

ARTICLE I. INTRODUCTION

Section 11-100. Short Title

This Chapter shall be cited as the Town of Rising Sun Land Development and Subdivision Code.

Section 11-101. Legislative Authority

This Code is enacted under the authority granted by the General Assembly of Maryland, as provided in the LAND USE Article of the Annotated Code of Maryland, and as amended from time to time.

Section 11-102. Scope

These regulations of this code are designed to implement the Town of Rising Sun's Comprehensive Plan; to facilitate adequate and coordinated provision for transportation, water, sewerage, stormwater management, grading and soil erosion, schools, parks, playgrounds, and other public requirements; to preserve natural features such as stands of trees, streams, and other significant environmental features; and, in general, to facilitate the orderly, coordinated, efficient, compatible and harmonious land development of the Town of Rising Sun.

Section 11-103. Intent & Purpose

1. These regulations shall be construed to secure its expressed intent, which is to assure that construction within the Town of Rising Sun and the development of land is designed and developed in order to promote the public health, safety, and general welfare of the citizens by regulating the development of land, to include the division and redivision of land and to facilitate the further division of larger tracts into smaller parcels of land, in order to further the orderly development and appropriate use of land, protect land title and to minimize the adverse impacts on adjacent properties.
2. The purpose of these regulations is to facilitate sound economic growth and efficient land development, encourage the most appropriate use of land, provide convenient and safe movement of people and goods, control the distribution and density of population to areas where necessary public service can be provided, protect historic and environmental areas, encourage good civic design, and provide for adequate public utilities, facilities, and services.

Section 11-104. Jurisdiction

1. The regulations in this code shall apply to all land located within the incorporated area of the Town of Rising Sun.
2. The provisions of these regulations shall be interpreted to be the minimum requirements to meet the stated purpose and intent of this Chapter. Where the provisions of these regulations impose greater restriction than those of any statute, other regulations, or ordinances, the provision of these regulations shall prevail. Where the provisions of any statute, other regulations, or ordinances impose greater restrictions than those of these regulations, the provisions of such statute, regulation or ordinance shall prevail.

Section 11-105. Severability.

If a section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

ARTICLE II. DEFINITIONS

Section 11-200. Scope

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

Section 11-201. Interchangeability

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

Section 11-202. Terms defined in other codes.

Where terms are not defined in this code but are defined in the Town's Zoning Code or any other Town Code; such terms shall have the meanings ascribed to them as in those codes and references.

Section 11-203. Terms in Conflict.

Where there is a conflict between terms, the terms in this code shall prevail.

Section 11-204. Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Section 11-205. General Definitions.

Adequate Public Facilities Agreement. An agreement between a developer and the Town that binds the developer to either furnish, finance or provide a prorated share of the projected cost of services and facilities (Adequate Public Facilities) that have been determined to be lacking in capacity or in need of improvement or expansion.

Adequate Public Facilities. Shall be defined as those facilities relating to roads, sewerage disposal systems, schools, water supply and distribution systems, parks and recreation, fire, police and public safety, that is determined to meet established minimum standards and capable of serving existing and proposed development.

Administrative Subdivision and Single Lot Development Review. The following Subdivision and Land Development projects shall be approved as an Administrative Subdivision and Single Lot Development Review after confirming that all applicable Town Building, Zoning, Subdivision and Land Development Codes have been satisfied:

1. Lot Consolidation
2. Lot Line Adjustment
3. Subdivision and development of one single family residence and accessory buildings.
4. The development of land or construction directed toward the occupancy of such land, or the occupancy of any building, building structure, or structures thereon, or on any parcel thereof

by no more than one business, professional, personal service, or industrial establishments, or construction undertaken for any buildings (other than a single-family dwelling) with less than 10,000 or more square feet of total gross floor area, that does not significantly change the use type, intensity of use or density of development and or is located on undeveloped and not previously approved subdivision parcels where no new streets or other public improvements are involved. This shall include developments and subdivisions whose previous approvals were declared null and void under the Town's land development sunset provisions.

5. Projects involving the provision of stormwater management or construction of roads, driveways and road access; dumping, extraction, dredging, grading, paving, storage of materials or equipment, green energy projects, land excavation, land clearing, land improvement, landfill operation, or any combination thereof as described under development below, that are limited to no more than 20,000 square feet of developed or improved area.

Administrative Technical Review. Is the appearance of an applicant or developer before the Planning Commission for the purposes of seeking guidance on certain concepts or technical issues regarding the applicant's intent to develop land. The process is informal, and the applicants have some freedom to submit basic level drawings, photos or other documents in order to get feedback on any number of issues, but at a minimum must include the minimum submittal requirements as detailed in Appendix A. The Administrative Technical Review provides the planning commission with an insight into the general vision of the applicant without having to formally review or consider any engineered or formal documents.

Administrator. Shall mean the Town Administrator or Town Staff member charged with the authority to enforce and administer this code.

Applicant. Shall mean the owner, buyer, or agent thereof, acting on behalf of the owner; or person under contract to purchase land conditioned upon securing land development approval from the town, who shall have control, authority and responsibility for the orderly processing of land development applications, plan submittals and compliance with any and all conditions of approval issued by the Town. The applicant may also be the developer.

Board of Town Commissioners. Shall mean the Town of Rising Sun Town Commissioners. The term shall also include the use of the words "Commissioners" and "Town Commissioners".

Building. A structure having a roof which is used or intended to be used for the shelter or enclosure of persons, animals, or property. The word "building" shall include any part thereof.

Building Setback Line. (See Town Zoning Code)

Construction (Building Construction). For the purposes of this code, construction shall mean the construction of new buildings, the reconstruction of damaged buildings, the construction of additions to existing buildings, and the alterations of existing building that change the height and area of the building.

Developer. An individual, partnership, firm, corporation, company, or agent thereof that undertakes or participates in the activities covered by these regulations: specifically, the development of land or a subdivision.

Developers Rights and Responsibilities Agreement. Development rights and responsibilities agreements (DRRA's) are agreements between the Town of Rising Sun and a developer or owner of land, under which site specific conditions may be imposed with the right to develop in compliance with the DRRA being vested for a certain period of time. DRRA's attempt to accommodate a developer's desire for certainty and stability in land use regulation relating to a project with the authority of a local government to revise its land use regulations in the public interest. Under Maryland law, a developer's ability to pursue development of a proposed use of a landowner's property is generally subject to future changes in local land use laws unless the landowner has commenced visible work on the land under a validly-issued building permit and intends to continue that construction to completion. In the absence of a DRRA, the Town's Land development sunset provisions would apply.

Development. Means the subdivision of property or any activity other than farming, gardening, or yard maintenance that results in a change in existing site conditions, including the establishment of a use; the change of a use type, intensity of use or density of development; the improvement of property through construction, alteration, renovation or relocation of a structure; the provision of stormwater management or construction of roads, driveways and road access; dumping, extraction, dredging, grading, paving, storage of materials or equipment, green energy projects, land excavation, land clearing, land improvement, landfill operation, or any combination thereof.

Density (Development). Is the number of developed units in a specific area of land. The density of development is determined by the Town's Zoning Code.

1. Residential Density. Is measured by dwelling units per acre (du/ac).
2. Occupancy Density. Is measured by the number of occupants per occupancy.

Easement. A grant of the use of a parcel of land to the use of the public, a corporation, or person for a specific purpose, without including title to the land. No permanent structure may be built on an easement within the corporate limits of Rising Sun. Any temporary structure may be removed, at the property owner's expense, should the need for access to said easement arise.

Impact Study. A study submitted by the developer indicating the increase in water and sewer usage, increase in population, school enrollment, traffic, and refuse, as a result of the proposed development.

Improvements. An improvement is any change to land that augments the property's value and allows the property owner to make productive use of the land. Improvements can include but are not limited to landscaping, grading, structures, buildings, building components, equipment, electrical system, mechanical systems, roads, sidewalks, curbs, water, sewer, stormwater and green energy.

Intensity (Use). A quantitative measure of intensity of a use of land, which can include non-residential and mixed-use development, but may also include some residential components. Intensity can be expressed in terms of floor area ratio (FAR), which is the amount of land (acres) per parcel or lot, divided by the floor area use to include subfloor areas and multistoried buildings. Land use activities, such as farming, storage, exterior sales, parking etc can also be measured by land (acres) per parcel or lot, divided by the land activity performed.

Land Development Approvals Expiration and Sunset Provision. A predetermined time that any land development approvals shall expire if a developer does not proceed to the next phase of review or approval process in a timely manner; fails to file a recorded plat in a timely manner; or fails to commence, initiate, or meet certain thresholds of project completion in a timely manner.

Land Development Phased Projects. A development of land that is under unified control and is planned and developed as a single piece of property or an assemblage of contiguous properties, by the same developer that will be developed in phases over a period of time to create a single or linked project through interconnected internal vehicular or pedestrian circulation, sharing of infrastructure, or the continuum of design, style or concept by the same proponent or his or her successors. Phased development must be approved under an agreement by the Town and each phase must include a combination of roads, stormwater, utilities, dwellings and or buildings.

Lot. A parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way. Lot shall include the words “plot” or “parcel”

Lot Consolidation. A lot consolidation plat is essentially a re-mapping of two or more adjacent lots or parcels of land, combining them into one larger parcel. (See Reverse Subdivision)

Lot Line Adjustment. A lot line adjustment Plat is a survey plat prepared by a registered surveyor or engineer that is designed to adjust or change a common property line between any two (2) or more adjoining lots of record. Lot line adjustments that will increase the number of parcels that currently exist or that could be legally created from any of the affected lots prior to the adjustment, unless it is limited to the creation of one single family dwelling unit, shall be classified as a minor or major subdivision, in order to prevent the creation of multiple lots over time, without going through the proper subdivision process. A lot line adjustment will not create a lot that either does not comply with the Zoning Ordinance or will increase an existing nonconforming situation on any affected lot. A lot line adjustment plat shall be approved as an Administrative Subdivision and Single Lot Development Review after confirming that all applicable Town Building, Zoning, Subdivision and Land Development Codes have been satisfied.

Person. An individual, heirs, executors, administrators or assigns, and a firm, partnership or corporation, partnership or its or their successors or assigns, or the agent of any of the aforesaid. When the code provides for required actions or penalties for non-compliance, the definition makes it clear that the individuals responsible for administering the activities of these various organizations are subject to compliance with these actions and further subject to any penalties.

Planning Commission. Members appointed by the Town of Rising Sun Board of Commissioners, who are charged with the powers and authority necessary and defined in applicable Town Codes to fulfill its functions, promote planning, and execute the purposes of the Towns Subdivision and Land Development Code. This term shall include the words “Commission” and the “Town of Rising Sun Planning Commission.”

Public Works Agreement. Public works agreement means an agreement between the developer and the Town setting forth the improvements which the developer will be responsible for and the conditions for the construction and acceptance of such improvements by the Town.

Record Plat/Plan. A drawing of any portion of the land development which is desired to be made and recorded as an official record in the office of the Clerk of the Circuit Court, and which may be all or a portion of a preliminary or final land development plan.

Resubdivision. Means (1) the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or (2) the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law but does not include conveyances so as to combine existing lots by deed or other instrument.

Reverse Subdivision. A Reverse Subdivision plat is essentially a re-mapping of two or more adjacent lots or parcels of land, combining them into one larger parcel. (See Lot Consolidation)

Right-of-Way. A strip of land set aside to be occupied or intended to be occupied by a street, alley, crosswalk, water line, sanitary line or storm sewer, drainage ditch, utility or for another special use. The usage of the term "right-of-way" hereafter established and shown on the final plat is the legal right, established by plat approval and recordation that grants or authorized the access or passage of the above to transverse across, under, over or through land.

Right-of-Way ;Future. A right-of-way established to provide future access or passage across, under, over or through land.

Right-of-Way; Ultimate (Street Right of Way). The street right of way width set aside for future street improvements to accommodate future traffic loads, changes to street widths and pedestrian walkways. The usage of the term "right-of-way" hereafter established and shown on the final plat is to be separate and distinct from lots or parcels adjoining such right-of-way, and not included with the dimensions or areas of such lots or parcels.

Sidewalk. A paved walk for pedestrian traffic only and placed generally parallel to a street or highway and within the ultimate street right of way.

Single Family Dwelling Unit. A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family, to include their accessory buildings.

Street. A public or private way used or intended to be used for passage or travel by automotive vehicles and pedestrians and to provide access to abutting properties. This term shall include the words "highway, avenue, lane, alley, road and viaduct, or any segment or part of the length thereof.

Street Line. The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line provided that where an ultimate right-of-way width for a street has been officially established, the street line shall be the side of the ultimate right-of-way.

Subdivision.

1. The division of a single lot, tract, or parcel of land or part thereof into two (2) or more lots, tracts, or parcels of land for the purpose, whether immediate or future, sale, lease, transfer or building development.
2. The term "subdivision" includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

3. The term “subdivision” includes lot consolidation and reverse subdivision.
4. The term "subdivision" shall also include the construction of any multi-family dwellings, apartments, or commercial facilities of more than one unit, which will not be subdivided within the normal meaning of that term, and which are intended to be leased or rented.
5. Any changes in lot boundaries in an approved subdivision shall require re-subdivision.

Subdivision – Minor. Minor subdivisions shall consist of the following:

1. The division of a single lot, tract, or parcel of land into four (4) or fewer residential lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership or of building or expanding a residential development
2. Adjustment of property lines that does not qualify as a lot line adjustment.
3. A minor subdivision shall not involve any new street or road but can be serviced by private internal roads or drives.
4. A minor subdivision shall include the development of land or construction directed toward the occupancy of such land, or the occupancy of any building, building structure, or structures thereon, or on any parcel thereof by more than one (1), but not more than two (2) businesses, professional, personal service, or industrial establishments.
5. Construction undertaken for any buildings (other than a single-family dwelling) with 10,000 or more but less than 20,000 square feet of total gross floor area, or involve significant changes of use type, intensity of use or density of development and located on undeveloped and not previously approved subdivision parcels where no new streets or other public improvements are involved. This shall include developments and subdivisions whose previous approvals were declared null and void under the Town’s land development sunset provisions.
6. Projects involving the provision of stormwater management or construction of roads, driveways and road access; dumping, extraction, dredging, grading, paving, storage of materials or equipment, green energy projects, land excavation, land clearing, land improvement, landfill operation, or any combination thereof as described under the term “Development”, that are over 20,000 but less than 100,000 square feet of developed or improved area.

Subdivision – Major. Major subdivisions shall consist of the following:

1. The division of a single lot, tract, or parcel of land into five (5) or more residential lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership or of building or expanding a residential development.
2. All multifamily developments of five (5) or more units regardless of the number and size of lots
3. Any development requiring new streets or other public improvements shall be classified as major subdivisions.

4. A major subdivision shall include the development of land or construction directed toward the occupancy of such land, or the occupancy of any building, building structure, or structures thereon, or on any parcel thereof by three (3) or more businesses, professional, personal service, or industrial establishments.
5. Construction undertaken for any buildings (other than a single-family dwelling) with 20,000 or more square feet of total gross floor area, or involve significant changes of use type, intensity of use or density of development and located on undeveloped and not previously approved subdivision parcels where no new streets or other public improvements are involved. This shall include developments and subdivisions whose previous approvals were declared null and void under the Town's land development sunset provisions.
6. Projects involving the provision of stormwater management or construction of roads, driveways and road access; dumping, extraction, dredging, grading, paving, storage of materials or equipment, green energy projects, land excavation, land clearing, land improvement, landfill operation, or any combination thereof as described under the term "Development", of 100,000 square feet or greater of developed or improved area.

Subdivision and Land Development Plan or Plat. A drawing of the land to be developed or a proposed subdivision, showing lots, streets and such other information required by these regulations and as shown in Appendix A. These plans/plats shall be generally defined as follows:

1. **Sketch Plan/Plat.** A voluntary plan of the proposed Land Development project submitted by the applicant for review and approval by the Planning Commission. The Sketch plan shall be created by a design professional, architect, or engineer. The Sketch Plan allows applicants to get staff and Planning Commission review input on various details of a proposed project. Applicants have the freedom to submit with whatever level of detail they'd like in order to get feedback on any number of issues, but at a minimum must include the minimum submittal requirements as detailed in Appendix A.
2. **Concept Plan.** The 1st of 3 required plan or plat submittals that consist of engineered drawings prepared for the overall planning and proposed development of land. The Concept plan is the initial phase of accurately showing the location, and width of streets, parking and travel ways; arrangement and size of structures; building envelopes, lot sizes, setbacks, wetlands, open space, general easements, loading, storage the relationship of adjoining vacant and developed lands and other pertinent information to capture the intended look and flow of the proposed development, but at a minimum must include the minimum submittal requirements as detailed in Appendix A.
3. **Preliminary Plan/Plat.** The 2nd of 3 required plan or plat submittals, the preliminary plan is a detailed engineered drawing showing all proposed improvements to the land. Concept plan detail requirements shall be carried forward into the preliminary plan with additional attention given to the feasibility of water supply and sewage disposal; general handling of grading, site drainage and stormwater management, and the guidelines of the Comprehensive Plan; the Town's Design Manual and regulations of the Zoning, Subdivision and Land Development Codes. The preliminary plan shall include the approved recommendations and conditions identified in the concept plan review and shall further provide for a transitional phase between the Concept plan and Final plan approval and shall

provide a logical sequence and detail of specific information related to the proposed development and as spelled out in Preliminary Plan Submissions in Appendix A. Preliminary plans do not depict final engineering design and details.

4. **Final Plan/Plat**. Is a detailed engineered drawing showing the proposed improvement required in the development of a given parcel and demonstrating the required compliance with all Town Codes and the Towns Design Standards. The Final Plan shall include the required submittals detailed in Appendix A and shall incorporate all recommendations and conditions identified and approved in the concept and preliminary plan review phase.

Town. The word town shall always mean the Town of Rising Sun.

Article III. Land Use Control Design Specifications

Section 11-300. Subdivision Control

It shall be unlawful for the owner of any land within the jurisdiction of the Town to which these Regulations may apply, or any other person, firm, or corporation, to subdivide any lot, tract, or parcel of land, or layout, construct, open or dedicate for public use or travel, any street, street lighting, water main, sanitary sewer, storm sewer, drainage facilities, or other facilities in connection therewith, or for the common use of occupants of buildings within the subdivision, unless and until:

- (1) A plat of such subdivision is caused to be made in accordance with the regulations set forth herein and in Section 5:00 of Article 66B of the Annotated Code of Maryland, as amended;
- (2) Approval is secured thereof from the Planning Commission as provided herein; and
- (3) The Applicant has caused copies of said plat to be recorded in the office of the Clerk of the Court of Cecil County.

Section 11-301. Plat Approval Required

No plat of any subdivision shall be recorded unless it has been submitted to and approved by the Planning Commission, as provided herein.

Section 11-302. Transfer of Land - Issuance of Building Permit

No land in a subdivision created after adoption of these Regulations shall be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a Final Plat of such subdivision shall have been recorded in accordance with these Regulations; and until the municipal improvements required in connection with the subdivision have either been constructed or a public works agreement has been executed; and all bills incurred by the developer/owner have been paid in full.

Article 4. PLAN SUBMITTAL STAGES AND SEQUENCE

Section 11-400. Introduction

The procedure hereinafter specified provide not only for the conditional approval of a concept, preliminary plat and approval of a final plat for both Minor and Major Subdivisions, but it also provides for opportunities for the developer to appear before the planning commission as part of an Administrative Technical Review (ATR) phase and a Sketch Plan Review (SPR) phase, both at the discretion of the applicant. Although the ATR and SPR phases are optional to the applicant and are not a prerequisite to the approval of the final plat. These optional phases are strongly recommended because it provides the developer with an opportunity to secure guidance on how to best approach their land development project, resolve problems early in the proceedings and to make necessary modifications and revisions prior to incurring the expense of preparing a concept, preliminary and final plat. The code also provides for developers with smaller less detailed projects, with limited density and intensity of use to submit their projects for review and approval as part of an internal Administrative Review Process and as defined in Article 2 of this document.

Section 11-401 Formal Project Review and Escrow Fees.

Prior to any formal review of any subdivision or land development projects, the applicant shall submit the required applications and fees related to a formal review of any drawings, plans or documents. The applicant shall also be required to submit escrow fees in the form of an escrow fee agreement to cover the cost of any legal, engineering, or other consultant fees. The drawdown of escrow fees shall include any fees incurred by the Town (legal, engineering and consultants) prior to the submittal of any formal applications. The applicant will be provided with an itemized list of these fees as they occur.

Section 11-402 Submittal Stages and Sequence.

PART 1 Administrative Subdivision Review and Single lot development. As defined in Article 2, the following development projects can be submitted as part of an internal Administrative Review Process that will also require compliance with all applicable Town Zoning code, Stormwater Management Codes and other applicable land development processes and regulations.

1. Lot Consolidation – (as defined)
2. Lot Line Adjustment – (as defined)
3. Subdivision and development of one single family residence and accessory buildings.
4. The development of land or construction directed toward the occupancy of such land, or the occupancy of any building, building structure, or structures thereon, or on any parcel thereof by no more than one business, professional, personal service, or industrial establishments, or construction undertaken for any buildings (other than a single-family dwelling) with less than 10,000 or more square feet of total gross floor area, that does not significantly change the use type, intensity of use or density of development and or is located on undeveloped and not previously approved subdivision parcels where no new streets or other public improvements are involved. This shall include developments and subdivisions whose previous approvals were declared null and void under the Town’s land development sunset provisions.

5. Projects involving the provision of stormwater management or construction of roads, driveways and road access; dumping, extraction, dredging, grading, paving, storage of materials or equipment, green energy projects, land excavation, land clearing, land improvement, landfill operation, or any combination thereof as described under development below, that are limited to no more than 20,000 square feet of developed or improved area.

PART 2: Minor and Major Subdivisions. The development of Minor and Major Subdivision as defined in Article 2 in the Town of Rising Sun shall be submitted for review, comment and approval, to include all required information as set forth in Appendix A of this code in the following stages:

Stage A - Administrative Technical Review – At the pleasure of the developer

Stage B - Tentative Sketch Plan – At the pleasure of the developer.

Stage C - Concept Plan – Required

Stage D - Preliminary Plan – Required

Stage E - Final Plan - Required

PART A. TENTATIVE SKETCH PLAN

Section 11-403. Purpose

The purpose of the "Tentative Sketch Plan" is to afford the applicant the opportunity to consult early and informally with the Town Engineer and the Planning Commission before preparation of the preliminary plat and formal application for approval.

During the "Tentative Sketch Plan" procedure, the applicant can advantageously make use of the services of the administrative personnel of the Town as well as the Planning Commission to help him analyze the problem of the development and plan more adequately for its sound coordination with the community. This procedure also affords Town administrative personnel and the Planning Commission the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. It can also simplify official actions and save unnecessary expense and delay.

Section 11-404. Procedure

- (1) Applicant prepares sketch plan
- (2) Applicant submits ten (10) copies of the sketch plan, (preferable a colored rendering), application and impact study to Town Hall.
- (3) The Administrator checks submission against a checklist for completeness; and within thirty (30) days:
 - (a) If submission is incomplete, returns submission to applicant and indicates deficiencies;

or

- (b) If submission is complete, accepts sketch plan and application.
- (4) The Administrator shall distribute copies of the sketch plan, application and impact study to:
- (a) Town Commissioners (1 copy)
 - (b) Rising Sun Planning & Zoning Commission (3 copies)
 - (c) Town Engineer (1 copy)
 - (d) Cecil County Planning & Zoning Commission (1 copy)
 - (e) State Highway Administration (1 copy)
 - (f) Cecil County Health Dept. (1 copy)
 - (g) Power Company (1 copy)
 - (h) Rising Sun Fire Company (1 copy)
 - (i) Rising Sun Post Office (1 copy)
 - (j) Cecil County TAC (20 copies)
- (5) Within thirty (30) days following receipt of the complete submission by the Administrator, the Planning Commission:
- (a) Receives and reviews the applicant's submission;
 - (b) Receives and reviews reports by the Town Engineer;
 - (c) Hears applicant's presentation; and
 - (d) Discusses submission with the applicant.
- (6) The Planning Commission within ninety (90) days following the receipt of the applicant's submission by the Commission shall:
- (a) Evaluate applicant's submission, presentation, discussion with applicant, and Town Engineer's report;
 - (b) Determine whether the sketch plan meetings the objectives and requirements of the "Land Subdivision Regulations" and other regulations and ordinances; and
 - (c) Inform the applicant in writing of the decision, including required changes in the sketch plan and the reasons for the decision.

PART B. PRELIMINARY PLAT

Section 11-405. Purpose

The purpose of the preliminary plat is to require formal preliminary plat approval, which may include conditions for final plat approval, to minimize changes and revision before a final plat is submitted. If a preliminary plat has not been submitted within two (2) years of approval of a sketch plan submission, a new sketch plan must be submitted. A yearly extension may be granted upon receipt of a written request.

Section 11-406. General

A preliminary plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of the regulations, except where variation therefrom may be specifically authorized in writing by the Planning Commission.

Section 11-407. Procedure

- (1) Applicant prepares preliminary plat and application (guidelines for the preliminary plat are given in Section 11-903). With the submission of the application, the developer must submit an impact study as to water and sewer usage, increase in population, school attendance, traffic, etc.
- (2) Applicant submits thirty-one (31) copies of the preliminary plat, application and impact study to Town Hall.
- (3) The Administrator checks submission against a checklist for completeness; and within thirty (30) days:
 - (a) If submission is incomplete returns submission to applicant and indicates deficiencies;
 - (b) If submission is complete, accepts preliminary plat, application and collects the appropriate fees.
- (4) As deemed appropriate, the Administrator shall distribute copies of the preliminary plat, application and impact study to:
 - (a) Town Commissioners
 - (b) Rising Sun Planning Commission
 - (c) Town Engineer
 - (d) Cecil County Planning & Zoning Commission
 - (e) State Highway Administration
 - (f) Cecil Count Health Dept.

- (g) Power Company
- (h) Rising Sun Fire Company
- (i) Rising Sun Post Office
- (j) Cecil County TAC

Note: When submitting to Cecil County TAC, submissions d, e, f, g, and i may be omitted.

- (5) Within thirty (30) days following receipt of the complete submission by The Administrator, the Planning Commission;
 - (a) Review the applicant's submission;
 - (b) Review reports by the Town Engineer;
 - (c) Hears applicant's presentation; and
 - (d) Discusses submission with the applicant.

- (6) The Planning Commission, within ninety (90) days following acceptance by the Commission of a complete application, as determined by the Administrator shall:
 - (a) Evaluate applicant's submission, presentation, discussion with the applicant, and the Town Engineer's report;
 - (b) Determine whether the preliminary plat meets the objectives and requirements of the "Land Subdivision Regulations" and other regulations and ordinances;
 - (c) Act for approval, conditional approval with conditions noted, postponement, or disapproval. Reasons for action of postponement or disapproval and any requirements associated with a conditional approval shall be stated. The following actions by the Planning Commission shall have the meanings so stated:
 - (i) Approval means that the developer is authorized to proceed with the preparation of the required "improvement" plan. Preliminary plat approval automatically grants a developer one (1) year within which he shall submit final plats for all property shown on the preliminary plat for approval. Before expiration, the Planning Commission may extend the approval period in increments not to exceed one (1) year at a time. In connection with such request, the Planning Commission shall consider the following:
 - change in adjoining land use,
 - change in street and highway plan, and/or
 - change in zoning or subdivision regulations.

A request for extension of Preliminary approval shall be filed thirty (30) days prior to the deadline date for Final Plat recording.

In conjunction with such approval extensions, the Planning Commission shall have the right to require changes in the development when it finds that time has necessitated such changes for the health, safety, and welfare of the residents of the community or when applicable ordinances and regulations have been changed. Upon the expiration of any approval period specified under this section, the plat shall be deemed as disapproved by the Planning Commission.

Any approved Preliminary Plat or any plat continued for further study by the Planning Commission shall be exempted from any changes in the subdivision regulations for a period of one (1) years from the date of approval of the Preliminary Plat. Exemptions from changes in subdivision regulations law shall not be extended beyond one (1) year even if the Preliminary Plat approval is extended as provided above.

- (ii) Conditional approval means the developer may proceed with preparation of the "improvement" plan, but only after the preliminary plat has been corrected to reflect all requirements placed on the plat by the action of the Planning Commission. Actual approval of the Preliminary Plat shall not be made until such conditions have been satisfied.
 - (iii) Postponement means Planning Commission action is delayed for definite reasons, which shall be noted by the Planning Commission. Certain specified changes may have to be made in the plats, but no completely new re-submittal of the plat is required of the developer. However, all preliminary plats shall be approved or disapproved within 90 days of the day they are officially filed for Planning Commission action unless the developer agrees to a longer postponement.
 - (iv) Disapproval means disapproval of the plat. For further action, the developer must file a new application along with a filing fee and preliminary plat copies as required under these regulations.
- (7) Approval of the preliminary plat shall constitute conditional approval of the subdivision as to character and intensity but shall not constitute approval of the final plat or authorize sale of lots or construction of buildings.
- (8) Certification of Approval. The developer shall make any required additions or corrections to the preliminary plat and submit copies in a number required by the Planning Commission within two (2) years of the date of Planning Commission approval. The plat shall be deemed as disapproved by the Planning Commission if this requirement is not met.

PART C. FINAL PLAT

Section 11-408. Purpose

The purpose of the final plat is to require formal approval by the Planning Commission before plats for all subdivisions are recorded as required by Section 11-300 of these regulations. If a final plat has not be submitted within one (1) year of the preliminary plat approval, a new preliminary plat must be submitted. A yearly extension may be granted upon receipt of a written request.

Section 11-409. General

A final plat shall be submitted conforming to the changes recommended during the preliminary plat procedure. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these regulations, except where variation there from may be specified in writing by the Planning Commission. Preliminary and final plat procedures may be executed simultaneously in the case of minor subdivision plats.

Section 11-410. Procedure

- (1) Applicant prepares final plat, application and impact study; (Guidelines for the contents of the final plat are given in Section 11-905).
- (2) Applicant submits ten (10) copies of the final plat and application within one year from the date of receiving conditional approval of the preliminary plat to the Administrator;
- (3) Administrator checks submission against check-list for completeness; and within thirty (30) days:
 - (a) If submission is incomplete, returns submission to applicant and indicates deficiencies; or
 - (b) If submission is complete, accept final plat and application and collects appropriate fees.
- (4) Upon acceptance, the Administrator shall immediately distribute copies of the final plat and application to:
 - (a) Town Commissioners
 - (b) Rising Sun Planning Commission
 - (c) Town Engineer
 - (d) Cecil County Planning & Zoning Commission
 - (e) State Highway Administration

- (f) Cecil County Health Department
 - (g) Power Company
 - (h) Rising Sun Fire Company
 - (i) Rising Sun Post Office
- (5) At its first regular meeting following acceptance of the complete submission, as determined by the Administrator, the Planning Commission shall:
- (a) Review the applicant's submission;
 - (b) Review the report by Town Engineer;
 - (c) Hears applicant's presentation; and
 - (d) Discusses submission with the applicant.
- (6) The Planning Commission, either the same evening or within thirty (30) days following the receipt of the applicant's submission by the Commission shall:
- (a) Evaluate applicant's submission, presentation, discussion with applicant, and the Town Engineer's report;
 - (b) Determine whether the final plat meets the requirements and objectives of the "Land Subdivision Regulations" and other regulations and ordinances; and
 - (c) Inform the applicant in writing of the decision, including required changes and the reasons for the decision.
- (7) All final plats shall be approved or disapproved within ninety (90) days of the date they are officially filed for Planning Commission action. The Planning Commission will review the staff and technical review agency recommendations and then act for approval, conditional approval with conditions noted, postponement, or disapproval. The reasons for action of postponement or disapproval and any requirements associated with a conditional approval shall be available to the developer and the public. The following actions by the Planning Commission shall have the meanings so stated:
- (a) Approval means the final plat is ready to be approved by the Planning Commission, with no further corrections or revisions of the plat required by the developer.
 - (b) Conditional approval means the final plat cannot be approved by the Planning Commission until the developer has complied with the conditions of approval set forth in the Planning Commission's action on the plat.
 - (c) Postponement means that the Planning Commission has deferred action in order that

certain clarification can be made in regard to the plat. No completely new re- submittal is required of the developer as is the case for disapproval. However, all final plats shall be approved or disapproved within ninety (90) days of the date they are officially filed for Planning Commission action unless the developer agrees to a longer postponement.

- (d) Disapproval means disapproval of the plat. In order to request a new review and action, the developer must file a new application along with a filing fee, plat copies, and other material as required under these regulations.
 - (e) Final Plats must be brought before the Planning Commission at their regular meeting before they can be signed and recorded as directed by this regulation. The Chairman of the Planning Commission shall be empowered to sign the final plat when satisfactory review indicates that said plat meets all requirements of the Ordinance and all conditions of approval of said plat have been met. The final plat is reviewed against the preliminary plat and any modification contained herein. The authorized signature of the Health Department shall be affixed to the plat prior to signing by the Chairman.
- (8) Final plat approval shall not be granted unless and until a public works agreement has been executed between the applicant and the Town. The public works agreement shall include all terms and considerations pertaining to street, utility construction, or any other required public improvements in the proposed development. This agreement shall also include a performance and a payment bond. If approved:
- (a) The Planning Commission shall adopt a resolution approving the final plat;
 - (b) Approval shall not be final until entry into contract and execution of a completion guarantee as set forth in Article 8, of this Chapter;
 - (c) Three (3) exact copies of the approved final plat on linen with the required signatures as specified in Article 9, of this Chapter, and one (1) additional copy on Mylar or other reproducible base shall be submitted to the Planning Commission.
- (9) The Planning Commission shall then cause to be filed by the applicant, the three (3) cloth prints for record with the Clerk of the Court for Cecil County, shall distribute other prints to official agencies as may be needed.

Section 11-411. Effect of Recording

- (1) Streets, parks and other public improvements shown on a subdivision plat to be recorded may be offered for dedication to the Town by formal notation thereof on the plat, or the owner may note on the plat that such improvements have not been offered for dedication to the Town.
- (2) Recording of the final plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the Town of the dedication of any street or other proposed public park or improvements shown on said plat. However, the Town may accept any such offer of dedication through the acceptance of a properly prepared deed.

PART D. STREETS AND IMPROVEMENTS

Section 11-412. Design

- (1) The developer shall provide construction drawings of the streets, sidewalks, sanitary sewer, water lines, drainage facilities or other facilities in connection therewith, prepared by a Maryland registered civil engineer, to the Town Engineer for approval before starting construction.
- (2) The developer will obtain the necessary permits from the State Health Department, Corps of Engineers, Cecil County Department of Public Works, Soil Conservation District or any other permits required.
- (3) The developer will execute a public works agreement in accordance with Section 11-800.

Section 11-413. Construction

- (1) The Town Engineer will be notified before construction is started so that a pre-construction conference can be held. The engineer shall specify at what points and how often inspection will be required. Any work performed without inspection will be subject to rejection at the discretion of the engineer.
- (2) The Town Engineer, at the completion of the required improvements, shall submit, in writing, a report to the Board of Commissioners specifying that all construction materials and workmanship are in conformance with the plans and specifications and/or where there were any deviations from the plans and specifications.
- (3) The applicant upon notification from the Town Engineer shall:
 - (a) Proceed, at his own cost, to make such corrections as shall be required to comply with the Town specifications and approved final plats; and
 - (b) Notify the Town Engineer and/or the Board of Commissioners upon completion, requesting final inspection.

Section 11-414. Final Inspection

The Town Commissioners and/or the Town Engineer shall make a final inspection with the applicant of all required improvements.

Section 11-415. Acceptance

- (1) If improvements are to be accepted by the Town, the Town Commissioners shall notify the applicant of acceptance of the required improvements if satisfied that the applicant has complied with all specifications and ordinances of the Town.

- (2) All improvements to be conveyed to the Town of Rising Sun shall be conveyed by deed executed by both parties. Such deed shall be signed and accepted by the Mayor and attested by Clerk-Treasurer. All costs of preparing and recording all such deeds shall be borne by the grantor developer-owner.
- (3) All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the Town or other appropriate public authority.

Section 11-416 Land Development Approvals, Sunset Provisions and Extensions of Time.

Land Development approvals are tied to commitments of resources and allocations on the part of the town that can prove to be problematic for the Town and inhibit the Town's economic growth due to the commitment allocation of town resources to an inactive development project. Therefore, all development recommendations and approvals shall have an expiration date known as a Sunset Provision as follows:

- (1) **Duration of Land Development Phase Approvals.** Any approvals or recommendation secured from the Town at any phase of the Land Development and Subdivision review and approval process as detailed in section 400 above, shall become null and void if the applicant does not submit a complete and approved application to the Planning Commission within 6 months of the last phased approval, unless an extension of time for "just cause" is granted by the Planning Commission.
- (2) **Administrative Review and Final Subdivision Approvals.** Final Approvals secured as part of the Administrative Review, Minor or Major Subdivision process shall become null and void if a final plan/plat is not submitted for proper signatures and recorded among the local land records of Cecil County, unless an extension of time for "just cause" is granted by the Planning Commission.
- (3) **Failure to commence or complete construction.** Final Approvals secured as part of the Administrative Review, Minor or Major Subdivision process shall become null and void if these projects are not commenced and completed as follows:
 - a. **Administrative Review and Minor Subdivisions.** Within 2 years of final land development plan approval, all roads, stormwater, and public utilities must be installed, operational, approved and dedicated; and all dwelling units and buildings proposed to be completed and approved for occupancy.
 - b. **Major Subdivisions.** Within 2 years of final land development plan approval, all roads, stormwater, and public utilities must be installed, operational, approved and dedicated; and 25% of all dwelling units, buildings, and tenant spaces complete and approved for occupancy.
 - c. **Land Development Phased Projects.** Land Development and Subdivisions approved by the Town as a phased development shall have all roads, stormwater and public

utilities installed, operational, and approved, and 25% of the dwelling units and buildings of that phase complete and approved for occupancy, within 2 years of the start of each phase.

- d. Final Project Completion and Dedication. Within 5 years of final land development plan approval, all roads, stormwater and public utilities must be installed, operational, approved and dedicated; and all dwelling units and buildings proposed to be completed and approved for occupancy.
- (4) **Developers Rights and Responsibilities Agreement and Extensions of Time.** The above sunset provisions may be modified by a Developers Rights and Responsibilities agreement between the Town and Developer. The Mayor and Commissioners may also grant a reasonable extension of time, if the developer presents satisfactory evidence that difficulties have prevented the work from being initiated and/or diligently pursued and the request for an extension is submitted, in writing, prior to the date of expiration of the approval. The Mayor and Commissioners are permitted to apply reasonable conditions on any extension of time. The Town Administrator shall give written notice to the developer within 30 days of the date of expiration of the final approvals (Sunset Provision). Any construction which occurs after notices from the Town Administrator shall constitute a violation of this chapter and shall be subject to the enforcement remedies of this code.

ARTICLE V. SUITABILITY OF LAND FOR DEVELOPMENT

In order to provide for the health, safety and welfare of the present and future population of Rising Sun, the Planning Commission shall refuse to approve any proposed subdivision when such subdivision would bring about the development of land which is unsuitable for such development due to flooding, lack of drainage, excessive erosive action by water, unstabilized slope or fill, or other conditions which may cause danger to life, health, or property, or aggravate erosion or flood hazards.

ARTICLE VI. DESIGN STANDARDS & SPECIFICATIONS

Section 11-600. Town of Rising Sun Design & Specifications Manual.

- (1) The standards and requirement outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals, and general welfare.
- (2) Town of Rising Sun Design and Specifications Manual (TDS Manual). All development projects regulated by this code shall be designed and constructed in accordance with the Town of Rising Sun's Design and Specifications Manual (TDS Manual). This manual shall incorporate recognized engineering design standards of construction on various matters related to a land development project to include, streets, roads and transportation elements, water, sewerage, stormwater management, grading, soil erosion, parks, playgrounds, open space, forestation, stands of trees, streams, buffers, landscaping, and other significant environmental features. The TDS Manual shall be subject to change as recommended by the Town engineer and based on changes in industry standards and practices. Specific details of the Cecil County Specifications and Design Standards for Roads, Streets and Improvements may be referenced and enforced as part of this code if determined to be necessary by the Town.
- (3) Where literal compliance with the TDS manual is clearly impractical, the Planning Commission may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the intent of the code.

Section 11-601. General

- (1) All portions of a tract being subdivided shall be taken up in lots, streets, public lands, or other proposed uses, so that remnants and landlocked areas shall not be created.
- (2) Where trees, groves, waterways, scenic points, historic spots, or other Town assets and landmarks are located within a proposed subdivision, every possible means shall be provided to preserve these features in accordance with the Forest Conservation Ordinance.
- (3) Land subject to flooding or property and land deemed to be topographically unsuitable shall not be subdivided or developed for residential occupancy or for such other use as may endanger health, life, or property, or aggravate erosion or flood hazard until all such hazards have been eliminated unless adequate safeguards against such hazards are provided by the final plats. Such land within a subdivision shall be set aside on the plat for uses that will not be endangered by periodic or occasional inundation or will not produce unsatisfactory living conditions.
- (4) A site analysis shall be made of the characteristics of the development site, such as site context, geology and soil, topography, climate, ecology, visual features, past and present use of the site, and existing vegetation, structures, and road networks.

(5) Subdivision and Site Design.

- (a) Design of the development shall take into consideration all existing local and regional plans for the surrounding community.
- (b) Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.
- (c) The following specific areas include, but are not limited to, areas that shall be preserved as undeveloped open space, to the extent consistent with the reasonable use of land, and in accordance with applicable state or local regulations:
 - (i) Unique and/or fragile areas, including tidal and non-tidal wetlands and their buffers as defined in Section 404 of the most current Federal Water Pollution Control Act Amendments and as shown on wetlands maps prepared by the U.S. Fish and Wildlife Service (sketch plat) and field delineated on-site (preliminary and final plat);
 - (ii) Significant trees or stands of trees, defined as the largest known individual trees of each species in the state, large trees approaching the diameter of the known largest tree, or species or clumps of trees that are rare to the area or of particular horticultural or landscape value (see Rising Sun Forest Conservation Ordinance);
 - (iii) Lands designated as flood plain, as in Town or other regulations;
 - (iv) Historically significant structures and sites, as listed on Federal, State, County, or Town lists of historic places.
 - (v) Sensitive Areas for which special standards, designed to protect these areas from the adverse effects of development, have been included in the Rising Sun Zoning Ordinance including:
 - Streams and their buffers;
 - 100-year floodplain;
 - Habitats of threatened and endangered species;
 - Steep slopes; and
 - Any other areas determined by the Town.
- (d) The development shall be laid out to avoid adversely affecting ground water and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse

effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.

(e) Stormwater Management

- (i) No final plat of subdivision shall be approved unless a plan for stormwater management is submitted by the developer as appropriate and approved by the Cecil County Public Works.
- (ii) Subdivisions may be exempted from this provision if it qualifies for an exemption as provided in Rising Sun Stormwater Management Ordinance and such waiver is approved by the Mayor and Commissioners.
- (iii) In the event that storm water must be managed or contained, stormwater management facilities shall be planned, designed, improved, and constructed as required in accordance with Rising Sun Stormwater Management Ordinance.
- (iv) Unless otherwise agreed to by the Town, ownership and maintenance of all stormwater management facilities shall be the responsibility of the applicant.

(6) Residential Development Design.

- (a) Newly platted and configured residential lots shall front on residential access or sub-collector streets, not on collector or arterial streets or roads.
- (b) Every lot shall have sufficient access to it for emergency vehicles, as well as for those needing access to the property in its intended use.
- (c) The placement of units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage, and aesthetics.
- (d) Buildings shall be spaced so that adequate privacy is provided for units.
- (e) Residential structures shall be located and sited to facilitate pedestrian and visual access to common open space whenever possible.
- (f) Cluster open space intended for recreation or public use shall be easily accessible to pedestrians.
- (g) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
- (h) Individual lots, buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view from buildings, and to lessen areas devoted to motor vehicle access.
- (i) Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse

effects of shadows, noise, and traffic on the residents of the site.

- (j) Solar access and conservation of energy shall be encouraged.
- (7) Commercial and industrial developments shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, and surrounding land uses considered in siting buildings; sufficient access shall be provided; and adverse impacts buffered.

Section 11-602. Streets and Circulation - General

- (1) The developer shall provide for the complete construction of street improvements, drainage facilities, and sidewalks, in accordance with the requirements of the TDS Manual. The developer shall be required to repair damage to any roadways, drainage facilities, curbs, gutters and sidewalks as a result of grading or construction activities in the subdivision. If the proposed road involves a highway under the jurisdiction of the State Highway Administration, it shall be the responsibility of the developer/owner to obtain all necessary permits from that agency.
- (2) The arrangement, character, extent, grade, and location of all streets shall conform to the Transportation element of the Rising Sun Comprehensive Plan of current adoption and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.
- (3) Where such is not in the Transportation Plan element of the Rising Sun Comprehensive Plan, proposed streets shall be continuous and in alignment with existing, planned, or platted streets with which they are to connect.
- (4) The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
- (5) In residential subdivisions, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic except where the subdivision street implements any aspect of the Transportation Plan element of the Rising Sun Comprehensive Plan or is adjacent to another existing or future planned residential subdivision and meets the intent of the Connectivity of Streets, Communities and Developments as detailed below.
- (6) The pedestrian system shall be located as required for safety. In conventional developments, walks shall be placed parallel to the street, with exceptions permitted to preserve natural features or to provide visual interest. In planned developments, walks may be placed away from the road system, but they may also be required parallel to the street for safety reasons.
- (7) Bikeways shall be required if indicated in the Comprehensive Plan.

- (8) Proposed streets shall further conform to State plans for streets and highways as have been prepared.
- (9) Streets that are extensions of or obviously in alignment with, existing streets shall bear the names of existing streets.
- (10) If a portion of a tract is not subdivided, suitable access to street openings for eventual subdivision of the entire tract shall be provided.
- (11) Where stub streets are provided abutting unsubdivided acreage, temporary easement for turn-arounds should be provided at the boundary lines.
- (12) With approval of the Town Commissioners, private streets and access ways may be retained in private ownership. Such private streets or access ways, shall however, meet minimum specification and design standards of the regulations.
- (13) Residential Subdivision - Multiple Access Points. All major subdivisions shall have the following number of independent exits to an arterial street, major or minor collector road as follows:

Number of Dwelling Units Served	Number of Independent Exits [1]
5-50	1
51-200	2
201 and over	3

[1] Additional independent exits can be waived by the planning commission if the agency having jurisdiction over the road access does not permit additional access points on their roads; or the additional exits are determined by the Town Engineer as being nonfeasible.

- (14) Connectivity of Streets, Communities and Developments. Certain proposed streets may be required to be extended to the boundary line of the subdivision to provide access to tracts which may be subdivided in the future. Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right -of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. The following conditions may also apply:
 - a. The Town may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or to accommodate emergency vehicles.
 - b. Notwithstanding the other provision of this code, no temporary dead-end street in excess of 500 feet may be created.
 - c. The developer and /or its assigns shall, during construction and before the first

lot is sold, install a street sign to provide notice to potential purchaser of property along a proposed or planned interconnecting street that an interconnection is planned for this street.

- d. Such sign shall be of metal and MDOT regulation street sign and shall be placed at the end of the stub street in the right-of-way. The sign shall indicate “Street connection to future development”. The sign shall also reference “Town of Rising Sun Department of Code Enforcement” and the respective “Instrument Number” of the recorded plan depicting the interconnection.
 - e. For projects where the interconnecting street is not constructed until future phases, the developer shall move the sign as necessary (to be determined by the code department) to the end of the stub street as construction occurs.
 - f. The sign will be removed once the interconnection is made.
 - g. The developer and/or its assigns shall obtain written acknowledgement as a part of any agreement of sale from a prospective homebuyer as to the awareness of the potential or planned street interconnection.
 - h. The developer and/or its assigns shall append a notification to every new deed in every new subdivision stating the name of the subdivision, the instrument number of the subdivision, and the name of every street in the subdivision for which a future interconnection is proposed or planned.
 - i. The developer and/or its assigns shall note on the record plan the planned or potential street interconnections and the aforementioned requirements to post signage, to obtain written acknowledgment of notice of the proposed connector street, and the requirement that the developer and/or its assigns furnish a copy of the record plan depicting the street interconnection(s) to every homebuyer in the subdivision.
 - j. Failure to implement any action required by a record plan note shall be deemed to be a violation of the record plan and shall be subject to all penalties and remedies contained in this code.
- (15) The right-of-way required for a road depends on its class and type and shall meet the minimum requirements specified in section 11-1100 below and the TDS Manual. All rights-of-way shall be dedicated to the Mayor and Commissioners of the Town of Rising Sun in fee simple.
- (16) Where a drainage study and stormwater management review indicate that a minimum right-of-way width as established in this Code is inadequate for proper drainage of a particular road, the Town Commissioners may require such additional right-of-way as is found necessary for such drainage purposes; provided, that such requirement is made prior to the final approval and recording of a dedication plat among the land records of Cecil County.

Section 11-603. Street Standards

- (1) Where a subdivision abuts or contains an existing street of inadequate right-of-way width, a right-of-way width as required by the TDS Manual shall be indicated on the plat and offered for dedication.
- (2) Minimum right-of-way, horizontal alignment, vertical alignment, sight distance, curbs, curve radii, offsets, and street grade shall be in accordance with the TDS Manual.
- (3) The arrangement of streets shall conform to the Transportation Plan element of the Rising Sun Comprehensive Plan. For streets not shown on the Comprehensive Plan or official map, the arrangement shall provide for the appropriate extension of existing streets.
- (4) Street Hierarchy.
 - (a) Streets shall be classified in a street hierarchy system with design tailored to function.
 - (b) The street hierarchy system shall be defined by road function and average daily traffic (ADT), calculated by trip generation rates prepared by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
 - (c) Each residential street shall be classified and designed for its entire length to meet the standards for one of the street types defined herein.
 - (d) The applicant shall demonstrate to the Planning Commission's satisfaction that the distribution of traffic to the proposed street system will not exceed the capacity of the street(s) serving the property including the nearest major intersections.
- (5) Dedication of Public Way. Whenever a tract to be subdivided adjoins or embraces any part of a highway, major road, or other public way so designated in the Transportation Plan section of the Rising Sun Comprehensive Plan, such part of said public way shall be platted and dedicated by the subdivider in the location and at the width indicated on the plan.
- (6) Access. Where a subdivision adjoins or embraces an existing or proposed primary arterial, the Planning Commission may require that access to such streets be limited by one of the following means:
 - (a) The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property line of such lots.
 - (b) A series of cul-de-sacs, u-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major arterial.
 - (c) A marginal access or service road (separated from the primary arterial by a planting or

grass strip and having access thereto at suitable points) and built to Town specifications.

- (7) Surface of Roads. No occupancy permit will be issued for any structure not served by a hard-surface road, unless the owner of said structure acknowledges by a signed statement the lack of said road at the time of request for an occupancy permit. This statement shall serve to release the Town from any liability for provision of the road, except in cases where no agreement has been made between the Town and the developer to provide said road.
- (8) To the extent practicable, driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.
- (9) All permanent dead-end streets (as opposed to temporary dead-end streets shall be developed as cul-de-sacs in accordance with the standards set forth by the Town. Except where no other practicable alternative is available, such streets may not extend more than 700 feet (measured to the center of the intersection to the center of the turnaround). Temporary turnarounds may be required at the end of stub streets as long as it is retained within the street right-of-way.
- (10) Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street, developed previously or simultaneously, on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this chapter. When streets are constructed adjacent and parallel to an adjoining property, the right-of-way shall be established at the common property line. Reserve strips shall be prohibited.
- (11) Streets shall be laid out so that residential blocks do not exceed 750 feet, unless no other practicable alternative is available.
- (12) Residential streets shall be laid-out so as to manage the speed and volume of traffic in residential neighborhoods using "traffic calming" methods that encourages speeds of 25 mph or less. These may include, but are not limited to:
 - (a) narrow roadways (if 10 feet or less and there is on street parking to cause drivers to move in and out);
 - (b) short blocks (if block lengths are less than one quarter mile);
 - (c) T-intersections (if used with short street);
 - (d) partial closures (reduces cut through traffic);
 - (e) diverters;
 - (f) chokers, curb extensions, and lane reducers only if there is deflection (if designed to deflect traffic);
 - (g) islands and medians if designed properly (must be designed to reduce lane width and deflect vehicles and so limit speed);

- (h) mini-circles (effective on low-volume local streets only. There are problems with wrong-way left turns); and
 - (i) roundabouts (reduces speeds on all approaches).
- (13) Where a major subdivision plat includes only part of the tract owned by the developer, sketch plat layout of proposed streets and roads, if applicable, for the entire tract shall be submitted.

Section 11-604. Street Intersections

- (1) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another street at an angle of less than sixty (60) degrees.
- (2) Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerline of the intersecting streets shall be not less than 300 feet.
- (3) Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet and in conformance to Maryland State Highway Administration Criteria. Developments abutting a State Highway must obtain access approval from the State Highway Administration prior to receiving final approvals from the Planning Commission.
- (4) Multiple intersections involving junction of more than two (2) streets shall be avoided.
- (5) The right-of-way lines of corner lots at an intersection shall be joined by a fillet curve with a minimum radius of twenty-five feet. In a case where more width is deemed necessary to provide safe sight distance or for traffic channelization, the Planning Commission shall specify a greater radius than normally cited above.
- (6) Intersections with State Highways shall be located not less than seven hundred and fifty (750) feet apart; measured from centerline to centerline. Intersections with County arterial roads as shown on the Official Cecil County Road Map shall be located not less than four hundred and fifty (450) feet from centerline to centerline.
- (7) Landscape Design.
 - (a) Reasonable landscaping should be provided at site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping required shall be allowed to vary with the type of development, except that the Bufferyard provisions of the Rising Sun Zoning Ordinance shall be complied with as required.
 - (c) The plant or other landscaping material that best serves the intended functions shall be

selected. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water. The impact of the proposed landscaping plan at various time intervals shall also be considered.

- (8) Open Space and Recreation. Residential subdivisions, including Planned Unit Developments and residential cluster developments shall be required to provide neighborhood parks and open space as specified in Rising Sun Zoning Ordinance. Developed open space shall be designed to provide active recreational facilities to serve the residents of the development. Undeveloped open space shall be designed to preserve important site amenities and environmentally sensitive areas.

Section 11-605. Access to Lots

1. Every lot shall abut an approved public road that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. The Planning Commission shall have the right to approve or disapprove any point of ingress or egress to any lot, tract, parcel or development from any street or highway. In approving ingress or egress from any State highway the Commission can only approve those access points that are not in conflict with safety standards of the State Highway Administration or with the right-of-way or through highway line of a limited or denied access highway.
2. Access drives and driveways shall be graded and surfaced with asphalt or concrete.

Section 11-606. Access to Arterial Streets

Whenever a major subdivision that involves the creation of any new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this subdivision onto this arterial street.

Section 11-607. Entrances to Streets

All driveway entrances and other openings onto streets within the Town's planning jurisdiction shall be constructed so that:

- (1) Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling on abutting streets, and
- (2) Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.

Section 11-608. Coordination with Surrounding Streets

- (1) The street system of a subdivision shall be coordinated and connected with existing, proposed, and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding streets") as provided in this section.

- (2) Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations, preferably at Tee intersections.
- (3) Minor collector, local, and other residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic. Street leg lengths shall be limited to the appropriate distance consistent with the intended speed. Offset or traffic calming shall be used as slowing points at the end of street legs.
- (4) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the Town may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000 feet may be created.
- (5) Planning for conflicting traffic or land use. Whenever the proposed subdivision contains, or is adjacent to a railroad right-of-way, arterial or expressway rights-of-way, or conflicting changes in land uses, the Planning Commission shall require marginal access streets, reverse frontage lots, lots with rear service, or other such treatment as may be necessary for protection of abutting properties and to afford separation of conflicting types of traffic or land use.

Section 11-609. Requirements for Development Adjoining Existing Roadways

Whenever a subdivision is proposed abutting an existing public roadway that does not meet the right-of-way and pavement width standards contained herein for the functional classification of the street, and the Planning Commission finds that development of the subdivision will increase the volume of traffic on such street to a significant degree, the following requirements shall apply:

- (1) The developer shall be required to dedicate right-of-way along the entire street frontage to a width that will provide one-half the total right-of-way width necessary to comply with the standards contained herein. It is assumed that the same right-of-way dedication will be required on the opposite side of the roadway at such time as that property develops, thereby providing the full necessary right-of-way width.
- (2) Roadway widening improvements (including paving, curb, gutter, and sidewalk where appropriate) shall be required as necessary to bring the roadway up to the full cross section requirement so contained in this Ordinance. The physical construction of such improvements by the developer shall be required; however, in certain cases, the Town may require a cash payment or long-term performance bond or letter of credit in lieu of construction if recommended by the Planning Commission.

- (3) The maximum liability of any developer under this Section shall not exceed right-of-way and improvements as for collector streets contained herein. In cases where the ultimate proposed cross section would be a four-lane arterial highway, developers may be required to dedicate excess right-of-way above the collector standard. In consideration of such dedication, widening improvements usually shall not be required in such cases for full road frontage, but, rather, improvements such as turn lanes shall generally be required in association with new intersecting streets or other access points when necessary to provide as safe situation as possible under the circumstances.

Section 11-610. Blocks

- (1) Whenever practicable, blocks shall be of such width as to provide two (2) tiers of lots.
- (2) Pedestrian crosswalks shall be required where deemed essential to provide circulation or access to schools, parks and other community facilities.
- (3) In general, intersecting streets, which determine block length, shall be provided at such intervals as necessary to meet existing street patterns, topography, and requirements for safe and convenient vehicular and pedestrian circulation. Residential blocks generally shall not exceed 750 feet in length, nor be less than 200 feet in length, with the block width generally being sufficient to allow two tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets. Non-residential blocks shall be of such length, width, and other design as the Planning Commission finds necessary for the prospective use, including adequate provision for off-street parking, truck loading and unloading, buffer areas, pedestrian movement, and proper vehicular access to adjacent streets. Whenever practicable, blocks along major arterial and collector streets shall be not less than 50 feet in length.

Section 11-611. Lots

- (1) All lots shall abut on a street.
- (2) In general, side lot lines shall be at right angles or radial to the street line.
- (3) Lots excessively deep in relation to width, or lots excessively irregular in shape are to be avoided. A proportion of two and one-half (2-1/2) in depth to one (1) in width shall be considered a proper maximum.
- (4) Panhandled lots are prohibited. All lots must have a minimum road frontage equal to the required width of a lot in that zone.
- (5) Lot Frontage and Access. All lots shall abut an approved public street for at least the minimum frontage requirement for the zone in which the lot is located. Frontage shall be measured at the street right-of-way line, except that in cases where curved streets or cul- de-sac radii are involved, the measurements shall be taken at the building line as set forth for the zone in which

the lot is located, or, if more restrictive, as set forth on the subdivision plan. All lots shall be designed so as to provide safe and convenient vehicular and pedestrian access to the street.

- (6) Lot Area and Minimum Building Setback Line. With the exception of Cluster Subdivisions lots for residential or non-residential use shall meet the minimum standards required by the Zoning Ordinance. In no case shall any new residential lot hereafter platted be of less size or width than what is designated on the Zoning Map and described in the Zoning Ordinance for said Zoning District in which the lot is located except as may be provided elsewhere in this ordinance.
- (7) Corner Lots. Corner lots should be of sufficient width and depth to equal non-corner lots in subdivision plus sufficient area to comply with the required minimum building setback line on each street frontage.
- (8) Double Frontage Lots. Double frontage and reverse frontage lots shall be prohibited except where employed to prevent excessive vehicular driveway access to streets, to avoid fronting lots on non-access streets and highways, to separate residential areas from other areas of conflicting land or traffic use, or to overcome specific disadvantages of topography and orientation.
- (9) Lots shall not, in general, derive access exclusively from a major or secondary street. Where driveway access from a major or secondary street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major or secondary arterial streets.
- (10) Building lines shall be shown on the plan, along each street, at least as required in each case by the applicable regulations. The locations of these lines shall be clearly indicated by dimensions.
- (11) All lot measurements shall be net measurements, not including any part of any street, alley, or crosswalk. Easements, however, shall be regarded as within the lot.

Section 11-612. Street Signs

All street signs shall be provided and constructed in accordance with the "TDS Manual".

Section 11-613. Storm Drain System

All storm drain systems shall be provided and constructed in accordance with the "TDS Manual".

Section 11-614. Public Sanitary Sewers and Public Water Supply

All public sanitary sewers and public water supply shall be provided and constructed in accordance with Town specifications.

Section 11-615. Sidewalks

- (1) All sidewalks shall be provided and constructed in accordance with the "TDS Manual".
- (2) The sidewalks required by this section shall be at least five feet in width and constructed according to the specifications set forth by the Town, except that the permit-issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that:
 - (a) Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
 - (b) Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.
 - (c) Such walkways shall meet the requirements of the American Disabilities Act.
- (3) Whenever the Town finds that a means of pedestrian access is necessary from the subdivision to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to provide sidewalks and/or reserve an unobstructed easement of at least 10 feet in width to provide such access.

Section 11-616. Attention to Handicapped in Street and Sidewalk Construction

- (1) Whenever curb and gutter and/or sidewalk construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards in the latest ADAAG or UFAS guidelines.
- (2) In un-subdivided developments, sidewalk construction for the handicapped shall conform to the requirements of the latest ADAAG or UFAS guidelines.

ARTICLE VII. REQUIRED IMPROVEMENTS

Section 11-700. Purpose

- (1) The purpose of this Article is to establish and define the public improvements which will be required to be constructed by the applicant as a condition for final plat approval.
- (2) All construction shall be completed in accordance with the specific conditions of the commitment and the accepted drawings and specifications and in the manner acceptable to the Town Engineer, Town Commissioners, Planning Commission, and other applicable officials.

Section 11-701. Revision of Plans

When changes from the accepted drawings and specifications become necessary during construction, written acceptance by the Planning Commission with the advice of the Town Engineer shall be secured before the execution of such changes.

Section 11-702. Maintenance

Adequate provisions for the satisfactory completion of all streets shall be made prior to dedication to, and acceptance for maintenance by the Town. Any features which would cause excessive repair will be corrected before acceptance by the Town.

Section 11-703. Streets

- (1) The construction of streets as shown upon final plat and as contained in contrast agreement shall in every respect conform to such requirements as the Town Commissioners may by resolution require for the construction of streets in the Town. These requirements shall be known as the "Cecil County Standards and Designs for Roads, Streets and Improvements" and are hereby incorporated as part of these Regulations, including such changes as the Town Commissioners may from time to time adopt by resolution. The minimum requirements of all subdivisions shall be governed by the resolution in effect at the time of the approval of the applicant's final plat.
- (2) All streets shall be graded to the grades shown on the street profiles and cross-section plan submitted and approved with the final plat.
- (3) Street rights-of-way are designed and developed to serve several functions:
 - (i) to carry motor vehicle, bicycle and pedestrian traffic, and in some cases, allow on-street parking;
 - (ii) to serve as an important link in the town's drainage system. In order to fulfill these objectives, all public streets shall be constructed to meet the standards of the Town of Rising Sun.

- (4) Except as otherwise provided, all streets shall be constructed with curb and gutter and shall conform to the requirements of the Town. Street pavement width shall be measured from flowline to flowline where 90 degree curb is used, and from the center of the curb where roll-type curb is permitted.

Section 11-704. Street Signs

The owner shall erect at every intersection a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs. Specifications for street signs are set forth in Article 11.

Section 11-705. Storm Drain System

The owner shall construct storm water drainage facilities in order to prevent erosion, flooding, and other hazards to life and property, as more fully described in "Specifications and Design Standards for Roads, Streets and Improvements" .

Section 11-706. Public Water Supply

Every subdivision of lots shall be provided with a community water supply and distribution system and appropriately spaced fire hydrants. The source of supply shall be the Town water system. The Community water system shall become part of the public system without cost to the Town.

Section 11-707. Public Sanitary Sewers

Every subdivision shall be connected to the Town system and shall become a part thereof without cost to the Town.

Section 11-708. Capped Sewers

If, at the time of final approval, public sanitary sewerage facilities are not available to the subdivision but will become available within a period of three (3) years from the date of recording, the owner shall be required to install or cause to be installed at his expense sanitary sewers and street laterals to the street line, in accordance with the requirements and standards of the "TDS Manual".

Section 11-709. Monuments and Markers

- (1) The plat shall show the positions by coordinates of not less than three (3) monuments set sequentially so that the position of one (1) monument is visible from the position of one other monument. From these monuments, commonly called "traverse points", every corner and line can be readily calculated and marked on the ground. These monuments shall be made of hard durable stone or concrete and shall be at least 4 inches by 4 inches and be planted at least two and one half (2 1/2) feet into the ground. Existing corner stones and monuments can be used to satisfy this requirement.
- (2) Monuments shall be placed in the ground after final grading is completed at a time specified by the Town Engineer.

- (3) All monuments shall be checked for accuracy by the Town Engineer, or their accuracy certified by the owner's surveyor.
- (4) If the subdivision lies in an area where a recognized coordinate system already is established or USGS bench marks area available, and traverse points of the system can be found and used, the coordinate values shall be marked in the same datum as those of the points found and identified by datum on the plat. In this case, no markers are required, but the owner of the land shall comply with all other requirements. Rising Sun utilizes the Maryland Grid Coordinate System, NAD 83.
- (5) Markers shall be placed at all points of curvature along the street line, at all angle breaks and at all lot corners not already monumented. Markers shall be steel bars or iron pipes at least five-eighths inches (5/8") diameter, eighteen inches (18") long.
- (6) It shall be the responsibility of the developer to have these monuments placed prior to acceptance of the streets by the Town and shall be guaranteed in the Public Works Agreement.
- (7) The developer shall be responsible and pay all costs necessary to replace any Grid Monuments or control points distributed by his development activities. Replacement shall be done only by a registered surveyor to accurately place such monuments. Such payment to restore any monuments is to be secured by a Public Works Agreement.

Section 11-710. Curbs and Sidewalks

All curbs and sidewalks shall be provided and constructed in accordance with the "TDS Manual". Sidewalks may be located within the Ultimate Right of way but maybe subject to removal and relocation upon any street improvements performed in the future. Unless previously dedicated to the Town, the Maintenance of the sidewalks and any driveway aprons shall be the responsibility of the Homeowner or property Owner/ and or Homeowner's Association on whose property the sidewalk fronts and in accordance to Chapter 7 of the Town Code.

Section 11-711. Grading

Grading shall conform in all respects to the final plat and the requirements and standards of the "TDS Manual".

Section 11-712. Community Facilities

- (1) Where deemed essential by the Planning Commission, and particularly in residential planned communities, the Commission may require reservations, for the common use of all property owners in the proposed subdivision, of suitable land for parks, playgrounds, schools, and other neighborhood purposes.
- (2) Where the subdivision contains park areas, or other physical facilities necessary or desireable for the welfare of the area and which are of common use or benefit and are of such character that the Town or other public agency does not desire to maintain them, then provision shall be made by trust agreement for the proper and continuous maintenance and supervision of such facilities by

the lot owners in the subdivision. Such trust agreements shall be a part of the deed restrictions and shall be acceptable to the Planning Commission.

Section 11-713. Street Lighting

A street lighting plan shall be submitted to the Rising Sun Planning Commission. Such plan shall show the location of all street lights within the subdivision and the amount of lumens for each light.

ARTICLE VIII. IMPROVEMENT GUARANTEES

Section 11-800. Contracts

Before the Planning Commission shall cause its approval to be endorsed upon the final plat of any subdivision and as a requisite for the approval thereof:

- (1) Required improvements shall be completed, inspected, and accepted by the Town Engineer, the Town Council and other regulatory agencies having jurisdiction over certain aspects of the project;
or
- (2) The owner shall enter into a written Public Works Agreement with the Town in the manner and form set forth by the Town Attorney where he shall agree:
 - (a) To construct or cause to be constructed, at his own expense, all streets, curbs, sidewalks, fire hydrants, drainage facilities, other improvements shown on or accompanying said final plat when required to do so by the Planning Commission in accordance with the final plat, as finally approved, and in strict accordance with the standards and specifications of the Town;
 - (b) To maintain at his own cost the said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvements, until the same are accepted by the Town;
 - (c) To obtain the easements and releases required when any street, drainage facility, or other improvements wherein a subdivision abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision, at his own cost, to obtain from the owner of the lands so abutted or traversed full releases from all damages which may make a change in grade, construction, or otherwise, to the street, drainage facility, or other improvements, and such releases shall insure to the benefit not only of the owner of the subdivision but to the Town as well.

Section 11-801. Guarantee

In order to assure the Town that the streets, curbs, and sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities and other improvements shown on the construction plans or accompanying said final plats will be constructed and installed in strict accordance with the plats, as finally approved, and with the standards, regulations, and specifications of the Town, and will be maintained until accepted by the Town, the owner shall furnish to the Town cash or a bond with such surety as the Town Attorney shall recommend to the Mayor and Commissioners for approval, which shall provide an amount sufficient to cover 110% of the cost, as estimated by the design engineer and approved by Town Engineer, of the construction and installation of the aforesaid specific terms and conditions of this guaranty shall be included in the terms of the public works agreement required in Section 11-800 (b) of this Article.

The improvements guaranty shall be conditioned upon:

- (1) The owner constructing and installing, or causing to be constructed or installed, in strict accordance with the final plat and accompanying submittals, construction plans, etc., as finally approved, and with the Town standards and specifications, the streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvements shown on or accompanying construction plans.
- (2) The owner maintaining at his own cost and the said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvements, until the same are accepted by the Town for public use.
- (3) The faithful performance by the owner of the contract provided for in these Regulations.
- (4) Any repairs and maintenance required on utilities, streets, curbs, and sidewalks deeded to the Town will be the responsibility of the grantor for a period of two (2) years from the date of transfer. The warranty period for storm drains and associated water control devices shall be five (5) years from the date of acceptance by the Town.

ARTICLE IX. APPLICATION AND PLAN REQUIREMENTS

Section 11-900. General

Plans are required for all subdivisions in accordance with the procedures, plan requirements, and design standards set forth in these Regulations, including an impact study.

Section 11-901. Application Requirements

For the purpose of having a subdivision reviewed and approved by the Planning Commission, the applicant shall file with the Administrator, the respective plans, application, and impact study in accordance with Article 4.

Section 11-902. Information to be Shown on Tentative Sketch Plans

A tentative sketch plan will be submitted by the applicant as a basis for informal discussion with the Planning Commission. The minimum information to be shown on Sketch Plans shall be as set forth in Appendix A.

Section 11-903. Preliminary Plat

- (1) The minimum information to be shown on Preliminary Plats shall be as set forth in Appendix A. Drafting standards for preliminary plats shall be as follows:

Section 11-904. Minor Subdivision Plat

The minimum information to be shown on Minor Subdivision Plat shall be as set forth in Appendix A.

This plat may also serve as the final plat when all requirements of this section are met Section 11-905. Final Plat

The minimum information to be shown on Final Subdivision Plat shall be as set forth in Appendix A.

Section 11-906. Final Plat - Standards for Plat Preparation and Submittal

- (1) The Planning Commission shall make final determination on the completeness and accuracy of the plat in accordance with the provisions of this section prior to recordation of the plat. See Appendix A for a complete list of requirements for the Final Plat.
- (2) The final subdivision plat shall be submitted to the Planning Commission drawn on a reproducible sheet made of material that will be acceptable to the Clerk of the Circuit Court having dimensions of 18" x 24" or 24" x 36". When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. A location map indexing each of the sheets shall be submitted to the Town and kept on file. The scale of the plat shall be at one (1) inch equals not more than one hundred (100) feet. The applicant shall also submit ten (10) prints of the plat.

- (3) The accurately positioned north arrow shall be placed on the plat.
- (4) All plat lines shall be by horizontal (level) measurements. Enlargement of portions of a plat are acceptable in the interest of clarity, where shown as inserts on the same sheet.
- (5) Where a boundary is formed by a curved line, the following data must be given: actual survey data from the point of curvature to the point of tangency shall be shown as standard curve data, or as a traverse of bearings and distances around the curve. If standard curve data is used the bearing and distance of the long chord (from point of curvature to point of tangency) must be shown on the face of the plat.
- (6) Where a subdivision of real property is set out on the plat, all streets and lots shall be carefully plotted with dimension lines indicating widths and all other information pertinent to reestablishing all lines in the field. This shall include bearings and distances sufficient to form a continuous closure of the entire perimeter.
- (7) If the final plat is disapproved by the Planning Commission, the applicant shall be furnished with a written statement of the reasons for the disapproval.
- (8) The following information shall appear on the recorded plat, in addition to the information required in Section 11-904 or Section 11-905:
 - (a) Seals:
 - (i) The impressed seal of the licensed engineer or surveyor responsible for the plat.
 - (ii) The impressed corporation seal, if the applicant is a corporation.
 - (iii) The impressed seal of a notary public or other qualified officer acknowledging owner's statement of intent.
 - (b) Acknowledgements:
 - (i) A statement to the effect that the applicant is the owner of the subdivision shown on the final plat is made with his or their consent and that it is desired to record the same.
 - (ii) Acknowledgement of said statement before an officer authorized to take acknowledgements.
 - (c) The following signatures shall be placed directly on the plat in black india ink:
 - (i) The signature of the owner or owners of the land. If the owner of the land is a Corporation, the signatures of the president and secretary of the corporation shall appear.
 - (ii) The signature of the notary public or other qualified officer acknowledging the owner's statement of intent.
 - (iii) The signature of the licensed engineer or surveyor who prepared the plat.
 - (iv) The signature of the chairman and secretary of the Planning Commission.
 - (v) Signature of the Town Engineer.

- (vi) The signature of the Deputy State Health Officer of Cecil County.

Section 11-907. Modification of Requirements

The requirements for preliminary and final plats and for the supporting data may be modified upon recommendation of the Planning Commission.

In subdivisions requiring no new streets, and in the case of re-subdivision, the requirements for the contours may be waived at the discretion of the Planning Commission.

ARTICLE X. ADMINISTRATION

Section 11-1000. Variance

If the developer feels that strict compliance with these regulations will result in an extra-ordinary hardship, they may apply for a variance through the Rising Sun Board of Zoning Appeals. Such application shall be submitted in accordance with Section 12-1105 of these ordinances.

Section 11-1001. Conditions

In granting a variance, the Board of Appeals may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of this ordinance.

Section 11-1002. Fees

- (1) Fees to cover the cost of considering, examining, and checking the several plats and plans required herein and for recording the final plat shall be collected at the proper time as required by subsection 2 of this section, in accordance with a fee schedule of charges which shall be adopted by resolution of the Commissioners of Rising Sun.
- (2) The developer shall also be responsible for all costs pertaining to the development including engineering review fees, inspection fees, updating the Town map, public works agreement, bonding or letter of credit in the amount of the proposed improvement, recordation of record plat and any other costs set forth in the public works agreement required by Section 11-800 (2) of Article 8.

Section 11-1003. Severability

It is hereby declared to be the legislative intent that:

- (1) If a court of competent jurisdiction declares any provision of these Regulations to be invalid or in effective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of these Regulations shall continue to be separately and fully effective.
- (2) If a court of competent jurisdiction finds the application of any provision or provisions of these Regulations to any lot, building, or other structure, or land tract of the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situation shall not be affected.

ARTICLE XI. STREET WIDTHS, STREET PARKING, ULTIMATE RIGHT OF WAYS

Section 11-1100. Streets

- (1) In all new subdivisions, streets that are dedicated to public use shall be classified as provided in Subsection (2).
 - (a) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
 - (b) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;
 - (c) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
 - (d) The Planning Commission may require any street widths detailed below to be increased to provide for on street parking, to include any combination of parallel, pull-in or angled parking, on one or both sides of a proposed street.
- (2) Where not directly served by an existing street, streets shall be constructed by a subdivider to serve all subdivided lots in accordance with the following specifications and design standards: Ultimate Right-of Way Width and Street Paving Width:

The minimum width of the ultimate right-of-way and the street paving width shall not be less than the following:

	Minimum Ultimate Road Right of Way Width. (in feet)	Minimum Road Paving Width (in feet)
Arterial	Per SHA or County Standards	48
Collector Road (Major)	Per SHA or County Standards	44
Collector Road (Minor)	60	26 + 8 additional paving on each side that parking is provided
Local Road	50	22 + 8 additional paving on each side that parking is provided
Lane	47	18 + 8 additional paving on each side that parking is provided
Marginal Access Street	40	22 + 8 additional paving on each side that parking is provided
Cul-de-Sacs	44	22 + 8 additional paving on each side that parking is provided
Alleys	30	16 + 8 additional paving on each side that parking is provided

- [1] Note the first number represents the minimum travel lane and prohibits parking on either side of the road.
- [2] Additional Paving/Lane Width: Additional lane and paving width may be necessary at intersections to accommodate turning maneuvers of heavy vehicles such as buses, trucks, etc., without interfering with each other. It is therefore required that all intersections involving either major roads and/or commercial or industrial roads shall be checked for the need of additional lane and paving widths. The procedure for determining these additional requirements will in accordance to the TDS Manual.
- [3] The 8' set aside for parking assumes parallel parking on the street. Pull-in or angled parking, if permitted or required, must provide additional paving width to the travel lanes to accommodate this type of parking, as spelled out in the TDS manual.

(3) The below definitions are provided for use with the above table:

- (a) Alley. An alley provides one 16-ft wide travel lane providing one-way service access for vehicles and pedestrians to the side or rear of abutting properties particularly in townhouse, (limited to 14 townhouses per stretch of alley), apartment, commercial, or industrial developments as approved by the Planning Commission. An alley is not intended for through traffic but provides for the turning radius for a residential vehicle to pull in and out of a driveway that is perpendicular to the alley. The intended speed for this type of access is 5 to 10 miles per hour maximum. If needed during an emergency, an alley is wide enough for the passing of emergency vehicles with oncoming cars stopping, and slightly pulling over.
- (b) Arterial Highways. Serve an important role in the region by carrying large volumes of fast-moving traffic to and from the freeway system, major shopping areas, and employment centers.
- (c) Average Daily Traffic (ADT). The total traffic volume during a given time period, ranging from 2 to 364 consecutive days, divided by the number of days in that time period, and expressed in vehicles per day (VPD)
- (d) Collector Road (major). A major collector road provides two 11-ft wide travel lanes so cars going in opposite directions can freely pass to include emergency vehicles, but the collector is not so wide as to encourage speeding. A major collector street is designed to carry relatively high traffic volumes to or from several minor roads and connects them to other collector roads or to the arterial system. Usually does not serve the primary function of providing access to abutting properties and serves more than 300 but not more than 500 residential lots, or handles a traffic volume more than 3,000 ADT but not more than 5,000 ADT. May also provide access to major land uses, industry, commerce, and important public facilities.
- (e) Collector Road (minor). A minor collector road provides two 11-ft wide travel lanes so cars going in opposite directions can freely pass to include emergency vehicles, but the collector is not so wide as to encourage speeding. A minor collector road provides direct access to abutting properties and also receives traffic from the secondary street

system and distribute it to the major collector and arterial system. To accommodate higher traffic volumes than secondary streets. Minor collector roads are wider and traffic movement is less restricted by "stop" signs. Also serves as the internal circulation system for land in more intensive development such as apartments, commercial centers, and industrial subdivisions.

- (f) Cul-de-sac. A street that terminates in a vehicular turnaround. A maximum length of 700 feet will be allowed for any cul-de-sacs. This is to be measured from the center of the intersection with the through road to the center of the circle. The minimum diameter permitted for any cul-de-sacs shall be 80 feet, or twice the width of the right-of-way, whichever is greater.
- (g) Decelerations/ Right Turn Lanes. A deceleration or right turn lane serves as a speed change lane for vehicles leaving the through traffic stream to slow down to a comfortable speed for making a right turn either onto an intersecting highway or into a residential development or commercial establishment.
- (h) Local Road. A local road provides two 11-ft wide travel lanes so cars going in opposite directions can freely pass to include emergency vehicles, but the lane is not so wide as to encourage speeding. Local streets provide immediate access to abutting low density property or moderately sized commercial developments. A local street provides the main access to and through a neighborhood connecting it to collector or arterial roads. A local road serves or is designed to serve at least 10 but no more than 50 dwelling units and is expected to or does handle between 100 and 500 trips per day. The intended speed for this type of residential access street is 20 to 25 miles per hour maximum.
- (i) Lane. A lane provides two 9-ft wide travel lanes that would allow vehicles to pass in opposite directions, but at a slower speed. A lane is wide enough for the passing of emergency vehicles with oncoming cars stopping, slowing down or slightly pulling over. A lane is a minor local street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than fifteen dwelling units and is expected to or does handle up to 100 trips per day.. The intended speed for this type of residential access street is 10 to 15 miles per hour maximum.
- (j) Marginal Access Road. A marginal access road provides two 11-ft wide travel lanes so cars going in opposite directions can freely pass to include emergency vehicles, but the lane is not so wide as to encourage speeding. A street that is parallel to and adjacent to an arterial street or collector road and that is designed to provide access to abutting properties so that these properties are somewhat sheltered and protected from the effects of through traffic on the arterial street or collector road and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.
- (k) Travel Lane. The minimum paved area designated for the passage of cars and emergency vehicles. In general, two 11-ft wide travel lanes are designed to allow for the free and unimpeded passage of cars and emergency vehicles going in opposite directions. Travel lanes of 9-ft wide allow for the passage of cars and emergency vehicles at slow speeds or upon pulling over slightly. A 16 ft travel lane in an alley is designed for one way traffic only but allows for pull-in or angled parking.

(4) Street Grading to Full Width:

The rights-of-way shall be graded to their full width to provide suitable finished grades to the tolerances herein specified. This requirement may be modified if the application of this standard would result in undue destruction of trees.

(5) Minimum Street Grade:

A minimum grade of one percent shall be established on all "Collector" and "Secondary" streets.

(6) Maximum Street Grade:

Maximum grades shall not exceed ten (10) percent.

(7) Street Crown Requirements:

A normal crown shall be provided on all streets, not super-elevated, of 3/8 inch per foot straight slope extending in cross section from edge of pavement to centerline, symmetrical to the centerline.

(8) Restrictions of Intersections Within "Arterial" and "Major Collector" Streets:

Whenever practicable, the number of intersections within "Arterial" and "Major Collector" roads shall be kept to a minimum, and shall be located at least one thousand (1,000) feet apart.

(9) Cut and Fill:

All cuts and fills shall be at a slope of not greater than two to one.

(10) Construction Specifications:

All streets are to be in accordance with the chart in Section 11-1100 such width will include an allowance for a sidewalk five (5) feet in width on each side thereof.

Subgrade shall be compacted so that it is firm, hard and unyielding. It shall be compacted in accordance to the TDS Manual. After compaction the subgrade shall be true to the lines and grade as set forth in the Final Approved Plat. After the final rolling the subgrade shall be tested with a ten (10) foot straight edge laid parallel with the sides of the pavement and any depressions or high spots exceeding one-half inch shall be corrected.

Pavement shall not be placed on any subgrade that is wet, soft, yielding and/or any unsuitable material. All soft and unstable materials and other portions of the subgrade which will not properly compact according to the specifications set forth above in paragraph 2, or which for any other reason will not serve the purpose intended, shall be removed and disposed of and replaced with suitable materials.

Pavement shall be constructed according to TDS Manual.

Section 11-1101. Street Signs

(1) Improvement Required:

The subdivider shall erect at every intersection, a street sign having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs and at the intersections where one (1) street ends or joins with another street, there shall be at least (1) such street sign.

(2) Construction standards

(a) Street name plates shall be of metal construction; all corners shall be of standard proportions and spacing in accordance with one of the alphabets used by the U.S. Bureau of Public Roads. The plates shall be horizontal. The lower edge of the name plate shall be seven (7) feet above the ground level or curb. The name plates shall be attached to the standard by rust-proof metal fasteners.

(b) The standard shall be rust-proof metal and shall be of sufficient length to permit the same to be embedded in the ground a distance of not less than three (3) feet. The standard shall be embedded in a concrete base for a depth of not less than three (3) feet below the surface of the ground and not less than twelve (12) inches in diameter.

(3) Street Names:

(a) Street names shall be assigned by the developer subject to the approval of the Town. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the Town and the local Fire Company's jurisdiction, regardless of the use of different suffixes.

(b) Street names shall include a suffix such as the following:

- Circle. A short street that returns to itself.
- Court or Place. A cul-de-sac or dead-end street.
- Loop. A street that begins at the intersection with one street and circles back to end at another intersection with the same street.

Section 11-1102. Sidewalks and Curbs

All curbs shall be poured with 3000-psi concrete, and shall be constructed by the method known as "monolithic pour" in conjunction with the construction of sidewalks as hereinafter set forth in the following paragraph. Curbs can be either 7" curb and gutter or a mountable curb as shown in plate R-8 of the Cecil County Road Code Standard or a "monolithic pour" of curb and side-walk. If "monolithic pour" issued, the curb shall be 8" in width and 24 inches in depth and the sidewalk will be 4" thick.

Construction of sidewalks are required in all subdivisions, on both sides of all streets, by all developers and property owners. They shall be poured with 3000-psi concrete over a three (3) inch gravel base, and shall be five (5) feet in width including the width of curbing required above. Sidewalks are to be scribed in four (4) foot squares, with expansion joints no more than sixteen (16) feet apart coinciding with the four (4) foot markings in the sidewalk. Expansion joints are to be set one-fourth (1/4) inch below the surface of the sidewalk and are to be on one-half (1/2) inch thick preformed bituminous material.

Where a driveway entrance crosses over a sidewalk, that portion of the sidewalk shall be a minimum of six (6) inches thick, reinforced with No. 8-6" x 6" wire mesh, and shall also have a three (3) inch gravel base.

All intersections shall be constructed so as to include handicap ramps in accordance with State law.

Section 11-1103. House Numbering

The developer is responsible for the numbering of individual houses and other applicable structures in accordance with town and County specifications. House numbers shall be assigned in accordance with the street on which the house faces.

Section 11-1104. Sanitary Sewerage Systems

(1) Sewer Mains:

Sewerage mains are to be eight (8) inches to twelve (12) inches slip-joint or ring-seal appropriate plastic or ductile iron or equivalent subject to approval of the Town Engineer. Sewerage lines are to be located at least five (5) feet from the outside edge of the roadbed, and on the opposite side of the street from the water mains. Sewage must be delivered into the present town sewerage system, and in the event that one or more pumping stations are necessary, the installation thereof shall be in accordance with specifications furnished by the Town, with all costs thereof to be paid for by the subdivider.

(2) Property Tap Lines:

All property tap lines shall be no smaller than four (4) inch pipe, and carried at least to the inside of the property line and be furnished with a covered, ground-level clean-out to be located just inside the property line.

(3) Manholes:

Brick and mortar, block and mortar, or approved precast manholes are to be placed at every intersection and every "L" turn in the mains, and at least every four hundred (400)

feet on straight-run mains. All manholes shall be at least four (4) feet in diameter at the bottom, and taper to at least two (2) feet in diameter at the top. Each manhole shall be supplied with steps, and shall be covered with a heavy roadway sewerage manhole cover flush with the roadway surface.

(4) Minimum Standards, Options:

The specifications set forth above in this Article are minimum standards, all of which are subject to approval or rejection by the Town Engineer in each individual application. In addition, wherever there is listed an option, such option shall be exercised by the Planning Commission upon recommendation of the Town Engineer, and shall not be deemed to be an option to be exercised by the subdivider.

Section 11-1105. Water Mains Connections and Fire Hydrants

All water mains must be looped where possible and reasonable (water mains must be connected between two main lines to service a new subdivision, etc.), connections and fire hydrants will be installed in accordance with the Cecil County Standard Specifications and Details for Water Mains and Sanitary Sewers.

(1) Water Supply:

The subdivider must make application to the Planning Commission and the Town Engineer for necessary water main extensions and loops. The Town shall review the surveys, engineering plans, and installation of water main extensions upon application.

(2) Specifications, Water Mains and Fittings:

Water mains and fittings are to be placed on the side of the street opposite from sewerage mains, five (5) feet away from the outer edge of the roadbed, with a minimum of three (3) feet of cover under the sub-base of the street. A valve and box shall be placed at the end of each street where extensions are probable and at least 20 feet in each direction that water mains are laid from intersections. No intermediate high points shall be created on water mains without providing for air relief. All curb box valves shall be at a depth of no less than 4' and no greater than 5'.

Water mains shall be constructed of one of the following:

- (a) Ductile Iron Water Pipe (DIP) Class 52 for sizes 3" - 6" and class 51 for sizes 8" and larger conforming to ANSI A21.50 and NASI A21.51 or AWWA C150 and AWWA C151. Bedding shall be Type 3 as recommended by ANSI/AWWA C600-77.

(3) Property Taps and Meters:

At each property tap there shall be installed a Mueller three-fourth (3/4) inch corporation cock or equivalent, a three-fourth (3/4) inch Mueller curb box stop and curb box or equivalent placed three (3) inches inside the property sidewalk line. Water meters (provided by the Town) are to be installed in each building or residence connection, three-fourth (3/4) inch in size.

(4) Fire Hydrants:

Fire hydrants shall be installed on the inside property sidewalk line, and shall be so located throughout the subdivision that no building or residence shall be more than six hundred (600) feet from the nearest hydrant. All fire hydrants shall be approved by the Town Engineer.

(5) The specifications set forth above in this Article are minimum standards, all of which are subject to approval or rejection by the Town Engineer in each individual application. In addition, wherever there is listed an option, such option shall be exercised by the Planning Commission upon recommendation of the Town Engineer and shall not be deemed to be an option to be exercised by the subdivider.

Section 11-1106. Monument

All monuments shall be checked for accuracy by the Zoning Administrator, or their accuracy certified by the owner's engineer. Accuracy of monuments shall be within three one-hundredths (3/100) of a foot. All monuments and markers shall be installed in accordance with Section 11-709 of this ordinance.

Section 11-1107. Sediment Control

(1) Subdivision Grading, Erosion and Sediment Control:

The provisions of Cecil County Grading, Erosion and Sediment Control regulations are hereby adopted by reference, and made effective within the Town of Rising Sun.

(2) Application:

Application shall be made by all subdividers for a Grading Permit to the Cecil County Building Inspector's Office.

(3) Approval must be through the Soil Conservation District.

Section 11-1108. Drainage and Storm Drain

(1) Drainage:

Any subdivision plan submitted to the Planning Commission shall indicate the drainage pattern for the subdivision tract or parcel, and shall include reasonable provisions for storm drainage in accordance with standards designated by the Town Engineer and the Planning Commission (Refer to Chapter 13 of this Ordinance: Storm Water Management Ordinance).

No subdivision plan will be approved by the Planning Commission until it has been reasonably and adequately proved to the Town Engineer and the Planning Commission that the subject subdivision will create no flooding or water conveyance hazard for abutting property owners, upstream or downstream property owners, or the general public.

Drainage devices shall be constructed in accordance with plans approved by the Town Engineer, and the Soil Conservation District and/or the Cecil County Planning Office.

(2) Storm Drains:

The developer shall prepare and submit to the Planning Commission a proposed design and calculations for capacities of storm drains in any new subdivision or development. Specifications for storm drains may be found in the Cecil County Road Code.

The location, type, materials, necessity for, and sufficiency of all storm drains is subject to the approval of the Planning Commission upon consultation with the Town Engineer. Storm drains shall have a minimum diameter of fifteen inches (15").

Section 11-1109. Planting

It will be the responsibility of the developer to landscape all public rights-of-way which are contained in the proposed development. A minimum of one tree per each 35 feet of linear roadway will be required. The preservation of existing trees along the right-of-way will compensate for the required new plantings. Plantings shall be done in accordance with Chapter 14 of this Ordinance "Rising Sun Forest Conservation Ordinance". All buffers shall be of a type that shall remain covered with foliage year round such as pine, cedar, etc. Buffers shall be required between all zones in such a manner as to physically separate zones and uses.

Section 11-1110. Street Lighting

The developer shall have a street lighting plan prepared by the Connective Power Company, which shall include location of lighting, the method of installation and an estimation by the lighting engineer of the illumination provided by such plan. The plan must be submitted to the Planning Commission for approval and the developer must bear all the cost of installation.

Section 11-1111. Public Utilities

The subdivider shall place or cause to be placed underground, extensions of electric and telephone distribution lines necessary to furnish permanent residential electric and telephone service to new detached, semi-detached, group, or townhouse single-family residences within a new residential subdivision, or to new apartment buildings, in accordance with the rules and regulations of the Public Service Commission of Maryland, effective July 1, 1968, and subject to the further order of that Commission. The subdivider shall bear all costs of such underground installation.

Section 11-1112. Off-Street Parking

(1) Applicability:

Every subdivision plan which shall be submitted to the Planning Commission for approval, shall provide off street parking spaces and facilities in accordance with the requirements of the Rising

Sun Zoning Ordinance.

(2) Design:

- (a) Parking spaces and all access and maneuvering space for off-street parking shall be surfaced and maintained with a dustless, all-weather material, except for single-family and two-family dwellings.
- (b) Every parking facility shall have a safe and efficient means of vehicular access to a recorded street.
- (c) No driveway serving a parking facility shall be closer than five (5) feet from a side property line.
- (d) No motor vehicle shall be parked in any yard or court closer than ten (10) feet to any door, window, or other opening of a dwelling, institution or other property.
- (e) In the design of off-street parking facilities for multiple dwellings, the public right-of-way shall not be obstructed by the use of the same as aisle space or maneuvering space. Each off-street parking facility shall provide sufficient maneuvering space within the boundaries of the lot or lots on which it is located, and shall be so designed that no unreasonable difficulty or inconvenience will be entailed in making necessary maneuvers for parking and removing a vehicle. Maneuvers shall not entail driving over any other required parking space. The layout of parking areas shall conform to the minimum dimensions for spaces and access ways.
- (f) Each parking facility shall be so designed that ingress or egress to a parking space entails no footway, nor a backing maneuver into or from the public right-of-way.
- (g) Neither the turn-around diameter of a cul-de-sac or a rotary nor the turn-slot or a T-type or L-type cul-de-sac shall be used for the parking of vehicles unless sufficient space has been allowed for such.
- (h) In a multi-family residential subdivision, no parking area shall exceed one hundred and eight (108) feet in length, and no portion of a motor vehicle shall be closer than twenty (20) feet from the right-of-way line of a public street.
- (i) Any fixture used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjacent residential sites, institutional sites and public roads.
- (j) Off-street parking facilities shall be screened by a wall, fence, or compact planting when adjoining the side or rear lot line. Screening shall not be so placed or maintained as to constitute a traffic hazard by obstruction of visibility.
- (k) Entrance from public or private streets shall conform to the following dimensions:
 - (i) One-way traffic entrances shall be not less than 17 feet in width.
 - (ii) Two-way traffic entrance shall not be less than 24 feet nor more than 35 feet in width; such entrances shall be not less than 15 feet apart.
 - (iii) Monumental entrances shall be provided with a 6 foot wide median, and the traffic lanes shall not be less than 17 feet in width.

- (iv) All entrances shall be not less than 7-1/2 feet from a side lot line.

Section 11-1113. Refuse Collection

In a residential subdivision, if refuse is to be collected at central points exterior to a structure, such points shall be shielded from view on three sides by screening and landscaping, and placed on a pad of concrete where necessary.

In a commercial or industrial subdivision, refuse storage and collection points shall be enclosed on three sides and shielded from view by screening and/or landscaping.

The developer shall submit a resume of refuse collection.

Section 11-1114. Minimum Standards, Options

The specifications set forth above in this Article are minimum standards, all of which are subject to approval or rejection by the Town Engineer in each individual application. In addition, wherever there is listed an option, such option shall be exercised by the Planning Commission upon recommendation of the Town Engineer and shall not be deemed to be an option to be exercised by the subdivider.

Section 11-1115. Penalties

- (1) Any person who fails to comply with any or all of the requirements or provisions of this ordinance or direction of the Zoning Administrator or any other authorized employee of the Town shall be guilty of a misdemeanor and shall be subject to a fine not exceeding \$500.00 or imprisonment for thirty (30) days in the county jail, or both.
- (2) Each day during which any violation of this ordinance continues shall constitute a separate offense.
- (3) The imposition of a fine or penalty for any violation of or non-compliance with this ordinance shall not excuse the violation or non-compliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and non-compliance within a reasonable time.
- (4) Any structure or improvement constructed, reconstructed, enlarged, altered, or relocated in non-compliance with this ordinance may be declared by the Commissioners to be a public nuisance and abatable as such.

**APPENDIX A
Basic Information Required with Subdivision and Land Development Plans and Plats**

Note 1: This Checklist shall serve as a basic understanding of what details are needed to facilitate a smooth and orderly review of any plan submittals. However, this list is not meant to be all inclusive and certain projects may require modifications to the presentation of the requested details to support a thorough review. The Town or Town Engineer reserve the right to waive or change the sequence of required data or request additional information or a modification to how the information is presented, based upon unique circumstances or if determined to be beneficial to the review and approval process.

Note 2: Plans are to be designed based on the standards set forth in the appropriate design manuals as stipulated in the Town Code

Item	DESCRIPTION	Admin Subdivision & Single Lot Review	Admin Tech Review	Minor Subdivision				Major Subdivision				
				Sketch	Concept	Prelim	Final	Sketch	Concept	Prelim	Final	
1	Completion of all Required Applications – to include payment of all fees & escrow funds required and in place.	X	X	X	X	X	X	X	X	X	X	X
2	Submittal of Site Plan with below required information presented (Both in Paper and Electronic Format – See Town for Directions	X	X	X	X	X	X	X	X	X	X	X
3	Cecil County Technical Advisory Committee (TAC) Review Report and Comments	X			X				X			
4	Title block denoting name and type of application, tax map sheet, parcel, street location, and phase (if applicable)	X	X	X	X	X	X	X	X	X	X	X
5	A vicinity map at a scale no smaller than 1"=800' showing location of the tract in reference to surrounding properties, streets, landmarks, streams, etc. Show all of the property owned according to the Tax Map(s) if only part of the property is to be developed.	X	X	X	X	X	X	X	X	X	X	X
6	Date of original submission and all revisions	X	X	X	X	X	X	X	X	X	X	X

Item	DESCRIPTION	Minor Subdivision					Major Subdivision				
		Admin Subdivision & Single Lot Review	Admin Tech Review	Sketch	Concept	Prelim	Final	Sketch	Concept	Prelim	Final
7	Name and address of owner, applicant, developer, and lienholder	X	X	X	X	X	X	X	X	X	X
8	Name and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in document preparation	X		X	X	X	X	X	X	X	X
9	Seal, signature, and license number of engineer, land surveyor, architect, and/or landscape architect, as applicable, involved in document preparation. Each sheet must have a surveyor's seal.	X		X	X	X	X	X	X	X	X
10	North arrow and scale for all plan drawings – scale of <u>1"=50'</u> unless alternate approved by Town engineer.	X	X	X	X	X	X	X	X	X	X
11	Existing and proposed zoning of tract and adjoining property	X	X	X	X	X	X	X	X	X	X
12	Adjacent property owners, names, and deed location (book and page)	X	X	X	X	X	X	X	X	X	X
13	Development data including, but not limited to current and proposed use, total area (acres to nearest thousandth of an acre), number of existing and proposed lots, and parking calculations, track area calculation showing existing and proposed building, impervious, and open space, and utility providers	X	X	X	X	X	X	X	X	X	X
14	Development data including proposed and allowed building height, setbacks, lot area, lot width, and lot coverage	X	X	X	X	X	X	X	X	X	X
15	Monumentation, location and description	X			X	X	X	X	X	X	X

Item	DESCRIPTION	Admin Subdivision & Single Lot Review	Admin Tech Review	Minor Subdivision				Major Subdivision					
				Sketch	Concept	Prelim	Final	Sketch	Concept	Prelim	Final		
16	Metes and bounds survey showing dimensions, bearings, curve, data, length of tangents, radii, arc, chords, and central angles for all centerlines and rights-of-way, and centerline curves on streets, datum and benchmark, primary central points approved by the Town Engineer. (Boundary of proposed subdivisions can be a deed plot).	X			X	X	X		X	X			X
17	Date of survey	X			X	X	X		X	X			X
18	Certification block for engineer	X			X	X	X		X	X			X
19	Certification blocks for planning commission chairman (or another representative of the Town)	X			X	X	X		X	X			X
20	Certification blocks for Cecil County Health Department (for projects that border properties with septic systems or water wells)	X			X	X	X		X	X			X
21	Certification and dedication by owner or owners to the effect that the subdivision as shown on the final plat is made with his or her consent and it is required to record same.	X					X						
22	Standardized sheets – 24" x 36", numbered with index of sheet names on cover sheet	X	X	X	X	X	X	X	X	X	X	X	X
23	Separate existing conditions site plan including topography (1-ft contours unless otherwise approved by Town Engineer)	X			X	X	X		X	X			X

Item	DESCRIPTION	Admin Subdivision & Single Lot Review	Admin Tech Review	Minor Subdivision				Major Subdivision				
				Sketch	Concept	Prelim	Final	Sketch	Concept	Prelim	Final	
24	Size and location of any existing or proposed structures with all setbacks dimensioned (for sketch plan, general locations, but not setbacks). Include storm drains, culverts, retaining walls, fences, stormwater management facilities, <u>sediment</u> and erosion structures.	X		X	X	X	X	X	X	X	X	X
25	Number of dwelling units	X		X	X	X	X	X	X	X	X	X
26	Location, dimensions, bearings, and proposed names of any existing or proposed roads or streets with right-of-way widths			X	X	X	X	X	X	X	X	X
27	Location of pedestrian ways, bike paths and driveways	X		X	X	X	X	X	X	X	X	X
28	All proposed lot lines indicating width and depth, area in square feet, and lot number	X		X	X	X	X	X	X	X	X	X
29	Location and labeling of Proposed Utilities, to include water, sewer, electric, fossil fuels, and green energy sources – Plan View Only	X			X	X	X		X	X	X	X
30	Show location of closest existing water and sewer that abuts the site, to include mapping that shows the location and distance from the site.	X			X	X	X	X	X	X	X	X
31	Water and Sewer Utilities Plan to include inverts, elevations profiles, required pump stations, estimated flow capacity and all ancillary equipment.	X				X	X	X		X	X	X

Item	DESCRIPTION	Admin Subdivision & Single Lot Review	Admin Tech Review	Minor Subdivision				Major Subdivision				
				Sketch	Concept	Prelim	Final	Sketch	Concept	Prelim	Final	
32	Utilities Plan for any community shared generating stations, green energy sources etc.					X	X				X	X
33	Lighting Plan.	X			X	X	X			X	X	X
34	Copy and/or delineation of any existing or proposed deed restrictions or covenants.	X			X	X	X			X	X	X
35	References to protective covenants governing the maintenance of undedicated public spaces or reservations.				X	X	X			X	X	X
36	Location and size of proposed park area, playgrounds, and other public areas	X		X	X	X	X	X		X	X	X
37	Any existing or proposed easement (drainage or utility) or land reserved for or dedicated to public use*. Location, dimensions or proposed reservations, rights-of-way, open space, buffers, and forested areas along with means by which these areas will be permanently maintained.	X			X	X	X			X	X	X
38	Statement of owner dedicating streets, rights-of-way, and any sites for public use.					X	X				X	X
39	Development stages or phasing plans. Sections numbered by phase.				X	X	X			X	X	X
40	Parking calculations to include total number off off-street parking, <u>Guest</u> and <u>Satellite</u> Parking.	X		X	X	X	X	X		X	X	X
41	List of required or anticipated regulatory approvals/permits	X		X	X	X	X	X		X	X	X
42	List of variances granted, required, or requested	X			X	X	X			X	X	X

Item	DESCRIPTION	Admin Subdivision & Single Lot Review	Admin Tech Review	Minor Subdivision			Major Subdivision				
				Sketch	Concept	Prelim	Final	Sketch	Concept	Prelim	Final
43	Requested or obtained design waivers or exceptions	X		X	X	X	X	X	X	X	X
44	Total area of the site that is temporarily and/or permanently disturbed	X			X	X	X		X	X	X
45	All existing streets, water courses, flood plains, wetlands, or other environmentally sensitive areas on or adjacent to the site.	X			X	X	X		X	X	X
46	Location and size of all Existing rights-of-way and/or easements on or immediately adjacent to the tract, with label explaining the purpose and recording references	X			X	X	X		X	X	X
47	Topographical features of subject property from USGS map or more accurate source at 2'-5' intervals, 50' beyond the boundary, with source stated on the map. Survey topo is recommended but not required. Designs are required to comply with Code based on actual field survey in preliminary and final stages.	X			X	X	X		X	X	X
48	Field delineated or survey topo with 1' or 2' contours	X				X	X			X	X
49	General area of 15%-25% slope shaded and identified as precautionary slopes				X				X		
50	Slope analysis of 15%-25% slopes. These areas shall be shaded and identified as precautionary slopes	X				X	X			X	X
51	General area of > 25% slope shaded and identified as steep slopes				X				X		

Item	DESCRIPTION	Admin Subdivision & Single Lot Review	Admin Tech Review	Minor Subdivision					Major Subdivision				
				Sketch	Concept	Prelim	Final	Sketch	Concept	Prelim	Final		
52	Slope analysis of > 25% slopes. These areas shall be shaded and identified as steep slopes	X				X	X			X	X		
53	Forest Stand Delineation (see Article 5 of the Rising Sun Forest Conservation Ordinance)	X			X	X	X		X	X	X		
54	Existing system of drainage of subject site and adjacent sites and of any larger tract or basin of which it is part.	X				X	X			X	X		
55	100-Year Flood Plain (FEMA 1% chance flood)	X			X	X	X		X	X	X		
56	Wetland delineation based on NWI maps and field review.				X				X				
57	Wetlands identification based on field delineation/determination	X				X	X			X	X		
58	Locations of sensitive areas and their buffers	X			X	X	X		X	X	X		
59	Land Scape Plan to include labels and details of shrubbery and tree types to include location and widths of buffer yards	X				X	X			X	X		
60	Soil types based on Cecil County Soil Survey	X			X	X	X		X	X	X		
61	Traffic Impact Study, as required.	X		X	X			X	X				
62	Statement of effect on school district and school bus service				X	X	X			X	X		

LAND DEVELOPER AGREEMENTS											
Item	DESCRIPTION	Admin Subdivision & Single Lot Review	Admin Tech Review	Sketch	Minor Subdivision			Major Subdivision			
					Concept	Prelim	Final	Sketch	Concept	Prelim	Final
63	Adequate Public Facilities Agreement in place	X			X				X		
64	Developers Rights and Responsibilities Agreement in place	X			X				X		
65	Public Works Agreement	X			X				X		

Note 3: The Town reserves the right to waive any of the above agreements, change the timing of submittal or stipulate and or agree to other types of development agreements

STORM WATER MANAGEMENT REVIEW AND PLAN APPROVAL IS REQUIRED AT EACH STAGE											
Item	DESCRIPTION	Admin Subdivision & Single Lot Review	Admin Tech Review	Sketch	Minor Subdivision			Major Subdivision			
					Concept	Prelim	Final	Sketch	Concept	Prelim	Final
66	Approved Concept SWM & ESD Plan				X				X		
67	Approved Preliminary SWM & ESD Plan					X				X	
68	Approved Final SWM & ESD Plan	X					X				X