

ORDINANCE NO. 2024-05

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 ADDING AND AMENDING DEFINITIONS, CORRECTING TYPOS AND AMENDING ARTICLE VI OF THESE REGULATIONS TO THE NEED FOR CERTAIN WATER QUALITY IMPROVEMENTS IN RELATION TO THE LAND DEVELOPMENT PROCESS, 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, provision 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 purposes 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 July 15, 2024 and again on August 19, 2024, 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 comments of the Rising Sun Planning Commission on these changes were given to the Mayor and Commissioners for their review and consideration; and

WHEREAS the Mayor and Commissioners gave public notice as required by law and held a public hearing on August 22, 2024 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 TOWN OF RISING LAND DEVELOPMENT AND SUBDIVISION CODE shall be modified as follows:

SECTION 1

New text language will be highlighted in red with double underline in the attached document titled Chapter 11 - Town of Rising Sun Land Development and Subdivision Code. Words or text that has been deleted will be indicated with a strikethrough line.

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 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 9th day of July 2024.

SECTION 8.

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor and Commissioners of the Town of Rising Sun passed, approved, and adopted this ordinance on this day of 2024.

AYES:

NAYES:

ABSTAIN:

THE MAYOR AND COMMISSIONERS OF
THE TOWN OF RISING SUN

BY: _____
Travis Marion, Mayor

ATTEST:

Judy C Melton
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS 22nd DAY OF AUGUST 2024

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

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

SS:

CERTIFICATE

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appearing in the official records of the Town of Rising Sun, Maryland and the same has not, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this _____th day of _____ 2024.

Judy C Melton
Town Clerk

ARTICLE I. INTRODUCTION

Section 11-100. Short Title

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

Appendices. The appendices at the end of this document serve as supplementary sections, offering additional insights pertinent to this code. These sections often encompass data, materials, or specifics that, due to their extensive nature or detail, are not included in the document's main body but remain crucial for comprehending, validating, or augmenting the presented information. The purpose of appendices is to furnish interpretations or visual demonstrations that elucidate the code's intent. They play a vital role in enabling applicants to prove adherence to the code's requirements. The Town Engineer and staff are authorized to modify appendices to more accurately reflect the language and intentions set forth in the code. This includes the ability to waive or alter the order of required data, solicit further information, or request changes in the presentation of such information based on unique situations or when deemed advantageous for the review and approval process. However, these modifications will not compromise the core intent of the ordinance.

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.

Best management practice (BMP). The words “best management practice (BMP)” shall mean a structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities. This includes the planting of trees and suitable vegetation, which contribute to stormwater management by enhancing

infiltration, reducing runoff, improving air quality, and providing ecological and aesthetic benefits.

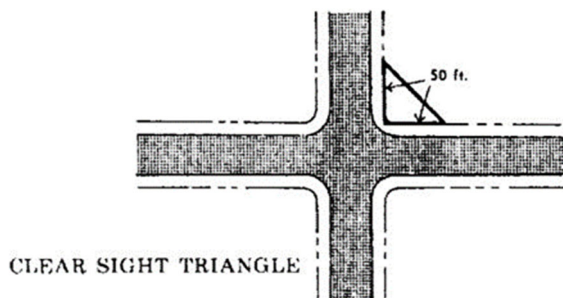
Board of Town Commissioners. Shall mean the Town of Rising Sun Town Commissioners. The term shall also include the use of the words “Commissioners” and “Town Commissioners”.

Board of Zoning Appeals. Is a critical regulatory body within a municipality, charged with the enforcement and interpretation of the Town's Zoning Code. Appointed by the Mayor and Commissioners, this board is composed of community members who possess a deep understanding of zoning laws, land use planning, and the unique needs of their community. The Board of Zoning Appeals plays a pivotal role in maintaining the integrity of the town's zoning regulations, ensuring that land use and development align with the community's vision and legal standards. The primary responsibilities of the Board of Zoning Appeals include reviewing appeals made by property owners against decisions of zoning officials, hearing requests for variances from the strict application of the zoning code and considering applications for special exceptions that may deviate from standard zoning requirements. In performing these duties, the board exercises its authority to interpret the zoning code, balancing the need for regulatory compliance with the flexibility required to address unique circumstances or to foster development that benefits the community. By carefully evaluating each case, the Board of Zoning Appeals ensures that decisions are made in a fair, transparent, and judicious manner. This includes taking into account the potential impact of variances or special exceptions on neighboring properties, the community's overall development goals, and the preservation of environmental and historical resources. Through its work, the Board of Zoning Appeals upholds the principles of the zoning code, supports sustainable development, and protects the interests of the community, thereby playing an indispensable role in the governance and development of the town.

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)

Clear Sight Triangle. A clearance between a plane two feet above curb level and a plane seven feet above curb level within a triangle bounded by two intersecting street lines and a straight line drawn between points on each such line 50 feet from the intersection of said lines or extensions thereof.



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.

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.

Disturb/Disturbed/Disturbance. The grading, moving, or digging of soils, the removal of grass and other ground covers, placement of fill or surface material (such as stone, concrete, asphalt), or the removal of stumps.

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.

3. Residential Density. Is measured by dwelling units per acre (du/ac).
4. 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.

Floor Level. The horizontal plane or surface within a building that constitutes the base of a room, story, or structure, typically measured from the top of the finished floor surface. It is the level at which occupants stand, place furnishings or store items, and it serves as a reference point for the

height and elevation of different parts of the building. Floor level is often used to differentiate between various stories or levels within a building, such as the ground floor, first floor, or basement level.

Grading. Refers to the reshaping of land surfaces to achieve specific contours for construction or development projects. This includes excavation, filling, and other earth-moving activities to prepare sites for buildings, roads, or other structures. The purpose of grading regulations is to manage stormwater runoff, prevent erosion, and ensure proper drainage and environmental protection. This aligns with the broader goals of land use and zoning regulations to promote orderly development and environmental stewardship.

Gross Floor Area (GFA). The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage, but shall not include architectural projections or signs as defined herein.

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.

Impervious Surface (Area) -- Shall mean any surface or area that does not allow stormwater to infiltrate into the ground and as further defined in the Town's Stormwater Management Code.

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 Clearing Activities -- refer to the process of removing trees, shrubs, stumps, and other natural vegetation from a parcel of land to prepare it for construction, farming, or other land development projects. This can include residential, commercial, industrial, or agricultural developments. This process can include the cutting down of trees, removal of underbrush, grubbing (removing stumps and roots), and leveling of the land.

Landscaping -- The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted to include the use of logs, rocks, fountains, water features and contouring of the earth.

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.

May -- When “May” is used in this code it shall be interpreted to mean that the stated provision is an option. It further allows, but does not require, a certain action or condition.

Navigable Waters and Public Trust Doctrine: In the State of Maryland, **navigable waters** are defined as any tidal or non-tidal bodies of water that, in their ordinary condition, are capable of being used as highways for commerce, trade, or travel by customary modes of navigation. These waters are considered public and are held in trust by the state under the Public Trust Doctrine. This doctrine ensures that navigable waters and the lands beneath them are preserved for the use and enjoyment of the public, granting rights for activities such as navigation, fishing, and recreation. Public access to these waters is protected to maintain their use for the benefit of all citizens.

Off-Street Parking: Designated parking spaces provided within the boundaries of a property, located on private land rather than on public streets. In residential developments, off-street parking typically includes driveways, garages, and dedicated parking lots to accommodate the vehicles of residents and their guests. In commercial settings, off-street parking is often provided in parking lots, garages, or other designated areas to serve the needs of customers, employees, and visitors. Off-street parking is designed to reduce congestion on public roadways, enhance safety, and ensure convenient and efficient vehicle access while maintaining the functional and aesthetic quality of the property.

Parking Facility (Commercial). A parking facility is a designated area or structure where vehicles can be parked and left temporarily. This includes open areas, parking garages, and multi-level parking structures. Such facilities may be either publicly or privately owned and operated. They may offer free or paid parking services and can be designed for various types of vehicles including cars, bicycles, and motorcycles. Parking facilities must comply with the zoning regulations, which dictate their location, size, design, and operation to ensure they are compatible with surrounding land uses and meet community needs.

Parking Facility (Residential). Specialized parking areas situated within or adjacent to residential neighborhoods, specifically designed to accommodate the temporary parking needs of guests and to manage additional vehicle overflow. These facilities are typically smaller in scale compared to commercial parking structures and are integrated into the neighborhood layout to ensure they are convenient yet unobtrusive and blend with the neighborhood's aesthetics and do not impede local traffic flow or resident parking. They may consist of on-street parking spaces, designated lots, or shared spaces within multi-unit residential developments.

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. Is a critical regulatory body within the Town, charged with the enforcement and interpretation of the Subdivision and Land Development Code and is responsible for overseeing the development and growth within a municipality or jurisdiction. This commission is central to land use planning, including the review, amendment, and approval of plans, zoning regulations, and development proposals to ensure they are in line with the community's strategic objectives and regulatory standards. Appointed by the Mayor and Commissioners, the members of the Planning Commission embody a wide array of the community's interests and bring expertise in areas such as urban planning, architecture, real estate, and environmental conservation. Beyond its advisory capacity to the municipal government on planning and development issues, the Planning Commission is vested with the authority to make decisions on matters related to land development as stipulated by the Town's Subdivision and Land Development Code. This includes evaluating and deciding on subdivision and land development applications to ensure compliance with the code's requirements, thereby facilitating sustainable and orderly growth that benefits the community and preserves environmental integrity. Furthermore, the Planning Commission plays a crucial role in the zoning process by hearing requests for variance and special exceptions to the Town's Zoning Code. Upon reviewing such requests, the commission makes informed recommendations to the Town's Board of Zoning Appeals. This process ensures that all requests for variances and special exceptions are thoroughly evaluated, taking into consideration the potential impact on the community, adherence to zoning principles, and alignment with the town's overall development goals. Through this collaborative and deliberative approach, the Planning Commission contributes significantly to maintaining the balance between development needs and zoning regulations, ultimately supporting the town's vision for growth and development. ~~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 Town's 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.

Residential On Street, Guest and Overflow Parking. This refers to a coordinated parking strategy within residential areas, designed to supplement standard off-street parking provisions. It addresses additional parking needs that arise when the volume of vehicles needing available parking exceeds the capacity of private driveways and residential garages, and it also accommodates visitors' vehicles on a temporary basis. Such parking solutions are crucial during special events or in high-density residential environments, where a lack of adequate parking could hinder emergency vehicle access, disrupt trash and recycling collection, and impede the safe flow of traffic. This additional parking is accessible to all residents of the development and their guests, ensuring equitable and efficient use of space. Each property must have access to at least five on-street parking spaces within 300 feet, ensuring convenient proximity.

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.

Shall. When "Shall" is used in this code it shall be interpreted to mean that compliance with the stated provision is mandatory and not discretionary.

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.

Town of Rising Sun Design and Specifications Manual (TDS Manual). A document outlining minimum standards for public health, safety, morals, and welfare in development projects. It includes engineering design standards for streets, water, sewerage, stormwater, grading, parks, open spaces, and environmental features. The manual is subject to updates by the Town engineer and may reference Cecil County standards. The Planning Commission can modify standards for practical compliance while maintaining the code's intent.

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, to include but not be limited to permits required under the town's building and fire codes, and or permits required for the 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, demolition or any combination thereof.
- (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 requirements 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~~ Town of Rising Sun.
 - (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, or until such time that oversight and legal responsibility is transferred to the property owner or homeowner's association.

(f) Water Quality improvements and environmental Restoration. Recognizing the importance of sustainable land development, this ordinance mandates the identification and implementation of water quality improvement and environmental restoration projects as an integral part of the land development process. In accordance with the Town's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit, the Town is committed to ensuring that new developments contribute positively to environmental health and water quality within the Town. The following principles and criteria shall apply:

(i) This section shall apply to all development of land, as defined in Article 2 of this code, that involves the actual disturbance of 5,000 or more square feet of land as defined.

(ii) Section 1: Site Assessment for Proposed Developments

(a) Initial Assessment: For any proposed development, the developer shall conduct a comprehensive site assessment to evaluate the existing conditions of the environmental resources on-site. This assessment shall encompass both a desktop and field analysis and must be submitted for approval by the Town's engineer.

(b) Evaluation Criteria: The assessment shall determine whether the site, in its current condition, qualifies for environmental restoration in accordance with NPDES MS4 requirements. Potential restoration projects may include, but are not limited to, stream restoration, tree planting, and green stormwater infrastructure practices.

(iii) Section 2 Implementation of Restoration Projects.

(a) Addressing Assessment Results: As detailed in section 1 above, the property owner/developer shall be required to address all conditions identified in the environmental site assessment. If the assessment identifies the need for specific water quality improvement or environmental restoration projects, the owner/developer shall collaborate with the Town to incorporate these measures into the development plan and in accordance with the TDS manual.

- (b) Minimum Requirements: If the environmental site assessment does not identify any specific conditions requiring restoration, the owner/developer shall, at a minimum, be required to plant trees to provide environmental benefits as specified in the TDS manual.
- (c) All required restorations and tree plantings will be recognized as Best Management Practices (BMPs) as defined in this code and regulated in the Town's Stormwater Management Code.

(iv) Section 3: Compliance and Maintenance.

- (a) Project Implementation: The owner/developer must ensure that all agreed-upon restoration projects are implemented as part of the development process.
- (b) Monitoring and Maintenance: The responsibility for continual monitoring and maintenance of restoration projects in perpetuity shall lie with:
 - (b.1) the homeowner's association.
 - (b.2) In the case of commercial projects or minor residential subdivisions not requiring a homeowner's association, the property owner shall assume this responsibility.
- (c) The Town will conduct periodic inspections of all Best Management Practices (BMPs) as outlined in the Town's Stormwater Management Code. The appropriate parties as defined in (b) above will be responsible for all inspection costs, repairs, maintenance, upkeep, and replacements of any BMPs, including the protection and replacement of required BMP trees and plantings.
- (d) The Town will be responsible for any stream restorations involving streams or water ways that are considered navigable and open to general public access and or not located on private property or land deeded over to the Town of Rising Sun.

(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.