

ORDINANCE NO. 2022-01

Town of Rising Sun  
Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING EXISTING ZONING DISTRICTS AND CREATING AND DEFINING NEW ZONING DISTRICTS AS RECOMMENDED IN THE TOWN'S COMPREHENSIVE PLAN AS DEFINED BELOW; AND TO REPEAL ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

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

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

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

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

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

**WHEREAS** in June of 2019, the Town of Rising Sun adopted a document titled TOWN OF RISING SUN COMPREHENSIVE PLAN ("Comprehensive Plan"), with the general purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development of the Town, and to promote best practices for health, safety, morals, order, convenience, prosperity, and general welfare, and shall serve as a guide to public and private actions and decisions to ensure the development of public and private property in appropriate relationships and shall include any areas outside of the Town boundaries which have been identified as part of the Town's designated growth area. A part of this process is the review and proposal of land use designation to be contained in the Comprehensive Plan and incorporated into the Town's Zoning Code; and



**WHEREAS** while addressing land use designations for the Town's Zoning Code, the Comprehensive Plan recommends residential land use policies that include the development of 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, with these zones designed to reflect very low, low, medium, and higher density development types; and

**WHEREAS**, the Town already has medium and higher density development zones, but does not have any zones to reflect the low and very low rural residential density development already existing in the town's future growth and proposed annexation areas, and therefore suggest the creation of two (2) new residential zones to include an R-E Residential Estate zoning classification that preserves the very rural low density nature and intent of the County's Northern Agricultural Residential (NAR) zoning and a R-R Rural Residential zoning classification that preserves the low density rural residential character and intent of the County's Rural Residential (RR) zoning; and

**WHEREAS** the Comprehensive Plan also recommends commercial land use policies that are consistent with the actual built environment while also establishing a greater range of commercial zoning categories aimed at developing high impact sustainable businesses, with higher paying jobs, while also developing a viable, efficient system of commercial uses and intensities and to further support a range of commercial uses by location, character, lot size, traffic and parking; and

**WHEREAS** the Comprehensive Plan recommends the following new or modified commercial zoning categories to include, "Old Town Commercial Center" or "OTC", "Limited Commercial" or "LC", "Neighborhood Convenience Centers" or "NC", "Employment Center" or "EC" and the "Rural Business" or "RB"; and

**WHEREAS** the Mayor and Commissioners having monitored, supported, and fostered the Town of Rising Sun Planning Commission's efforts to update and amend the Comprehensive Plan, have reviewed their finding and recommendation contained therein as a basis for initiating the redefining of existing Zoning Districts and the development of additional Zoning Districts as recommended in the Comprehensive Plan; and

**WHEREAS** the Mayor and Commissioners' have proposed Phase I changes to the Town's Zoning classifications, based on the Rising Sun Planning Commission's findings and work-product, that were submitted to the Rising Sun Planning Commission and a meeting was held on these changes by the Rising Sun Planning Commission on February 14, 2022; and

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

**WHEREAS** the Mayor and Commissioners gave public notice as required by law and held a public hearing on March 22, 2022, to receive public input and comment.

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



## **SECTION 1**

The Code of Ordinances for the Town of Rising Sun contains Chapter 12 titled Town of Rising Sun Zoning Ordinance, Article 1 titled Purpose and Authority, section 12-100 titled Short Title. This section defines the name of this document.

### **Amendment 1**

Section 12-100 titled Short Title shall be modified by deleting the word "Ordinance" at the end of the paragraph and replacing it with the word "Code" and shall now read as:

*This Ordinance shall be known, cited and referred to as the Town of Rising Sun Zoning Code*

### **Amendment 2:**

All further references to the "Zoning Ordinance" in this document, shall be inferred to read as the "Zoning Code"

## **SECTION 2**

The Code of Ordinances for the Town of Rising Sun contains Chapter 12 titled Town of Rising Sun Ordinance, Article 5 titled Zone Regulations, Part I titled Zoning Districts. Part I establishes the various zoning districts for the Town of Rising Sun.

### **Amendment 1:**

Section 12-500 titled Districts Established, shall be modified by leaving the title unchanged but the remaining text will be deleted in its entirety and replaced to read as follows:

*The incorporated areas of the Town of Rising Sun shall be divided into fourteen (14) zoning districts to be listed as follows:*

"RE" - Rural Estate District

"RR" - Rural Residential District

"R1" - Single Family Residential District

"R2" - Mixed Residential District

"R3" - Multi-Family Residential District

"LC" - Limited Commercial District

"NC" - Neighborhood Convenience Centers

"CC" - Commercial Center District

"OTC" - Old Town Center District

"EC" - Employment Center District

"LI" - Light Industrial District

"RB" - Rural Business District

"MH" - Mobile Home District

"C.I.D." - Controlled Industrial District



*These districts shall be established to regulate and restrict the location of residences, trades, industries, and buildings erected or altered for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit population density and the intensity of the use of lot areas; to regulate and determine the areas of yards, courts, and other open spaces with and surrounding such buildings; and the implement the recommendations of the Rising Sun Comprehensive Plan.*

## **Amendment 2:**

Section 12-501 thru section 12-510 shall be deleted in their entirety and replaced to read as:

### *Section 12-501. R-E Rural Estate District*

*The regulations of this zone are intended to establish very low-density single family detached residences and supporting uses, with the intent of maintaining and preserving the rural character of the Rising Sun region. Residential Development will require one (1) dwelling unit per ten (ten) acres and a minimum of sixty (60) percent of the total lot area or a parcel to be designated as open space. Clustering and PUDS may be permitted as defined in this code. When portions of the greenbelt area are annexed, the existing protected lands will be designated with the town Open Space (OS) zoning overlay. To the extent feasible, all forested lands and floodplain areas will be designated as (OS). Zone regulations shall be defined as per the Schedule of Zone Regulations found in Article 6 titled Supplemental Zone Regulations; and permitted uses are defined in the Table of Permissible uses found in Article 5 titled Zone Regulations, Part III titled Permissible Uses.*

### *Section 12-502. R-R Rural Residential District*

*The regulations of this zone are intended to establish low-density single family detached residences and supporting uses, with the intent of maintaining and preserving the rural character of the Rising Sun region and to provide for a manageable amount of rural residential development that does not overload the community infrastructure or services and is compatible and harmonious with adjacent areas. Residential Development will require one (1) dwelling unit per acre in minor subdivisions and one (1) dwelling unit for 3 acres in major subdivisions. Clustering and PUDS may be permitted as defined in this code. Zone regulations shall be defined as per the Schedule of Zone Regulations found in Article 6 titled Supplemental Zone Regulations; and permitted uses are defined in the Table of Permissible uses found in Article 5 titled Zone Regulations, Part III titled Permissible Uses.*

### *Section 12-503. R-1 Single Family District*

*The regulations of this zone are intended to establish predominately Single Family Detached residential dwellings and their associated uses. 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. Residential Development will require one (1) dwelling unit per acre. Clustering and PUDS may be permitted as defined in this code. Zone regulations shall be defined as per the Schedule of Zone Regulations found in Article 6 titled Supplemental Zone Regulations; and permitted uses are defined in the Table of Permissible uses found in Article 5 titled Zone Regulations, Part III titled Permissible Uses.*



#### *Section 12-504. R-2 Mixed Residential District*

*The regulations of this zone are intended to establish a variety of housing-types including single-family, two-family, duplexes and accessory apartments. Development is encouraged 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. PUDS may be permitted as defined in this code. Zone regulations shall be defined as per the Schedule of Zone Regulations found in Article 6 titled Supplemental Zone Regulations; and permitted uses are defined in the Table of Permissible uses found in Article 5 titled Zone Regulations, Part III titled Permissible Uses.*

#### *Section 12-505. R-3 Multi-Family District*

*The regulations of this zone are intended primarily for multi-family dwellings and supporting uses and to establish a variety of housing-types including single-family, two-family, duplexes, townhouses, and apartments. Development is encouraged 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. PUDS may be permitted as defined in this code. Zone regulations shall be defined as per the Schedule of Zone Regulations found in Article 6 titled Supplemental Zone Regulations; and permitted uses are defined in the Table of Permissible uses found in Article 5 titled Zone Regulations, Part III titled Permissible Uses.*

#### *Section 12-506. LC Limited Commercial District*

*The regulations of this zone are intended to support commercial, and employment uses that meet the daily convenience and shopping needs of the nearby residents, focusing on retail and service uses and generally located on commercial lots less than three (3) acres in size, or are a part of a series of contiguous commercial lots to create a district or node, generally less than fifteen acres in size. PUDS may be permitted as defined in this code. Zone regulations shall be defined as per the Schedule of Zone Regulations found in Article 6 titled Supplemental Zone Regulations; and permitted uses are defined in the Table of Permissible uses found in Article 5 titled Zone Regulations, Part III titled Permissible Uses.*

#### *Section 12-507. CC Commercial Centers District*

*The regulations of this zone are intended to support more intensive commercial, and retail development on commercial lots generally larger than three (3) acres in size that are typically located in parks or 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. Commercial Centers may be located within a PUB that is greater than 200 acres in size. Zone regulations shall be defined as per the Schedule of Zone Regulations found in Article 6 titled Supplemental Zone Regulations; and permitted uses are defined in the Table of Permissible uses found in Article 5 titled Zone Regulations, Part III titled Permissible Uses.*



#### *Section 12-508. OTC Old Town Commercial Center District*

*The regulations of this zone are intended to provide appropriate locations for select commercial activities. Provision should be made for accommodation of a wide range of business pursuits, 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, post office, library, and other similar 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 Old Town Commercial area consistent with the unique land use mix which currently exists. Generally, this 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. Although the zone provides for some residential uses, the Old Town Commercial Center is intended to reduce commercial encroachment into the adjacent residential uses. Zone regulations shall be defined as per the Schedule of Zone Regulations found in Article 6 titled Supplemental Zone Regulations; and permitted uses are defined in the Table of Permissible uses found in Article 5 titled Zone Regulations, Part III titled Permissible Uses.*

#### *Section 12-509. EC Employment Center District*

*The regulations of this zone are intended to establish commercial type uses that provide large employment populations, including offices, research, hospitals, and manufacturing uses that are 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 such as a library branch and meeting areas to create community focal points. Mixed Use Employment Centers 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 employment center. Financial incentives may be provided through Town legislation that recognizes development of high impact sustainable businesses and or development that employees significant numbers of high paying jobs that are tailored towards residents of the Town of Rising Sun. Zone regulations shall be defined as per the Schedule of Zone Regulations found in Article 6 titled Supplemental Zone Regulations; and permitted uses are defined in the Table of Permissible uses found in Article 5 titled Zone Regulations, Part III titled Permissible Uses.*

#### *Section 12-510. LI Light Industrial District*

*The regulations of this zone are intended to promote Industrial development into industrial parks of a campus-like form and in 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. Special consideration should be given to the potential negative impacts of existing and proposed industrial facilities on existing and planned public facilities, and the health, safety and welfare of employees and residents of the neighborhood. Zone regulations*



*shall be defined as per the Schedule of Zone Regulations found in Article 6 titled Supplemental Zone Regulations; and permitted uses are defined in the Table of Permissible uses found in Article 5 titled Zone Regulations, Part III titled Permissible Uses.*

#### *Section 12-511. RB Rural Business District*

*The regulations of this zone are intended 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 that are generally allowed in the Town's Commercial Center District, but with greater restrictions to maintain and facilitate the preservation of the rural character of the Rising Sun region and to provide for a manageable amount of commercial development that does not overload the community infrastructure or services and is compatible and harmonious with adjacent areas. Development would be on lots typically larger one (1) acre and must be served or scheduled to be served by municipal water and sewer. Properties zoned Rural Business are typically located in parks or 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. In addition, landscaped buffers, native tree plantings as well as imaginative site and architectural design, should be encouraged to maintain a more rural appearance, especially along the highway and commercial strip development along the highway should be avoided. The regulations of this zone are intended 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 that are generally allowed in the Town's Commercial Center District, but with greater restrictions to maintain and facilitate the preservation of the rural character of the Rising Sun region and to provide for a manageable amount of commercial development that does not overload the community infrastructure or services and is compatible and harmonious with adjacent areas. Development would be on lots typically larger one (1) acre and must be served or scheduled to be served by municipal water and sewer. Properties zoned Rural Business are typically located in parks or 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 and limited commercial uses, such as, agricultural supplies and equipment, hotels, outdoor recreational facilities, active or passive parks, veterinarian clinics and animal sanctuaries, zoos, vehicle sales and repairs and other community facilities. In addition, landscaped buffers, native tree plantings as well as imaginative site and architectural design, should be encouraged to maintain a more rural appearance, especially along the highway and commercial strip development along the highway should be avoided. Zone regulations shall be defined as per the Schedule of Zone Regulations found in Article 6 titled Supplemental Zone Regulations; and permitted uses are defined in the Table of Permissible uses found in Article 5 titled Zone Regulations, Part III titled Permissible Uses.*

#### *Section 12-512. MH Mobile Home District*

*This zone is intended to provide areas where grouping of mobile homes may occur in an appropriate, sanitary, and attractive environment. Zone regulations shall be defined as per the Schedule of Zone Regulations found in Article 6 titled Supplemental Zone Regulations; and permitted uses are defined in the Table of Permissible uses found in Article 5 titled Zone Regulations, Part III titled Permissible Uses.*



### **SECTION 3.**

The Code of Ordinances for the Town of Rising Sun contains Chapter 12 titled Town of Rising Sun Ordinance, Article 5 titled Zone Regulations, Part II titled Special Districts. Part II establishes the various zoning districts for the Town of Rising Sun.

#### **Amendment 1:**

Section 12-511 titled Controlled Industrial District C.I.D. shall be renumbered 12-513

#### **Amendment 2:**

Section 12-512 titled Planned Unit Development (PUD) shall be renumbered 12-514.

#### **Amendment 3:**

Section 12-512 titled Planned Unit Development (PUD), subsection 2, titled P.U.D. Requirements, note (a) shall be modified by deleting the paragraph in its entirety and replacing it to read as:

*Planned Unit Developments are based in design policies and objectives that appear in the Comprehensive Plan and are contemplated to be primarily residential in nature and shall be no less than seventy five (75) acres. However, Planned Unit developments of sufficient size and appropriate character may have certain limited commercial development which is incidental to the Planned Unit Development. Permitted Uses shall be as shown in the Table of Permitted Uses.*

#### **Amendment 4:**

Section 12-512 titled Planned Unit Development (PUD), subsection 2, titled P.U.D. Requirements, note (b) shall be modified by deleting the paragraph in its entirety and replacing it to read as:

*Planned Unit Developments may contain Commercial establishments of a convenience and service nature upon issuance of a special exception approved by the Planning Commission and the Board of Appeals. The Planned Unit Development 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. Such commercial establishments shall be an integral part of the plan for the P.U.D. The total aggregate area of all the commercial establishments and their parking area shall not occupy more than 15%, or 20 acres whichever is less, of the gross area of the P.U.D. Commercial areas shall be of two types:*



**Amendment 5:**

Section 12-512 titled Planned Unit Development (PUD), subsection 2, titled P.U.D. Requirements, note (b)(1) shall be modified by deleting the paragraph in its entirety and replacing it to read as:

*Small neighborhood convenience centers as defined in section 515 below. No commercial establishment shall be constructed until twenty-five (25%) percent of the residential units are completed.*

**Amendment 6:**

Section 12-512 titled Planned Unit Development (PUD), subsection 2, titled P.U.D. Requirements, note (b)(2) shall be modified by deleting the paragraph in its entirety and replacing it to read as:

*More intense "Commercial Centers" or "CC" will be permitted with PUDs of at least 200 acres in size. Planned commercial centers shall be a group of commercial uses compatible with the residential nature of the P.U.D. These may include but are not limited to medical and professional offices, general retail stores, floor stores and one automobile service station. No construction of the planned commercial center shall begin until fifty (50%) percent of the total planned residential units are complete.*

**Amendment 7:**

A new section 12-515 titled Neighborhood Convenience Center shall be created to read as follows:

*Section 12-515. NC Neighborhood Convenience Centers*

*This zone is intended to support low intensity commercial uses within an approved planned unit development (PUD) and typically features primarily convenience goods, and personal services, and 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. 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.*

**SECTION 8.**

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



## **SECTION 9.**

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

## **SECTION 10.**

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

## **SECTION 11.**

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

## **SECTION 12.**

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

## **SECTION 13.**

**NOW THEREFORE BE IT RESOLVED** that this ordinance was introduced on this 8<sup>th</sup> Day of February 2022.

## **SECTION 14.**

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Mayor and Commissioners of the Town of Rising Sun passed, approved, and adopted this ordinance on this 10<sup>th</sup> day of May 2022.

**AYES:** Commissioners Braun, Pierson and Warnick (3)

**NAYES:** None (0)

**ABSTAIN:** None (0)



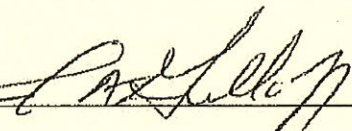
THE MAYOR AND COMMISSIONERS OF  
THE TOWN OF RISING SUN

BY:   
Travis Marion, Mayor

ATTEST:

  
Judy C Melton  
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
THIS 4<sup>th</sup> DAY OF FEBRUARY 2022

BY:   
Jack A. Gullo, Jr., - Town Attorney



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

SS:

CERTIFICATE

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this 11<sup>th</sup> day of May 2022.



Judy C Melton  
Town Clerk