

ORDINANCE NO. 2023-08

Town of Rising Sun
Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING THE GENERAL LAWS OF THE TOWN OF RISING SUN BY AMENDING AND ADDING LANGUAGE TO CHAPTER 11 TITLED RISING SUN LAND DEVELOPMENT AND SUBDIVISION CODE, FOR THE PURPOSES OF AMENDING ARTICLE XI OF THESE REGULATIONS TO MAKE CHANGES AND ADJUSTMENTS TO THE MINIMUM WIDTH OF STREETS, RIGHT OF WAYS AND ON STREET PARKING, AND TO REPEAL ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

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

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

WHEREAS in June of 2019, the Town of Rising Sun adopted a document titled TOWN OF RISING SUN COMPREHENSIVE PLAN ("Comprehensive Plan"), with the general purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development of the Town, and to promote best practices for health, safety, morals, order, convenience, prosperity, and general welfare, and shall serve as a guide to public and private actions and decisions to ensure the development of public and private property in appropriate relationships; and

WHEREAS part of this process is to ensure that proposed subdivisions and development of land is consistent with the intent of the Comprehensive Plan and requires the enactment of Subdivision Regulations to ensure that the objectives and goals of the Comprehensive plan are met; and

WHEREAS as provided for in the LAND USE Article of the Annotated Code of Maryland, Division 1 titled SINGLE-JURISDICTION PLANNING AND ZONING [Titles 1-13], Title 5 titled SUBDIVISION, Subtitle 1 titled POWERS, §5-102 titled SUBDIVISION REGULATIONS establishes that Subdivision regulations shall be for the health, safety, welfare and common interest of the citizens of the local jurisdiction and shall contain among other things, provisions for the purpose of properly managing growth and development; and

WHEREAS, the Code of Ordinances of the Town, contains Chapters 11, titled RISING SUN LAND DEVELOPMENT & SUBDIVISION REGULATIONS with the stated purpose of regulating and controlling the division of land within the Town of Rising Sun in order to promote the public health, safety, and general welfare of the citizens of the Town; and

WHEREAS the Mayor and Commissioners having monitored, supported, and fostered the Town of Rising Sun Planning Commission's efforts to update and amend the Comprehensive Plan, have reviewed their recommendations for the below stated changes; and

WHEREAS, this requested subdivision regulation change was put before the Town of Rising Sun's Planning Commission on June 5th, 2023, as required and comments on this proposed rezoning were provided to the Mayor and Commissioner for their review and consideration of this ordinance; and

WHEREAS the Mayor and Commissioners gave public notice as required by law and held a public hearing on June 13, 2023, to receive public input and comment.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the authority of the Mayor and Commissioners of the Town of Rising Sun, Cecil County, Maryland, that Chapter 11 of the Codified Ordinance of the Town of Rising Sun, titled RISING SUN SUBDIVISION REGULATIONS shall be modified as follows:

SECTION 1

The Code of Ordinances for the Town of Rising Sun contains Chapter 11 titled Rising Sun Land Development and Subdivision Code, Article XI titled Specifications and Design Standards for Roads, Streets and Improvements, §11-1100 titled Streets.

Amendment 1

The title of §11-1100 shall be modified to read as:

Street Widths, Street Parking, Future Right of Ways

Amendment 2

Sub notes (1) through (3) of §11-1100 shall be modified as followed with changes shown as strike through for deletions and red with underline as insertions:

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

	Minimum Ultimate Street Right of Way Width	Minimum Street Paving Width (in feet) [1] [2] [3]
Arterial	Per SHA or County Standards	48
Collector (Major)	Per SHA or County Standards	44
Collector (Minor)	60	26' + 8' additional paving on each side that parking is provided
Local	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	16	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 Town of Rising Sun's Engineering Design and Specifications 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.

Amendment 3

The below definitions will be added to Article 2 of this code.

- (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 (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 (minor) - A minor collector street 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 streets 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 a 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 - A local street 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 street 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 Street. A marginal access street 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.*

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

NOW THEREFORE BE IT RESOLVED that this ordinance was introduced on this 30th Day of May 2023.

SECTION 8.

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor and Commissioners of the Town of Rising Sun passed, approved, and adopted this ordinance on this 13th day of June 2023.


AYES: (4) Commissioner Kleiner, Commissioner Braun, Commissioner Warnick and Commissioner Pierson

NAYES: (0)

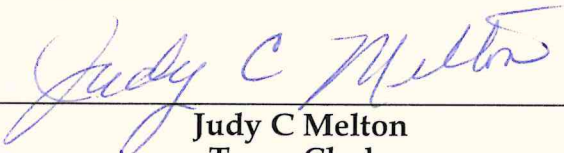
ABSTAIN (0)

PASSED

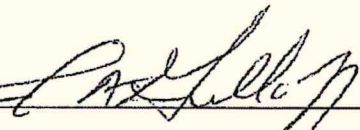
THE MAYOR AND COMMISSIONERS OF
THE TOWN OF RISING SUN

BY: 
Travis Marion, Mayor

ATTEST:


Judy C Melton
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS 30th DAY OF MAY 2023

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

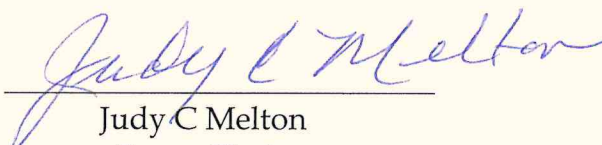
STATE OF MARYLAND)
COUNTY OF CECIL)
TOWN OF RISING SUN)

SS:

CERTIFICATE

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this 14th day of June 2023.



Judy C Melton
Town Clerk