~at a minimum~~ **by local practice**, should be reviewed and updated every four years. The actual form and scheduling of Plan review and update will be heavily dependent on town staff and planning commissions' capabilities and issues that arise as the Plan

is implemented over time. **By law, the Plan must be reviewed at least once every ten years, in coordination with the consideration of municipal data available from the U.S. decennial census.**

Uniformity in Administrative/Ministerial Functions -- Administrative decisions at first glance may not seem as weighty as a large rezoning matter; however, the cumulative effect of several plats of subdivisions invoking proposed lots as evidence in recent years represents incremental decisions which will most likely have a much more substantial impact on the community than a few larger legislative decisions may have. This is why it is important that all administrative decisions, regardless of how minor, need to be considered uniformly in light of the Comprehensive Plan and its associated ordinances and regulations.

In both permitting and rezoning decisions, consistency and equity are mandatory. Each applicant must be afforded the same due process in administration and enforcement. Different rules cannot be applied on a case by case basis just as policy cannot be determined case by case. Discretionary decision making must be minimized to the extent possible. The Comprehensive Plan, after all, is supposed to serve as a standard for regulation and should not be reinterpreted each time a specific development is proposed. It is often difficult to overcome the natural tendency to become involved in the plight of the landowner, losing site of the larger purpose and community objectives of the Plan.

Information Management -- The starting point for effective inspections and enforcement is a good set of records reflecting what regulations, plans, permits, and conditions affect a particular piece of property. Traditional zoning regulations were easy to administer and enforce because all that was necessary in the way of records for most situations were a zoning map, a copy of the zoning regulations, and a description of the property (to find it on the map).

Today, a particular property may be affected by not only the zoning map and applicable regulations but by a PUD plan or site plan, conditions imposed on a rezoning, restrictions contained on a plat such as easements and high water lines, terms of an annexation agreement, special conditions applicable to a particular use, and one or more sign permits including special conditions.

If an owner applies for a building permit, a new business license, or a permit for an additional sign, it is essential that the zoning administrator or building official be able to determine accurately what conditions and restrictions apply to the property.

With a sophisticated, computerized "geographic information system," it is possible to specify all of the conditions and restrictions applying to each part of a particular parcel. The only administrative requirement for record keeping on such a system is to ensure that every official action resulting in the imposition of restrictions are part of the record. All that is necessary is a file reference number or other piece of information to refer the user to the full site plan, conditional approval, or other document containing the conditions or restrictions.

Most communities like Rising Sun, however, do not have and will not soon have such sophisticated systems and must build records in another way. Making records of restrictions is essential to the entire administration of land-use regulations, not just to enforcement actions. Some communities have replaced a traditional zoning map with a map containing references to PUD and site plan approvals. While such a system is a satisfactory way to track large-scale

approvals, it cannot realistically identify all individual site plans, conditional re-zonings, sign permits, or similar matters. The only effective way to track all conditions applicable to a particular parcel of ground is with a parcel-based filing system, whether it is on a computer or on paper.

## **Recommendations**

Based on review of current town plans, ordinances, and processes for administration, as well as review of documented concerns regarding how well the system is working, the following administration and enforcement objectives are recommended to guide construction of plan implementation tools, particularly the zoning ordinance and related development regulations as well as operational features of future administrative structure:

1. Where possible, use clear measurable performance standards in ordinances to minimize interpretive confusion.
2. Where uses are subject to Board of Appeals approval, enumerate minimum standards by use and improve where possible the criteria or standards which the Board uses as a yardstick to determine the appropriateness of a given use in the respective zoning district.
3. Reduce the number of conditional uses where possible by establishing clear standards by which they may be permitted by right and subjected to established standards.
4. Maintain clear time frames for review of rezoning application, conditional uses, subdivisions, and uses subject to site plan review and approval.
5. Maintain clear administrative procedures documenting applicant, staff and approval authority responsibilities for processing rezonings, conditional uses, subdivisions, and uses subject to site plan review and approval.
6. Use standard forms and checklists for ministerial and administrative procedures which clarify for all parties various application submission requirements, improvement guarantees, and inspection procedures.
7. Review and refine rules of procedure for use by the Town Council, Board of Appeals and Planning Commission for all zoning forms of action which require public hearings.
8. Provide adequate budget and staff as well as training and support for administrative procedures and inspection functions, and attempt to coordinate and/or integrate inspection and administrative functions to the maximum extent possible.
9. Require approval Boards and Commissions to visit sites within thirty (30) days of hearings conducted vis a vis rezoning and conditional exception uses.
10. Consider revision of the penalty section of the Zoning Ordinance if consistent with state statutes to allow civil penalties for less serious violations to simplify administrative process.

11. Require the annual revision to the town's Capital Improvements Program to be coordinated with the Comprehensive Plan and any recommended amendments resulting from the annual review of the Plan and planning process.
12. Over time establish a parcel based record-keeping or tracking system often called a "geographic information system" that can specify all the conditions or restrictions which may apply to a particular parcel.

## **Conclusions**

As implementation options for the new plan are continually sorted-out and decided upon, it becomes important to think ahead to administration and enforcement. Once the plan is completed, the job of putting it into action begins. Long established development review processes and practices may clearly need to be altered.

Not all of the changes forthcoming will be popular with everyone--few things in life are. It will require a strong commitment from all involved to eventually make this Plan work. In the end, the ability of the town to properly administer and enforce the Plan and its associated ordinances is the Plan's most accurate measure of achievement. No matter how good an idea or implementation option sounds on paper -- if the town cannot make it work or neglects to make it work -- that idea has done little more than stimulate the minds of those who shared it. If the Plan cannot effectively be administered and enforced, it will not have served its public purpose. The Comprehensive Plan must be administratively feasible and enforceable given the budget and staffing resources allocated by the town to do the job. Constant attention to management and re-evaluation of administrative processes and procedures should be considered equally important to initial structuring and staffing of administrative procedures. There is no perfect administrative system which can be initially structured and guaranteed to function equitably and efficiently. Sound administration derives from good management which is attentive to needs of re-evaluation and adjustment over time. A good starting point for structuring administrative process exists in the recent APA report #409 entitled Enforcing Zoning and Land Use Controls.