

ORDINANCE NO. 2023-06

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 SUBDIVISION REGULATIONS, FOR THE PURPOSES OF AMENDING APPENDIX A OF THE REGULATIONS AND PROVIDE FOR A MORE CONCISE AND CONSISTENT LIST OF DOCUMENTS AND INFORMATION THAT MUST BE SUBMITTED FOR REVIEW AND APPROVAL OF ANY DEVELOPMENT PLANS, 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 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, morals, and general welfare 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 May 18, 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 May 23, 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 Subdivision Regulations, Appendix A titled Basic Information Required with Subdivision Plats and Plans.

Amendment 1

Appendix A will be deleted in its entirety and replaced with the Appendix found on the next page.

APPENDIX A

Basic Information Required with Subdivision and Land Development Plans and Plats

Note 1: The Town or Town Engineer reserve the right to waive or change the sequence of required data or request additional information based upon unique circumstances or if determined to be beneficial to the review and approval process.

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

| Item | DESCRIPTION | Admin Subdivision & Single Lot Review | Admin Tech Review | Minor Subdivision | | | | Major Subdivision | | | |
|------|---|---------------------------------------|-------------------|-------------------|---------|--------|-------|-------------------|---------|--------|-------|
| | | | | Sketch | Concept | Prelim | Final | Sketch | Concept | Prelim | Final |
| 1 | Completion of all Required Applications – to include payment of all fees & escrow funds required and in place. | X | X | X | X | X | X | X | X | X | X |
| 2 | Submittal of Site Plan with below required information presented (Both in Paper and Electronic Format – See Town for Directions | X | X | X | X | X | X | X | X | X | X |
| 3 | Cecil County Technical Advisory Committee (TAC) Review Report and Comments | | | | X | | | | X | | |
| 4 | Title block denoting name and type of application, tax map sheet, parcel, street location, and phase (if applicable) | X | X | X | X | X | X | X | X | X | X |
| 5 | A vicinity map at a scale no smaller than 1"=800' showing location of the tract in reference to surrounding properties, streets, landmarks, streams, etc. Show all of the property owned according to the Tax Map(s) if only part of the property is to be developed. | X | X | X | X | X | X | X | X | X | X |
| 6 | Date of original submission and all revisions | X | X | X | X | X | X | X | X | X | X |
| 7 | Name and address of owner, applicant, developer, and lienholder | X | X | X | X | X | X | X | X | X | X |

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| | | | | Sketch | Concept | Prelim | Final | Sketch | Concept | Prelim | Final |
| 8 | Name and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in document preparation | X | | X | X | X | X | X | X | X | X |
| 9 | Seal, signature, and license number of engineer, land surveyor, architect, and/or landscape architect, as applicable, involved in document preparation. Each sheet must have a surveyor's seal. | | | X | X | X | X | X | X | X | X |
| 10 | North arrow and scale for all plan drawings – scale of <u>1"=100'</u> unless alternate approved by Town engineer. | X | X | X | X | X | X | X | X | X | X |
| 11 | Existing and proposed zoning of tract and adjoining property | X | X | X | X | X | X | X | X | X | X |
| 12 | Adjacent property owners, names, and deed location (book and page) | X | X | X | X | X | X | X | X | X | X |
| 13 | Development data including, but not limited to current and proposed use, total area (acres to nearest thousandth of an acre), number of existing and proposed lots, and parking calculations, track area calculation showing existing and proposed building, impervious, and open space, and utility providers | X | X | X | X | X | X | X | X | X | X |
| 14 | Development data including proposed and allowed building height, setbacks, lot area, lot width, and lot coverage | X | X | X | X | X | X | X | X | X | X |
| 15 | Monumentation, location and description | X | | | X | X | X | X | X | X | X |

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

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

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

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

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

| ADEQUATE PUBLIC FACILITIES AND DEVELOPER'S RIGHTS AND RESPONSIBILITIES AGREEMENTS IF APPLICABLE | | | | | | | | | | | |
|---|---|---------------------------------------|-------------------|--------|---------|--------|-------|-------------------|---------|--------|-------|
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| 63 | Adequate Public Facilities Agreement in Place | X | | | X | | | | X | | |
| 64 | Developers Rights and Responsibilities Agreement in place | X | | | X | | | | X | | |

| | STORM WATER MANAGEMENT REVIEW AND PLAN APPROVAL IS REQUIRED AT EACH STAGE | | | | | | | | | | |
|------|---|---------------------------------------|-------------------|--------|---------|--------|-------|-------------------|---------|--------|-------|
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| Item | DESCRIPTION | Admin Subdivision & Single Lot Review | Admin Tech Review | Sketch | Concept | Prelim | Final | Sketch | Concept | Prelim | Final |
| 65 | Approved Concept SWM & ESD Plan | | | | X | | | | X | | |
| 66 | Approved Preliminary SWM & ESD Plan | | | | | X | | | | X | |
| 67 | Approved Final SWM & ESD Plan | X | | | | | X | | | | X |

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 9th 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 23rd day of May 2023.

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 19th 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 _____ day of _____ 2023.

Judy C Melton
Town Clerk