

ASSISTANCE PROVIDED BY: COMMUNITY PLANNING AND ASSISTANCE

Rising Sun Comprehensive Plan

Adopted March 8, 2011



This draft Comprehensive Plan is an update of the 2005 Comprehensive Plan incorporating significant changes regarding reductions in planned growth areas. This draft also includes the Municipal Growth Element and the Water Resources Element required by House Bill 1141 (2006 Session).

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TOWN OF RISING SUN RESOLUTION 2011-02

FORMAL ADOPTION OF THE TOWN OF RISING SUN 2011 COMPREHENSIVE PLAN

WHEREAS, the Town, located in Cecil County, Maryland is a municipality organized under and governed by Article 23A of the Annotated Code of Maryland; and

WHEREAS, the Rising Sun Planning Commission has made careful and comprehensive surveys and studies of past and present conditions and possible future growth trends in Rising Sun; and

WHEREAS, the Commission has given due consideration to addressing the public welfare as well as respecting individual rights in recommending the most appropriate development policy for the Town of Rising Sun; and

WHEREAS, by authority of Article 66B of the Annotated Code of Maryland, the Rising Sun Comprehensive Plan has been prepared for the general purpose of guiding the future development of the Town of Rising Sun which will, in accordance with present and future needs, best promote the health, safety, and general welfare of the Town; and

WHEREAS, the Commission did give notice of a Public Hearing concerning this Comprehensive Plan on February 24, 2011 in *The Cecil Whig*, and notice was also posted on the Rising Sun Web Site and copies of such plan were provided for the public's review; and

WHEREAS, the Commission did conduct said Public Hearing on March 3, 2011, at 7:30 p.m. at the Town Hall; and

WHEREAS, the Commission has considered all comments received from various state and local agencies;

WHEREAS, the Commission approved this Rising Sun 2011 Comprehensive Plan, including all text and maps; and

WHEREAS, the Commission adopted this plan by way of Resolution 2011-01 on Thursday March 3rd, 2011 and further recommends formal approval and adoption of this Comprehensive Plan by the Mayor and Town Commissioners as an official document of Rising Sun, Maryland.

BE IT FURTHER RESOLVED, that upon review and consideration of the document and upon recommendation of the Planning and Zoning Commission of Rising Sun, that this 2011 Comprehensive Plan be adopted and formally recognized as an official document and hereby referenced as the Rising Sun 2011 Comprehensive Plan.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Mayor and Commissioners of the Town of Rising Sun passed, approved and adopted this resolution on this 8TH day of MARCH, 2011

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AYES: Commissioners Bowers, Callahan, Mumey and Pierson .

NAYS: None

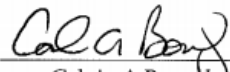
ABSTAINED: None

ABSENT: None

THE MAYOR AND COMMISSIONERS
OF THE TOWN OF RISING SUN

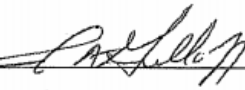
BY: 
Sandi Didra, Mayor

ATTEST:


Calvin A Bonenberger Jr,
Town Administrator/Acting Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

THIS 8TH DAY OF MARCH, 2011

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

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

SS:

CERTIFICATE

I, Calvin A Bonenberger, Town Administrator and Interim Town Clerk for the Town of Rising Sun, Maryland, do hereby certify that the above and foregoing Resolution 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 8TH day of March 2011.

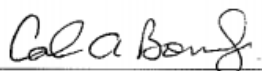

Calvin A Bonenberger Jr,
Town Administrator/Acting Clerk

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CHAPTER ONE – Introduction

HISTORY

“From its crossroads genesis in the 1720s until the Mason-Dixon line was established in 1765, the town now known as Rising Sun was actually located in Chester County, Pennsylvania. The taxes were paid in West Chester, Pennsylvania, and all the early deeds and records are still recorded there. The town occupied part of what were the controversial “Nottingham Lots” claimed by William Penn and given to his Quaker friends in 1702 over the vigorous objection of Maryland’s Calverts. Messrs. Mason and Dixon settled the dispute by determining that the area in question was indeed a part of Maryland.

Records show that, around 1720, Henry Reynolds established a stone tavern on Nottingham Lot No. 17 to serve as a stage stop. Over the entrance was a swinging sign depicting the rays of the sun at dawn and the lettering THE RISING SUN. It was around this busy tavern that the village of Summer Hill began to grow.

Located along the direct route between Baltimore and Philadelphia, the tavern enjoyed growth in its popularity as a meeting place for business deals, political maneuvering, elections, and sundry other activities. Travelers and locals alike adopted the habit of saying “We’ll meet at The Rising Sun.” The phrase was so entrenched by the time the town’s first post office was established around 1815, that Summer Hill yielded to Rising Sun as the official name of the place. It is likely that the post office was actually located in the tavern.

Soon after the town’s incorporation in 1860, the commissioners constructed slate sidewalks, erected coal-oil street lamps, and hired a lamplighter, who doubled as bailiff and street maintenance man. Six years later, the Baltimore Central Railroad began to serve Rising Sun, and the pace of growth accelerated. Most of the town’s current structure has been built since then.

Today, Rising Sun is the business hub of a large area of farmland and rolling countryside encompassing most of the northwest corner of Cecil County. While the population of the town itself is only about 1,600, that of the surrounding rural area is more than 25,000. Small in size but big in heart, Rising Sun truly is, as the town seal declares, a Small Town Extraordinaire.” (Source Rising Sun WEB page)

LEGAL BASIS FOR COMPREHENSIVE PLANNING

Article 66B of the Annotated Code of Maryland is the Zoning and Planning enabling legislation from which Rising Sun derives its authority to regulate land use. Section 3.05 states that:

"It shall be the function and duty of the Commission (added - Planning Commission) to make and approve a plan which shall be recommended to the local legislative body for adoption and which shall serve as a guide to public and private actions and decisions to insure the development of public and private property in appropriate relationships and which shall include any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning responsibilities of the commission. The elements of the Plan may be exercised in words, graphics, or other appropriate form. They shall be interrelated and each element shall describe how it relates to each of the other elements and the statement of objectives, principles, policies and standards."

Article 66B also states that the plan shall contain, at a minimum, the following elements:

- A statement of goals and objectives, principles, policies, and standards;
- A land use plan element;
- A transportation plan element;
- A community facilities plan element;
- A mineral resources plan element, if current geological information is available;
- An element which shall contain the planning commission's recommendations for land development regulations to implement the plan; and
- Other elements, such as a community renewal, housing, conservation, natural resources, at the discretion of the commission.

The Comprehensive Plan has been created and adopted in response to these requirements of State law. The Comprehensive Plan contains the required sections as well as a housing plan and a plan for business and industry. The Comprehensive Plan for Rising Sun is made with the general purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development of the Town, and best promoting health, safety, morals, order, convenience, prosperity, and general welfare. This Comprehensive Plan was prepared with the guidance of the Rising Sun Planning and Zoning Commission and a Citizen's Advisory Committee. Its deliberations and review, including information gathering through a locally distributed public questionnaire played a central role in the formation of plan goals and recommended policies.

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MARYLAND ECONOMIC GROWTH, RESOURCE PROTECTION AND PLANNING ACT OF 1992

The context for planning in the Rising Sun must also take into consideration the Town's role in implementing the overall growth management policies established by the State of Maryland in the Planning Act of 1992. Accordingly, the content, focus, and thrust of the *Rising Sun Comprehensive Plan* are guided by the following eight visions, which provide the framework for growth management and sound planning within the community:

1. Development is concentrated in suitable areas;
2. Sensitive areas are protected;
3. In rural areas, growth is directed to existing population centers and resources are protected;
4. Stewardship of the Chesapeake Bay and the land is a universal ethic;
5. Conservation of resources, including a reduction in resource consumption is practiced;
6. Economic growth is encouraged and regulatory mechanisms are streamlined;
7. Adequate public facilities and infrastructure under the control of the Town are available or planned in areas where growth is to occur; and
8. Funding mechanisms are addressed to achieve these "Visions."

The Maryland Economic Growth, Resource Protection and Planning Act of 1992 also added the requirement that the comprehensive plan contain a Sensitive Areas Element, which describes how the jurisdiction will protect the following sensitive areas:

Streams and stream buffers,
100-year floodplains,
Endangered species habitats,
Steep slopes, and
Other sensitive areas a jurisdiction wants to protect from the adverse impacts of development.

The Planning Act of 1992 also amended Article 66B, Annotated Code of Maryland, Zoning Planning to strengthen the relationship between plans and implementation. Section 4.09 of Article 66B states:

"(a) On or before July 1, 1997, and subsequently at intervals of no more than 6 years which correspond to the Plan revision under §3.06(B) of this Article, a local jurisdiction shall ensure that the implementation of the provisions of the Plan that comply with §§3.05(A)(1)(VI) and 3.06(B) of this Article are achieved through the adoption of applicable zoning ordinances and regulations, planned development

ordinances and regulations, subdivision ordinances and regulations, and other land use ordinances and regulations consistent with the Plan.”

Section 4.09, “Implementation Consistency”, is commonly known as the “consistency requirement.” In the publication *Managing Maryland’s Growth: Models and Guideline Series, Achieving “Consistency” Under the Planning Act of 1992* the Maryland Department of Planning staff suggests an operational definition of “Consistency” as follows:

“Consistency. 1) Agreement or logical coherence among things or part. 2) Compatibility or agreement among successive acts, ideas or event.” (See Section 2)

The Maryland Department of Planning report goes on to add the following guidance:

“The Plan should be unequivocal and sound, and the implementing tools and the resulting development show clear and demonstrable support of the Plan and the visions.”

THE 1997 SMART GROWTH AREA ACT

The 1997 Smart Growth Area Act established policies for State funding for projects in municipalities, other existing communities, industrial areas, and planned growth areas designated as “priority funding areas” (PFAs). Priority funding areas are defined as, “existing communities and other locally designated areas, consistent with the 1992 Visions, where the State and local governments want to encourage and support economic development and new growth. The Town is required to designate and map its PFA in accordance with standards established in the 1997 Smart Growth Area Act if it wishes to receive State funding for growth related projects. Areas eligible for designation are:

Areas with industrial zoning (areas with new industrial zoning after January 1, 1997, must be in a county-designated growth area and be served by a sewer system.);

Areas with employment as the principal use which are served by, or planned for, a sewer system (Areas zoned after January 1, 1997, must be in a county-designated growth area.);

Existing communities (as of January 1, 1997) within county-designated growth areas which are served by a sewer or water system and which have an average density of 2 units per acre;

Rural villages designated in local comprehensive plans before July 1, 1998; and

Other areas within county-designated growth areas that:

- reflect long term policy for promoting an orderly expansion of growth and an efficient use of land and public services,
- are planned to be served by water and sewer systems, and
- have a permitted density of 3.5 or more units per acre for new residential development.

COMPONENTS OF A GROWTH MANAGEMENT PROGRAM

This Comprehensive Plan provides the basic framework and direction for all components of what may be considered the Town's overall Comprehensive Planning Program. It is not a stand-alone document but is supported and, in turn, supports related policies, programs and legislation which comprise the local growth management program. These documents include:

- Zoning Ordinance
- Subdivision Ordinance
- Priority Fund Areas (PFA)
- Capital Improvements Program
- BOCA Building Codes
- Comprehensive Water and Sewer Plan
- Development Standards and Guidelines

These documents and others, when used concurrently, are the basis for directing and managing growth in the Town of Rising Sun.

Smart Neighborhoods

According to guidelines prepared by the Maryland Department of Planning (DOP) "smart neighborhoods" are, "relatively self-contained new communities with a compact mix of residential, commercial, employment/office, and civic land uses and range of housing choices, with a design that fosters pedestrian and bicycle activity, public safety, environmental protection, long-term investment, efficient use of infrastructure, and efficient provision of public services. Although the principles that govern smart neighborhoods also apply to redevelopment sites with a substantial new development component, "smart neighborhoods" generally refers to new development on large infill

and greenfield sites, located within priority funding areas and consistent with the local government's master plan" (Source: Managing Maryland's Growth, Smart Neighborhoods, publication 2001-04, Maryland Department of Planning , September 2001). The principles of smart growth are:

Mixed Land Uses

- Take advantage of compact building design
- Create housing opportunities and choices
- Create walkable communities
- Foster distinctive, attractive communities with a strong sense of place
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Strengthen and direct development toward existing communities
- Provide a variety of transportation choices
- Make development decisions predictable, fair, and cost-effective
- Encourage community and stakeholder collaboration in development decisions.

As used in the report, the term "compact mixed-use development" is used interchangeably with smart neighborhoods and visa versa. Not surprisingly, the DOP guidelines follow these principles by describing the characteristics of "smart neighborhoods" (a major component part of smart growth) as:

- "Integrated mix of uses, including residential, commercial, employment/office, civic, and open space;
- Range of housing types and densities;
- Compact design;
- Interconnected streets designed to balance the needs of all users, with sidewalks and on-street parking;
- Open spaces integral to the community; and
- Locations adjacent to and that extend the fabric of existing development."

Many of the goals and objectives in this Comprehensive Plan reflect these principles of place making.

Infill and Redevelopment

According to the DOP publication (Infill and Redevelopment, Publication #2001-05), "infill refers to new development in a Priority Funding Area on vacant, bypassed and underutilized land within a built-up area of existing communities, where infrastructure is already in place. Infill includes redevelopment of lots in these areas. The following examples illustrate the wide range of potential infill scenarios:

- 2 acre brownfield redevelopment site;
- single commercial parcel vacant after a fire on Main Street;
- one or two lots in an urban or suburban residential neighborhood; and

one or two lots in a rural village.”

Infill projects tend to be small scale, such as the examples cited above, whereas redevelopment projects tend to be large-scale projects. A land use objective of the Rising Sun Comprehensive Plan is to encourage infill and redevelopment within the Town, including revitalization of its historic commercial core.

CHAPTER 2 - Planning Analysis

POPULATION AND HOUSING TRENDS

Population Growth Trends

According to data published by the Wilmington Area Planning Council (WILMAPCO) the percentage of population living in incorporated towns in Cecil County has increased in the period 1980 to 2000 from 22.2 percent to 26.7 percent. Population estimates for the County and Towns through 2002 indicated this trend is continuing.

Within this regional context, the Town of Rising Sun has steadily grown, at a rate commensurate with that of the election district and the County. During the period 1980 to 2000 Rising Sun's growth has been proportionate with that of the election district and the County (see Table 2.1). Throughout the period the Town has maintained a population that is about 1.89 percent of the County total and about 18.3 percent of the District total.

Table 2.1 - Population Trends

	1980	1990	2000	Percent increase 1980-2000
Cecil County	60,430	71,347	85,951	42.23%
Rising Sun, district	6,201	7,215	9,102	46.78%
Rising Sun, town	1,160	1,263	1,702	46.72%

Source: 1990 and 2000 U.S. Census

Since 1980 Rising Sun has maintained a population that is approximately 1.89 percent of total Cecil County population. Put another way, Cecil County and Rising Sun grew at an average annual rate of about 2 percent. If this trend continues and Rising Sun maintains this share of the total County population then the following projections can be made.

Table 2.2 - Population Projections

	2005	2010	2020	2030
Cecil County *	95,650	101,200	111,450	119,150
Rising Sun, town **	1,808	1,913	2,106	2,252

* Source: Maryland Department of Planning

** Based on a 1.89 percent of County population projections prepared by the Maryland Department of Planning

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The population projections shown in Table 2.2 represent an average annual population growth rate for Cecil County and Rising Sun of approximately 0.89 percent. This rate is in contrast to an average annual growth rate during the period 1980 to 2000 of over 2 percent. In fact, according to population estimates provided by the MDP, between July 2000 and July 2003 Cecil County continued to grow at an average annual rate of slightly more than 2 percent. MDP's population projections anticipate an average annual growth rate that decreases and that over the period 2010 to 2030 will be less than 1 percent.

The MDP population estimates for Rising Sun between 2000 and 2003 show the Town growing at an average annual rate of approximately 0.48 percent.

Population increase between 2005 and 2030 of 444 equals 200 additional dwellings based on a 2.2 persons per household.

Age/Education

Median age for Rising Sun in 2000 was 33.5 as compared to a median age 35.5 for Cecil County and 35.3 for the United States. The difference is due to higher percentages than the County in the age groups under 24 years of age and a substantially lower percent of population 65 years and older (see Table 2.3).

Table 2.3 - Population by Age - Rising Sun and Cecil County

	RISING SUN	PERCENT	CECIL COUNTY	PERCENT	DIFF
Under 5	127	7.5%	5,957	6.9%	0.5%
5 to 17	379	22.3%	17,832	20.7%	1.5%
18 to 24	154	9.0%	6,406	7.5%	1.6%
24 to 44	524	30.8%	26,796	31.2%	-0.4%
45 to 54	200	11.8%	12,259	14.3%	-2.5%
55 to 59	44	2.6%	4,447	5.2%	-2.6%
60 to 64	39	2.3%	3,259	3.8%	-1.5%
65 plus	235	13.8%	8,995	10.5%	3.3%
TOTAL	1,702	100.0%	85,951	100.0%	

Source: 2000 U.S. Census

According to the 2000 Census 81.4 percent of the population of Rising Sun age 25 or older possessed a high school degree as compared to 81.2 percent of the County population and 80.4 percent of the U.S. population. In the same year, 13.4 percent of the population of Rising Sun 25 years of age or older had completed a bachelor's degree program or higher as compared to 16.4 percent of the County population and 13.4 percent of U.S. population.

Employment

The 2000 Census estimates that 71.7 of the population 16 years of age or over residing in Rising Sun was included in the labor force (see Table 2.4) Over half of the employed work force was involved in management, professional and related occupations or sales and office occupations. The leading employment industrial sectors in order of significance were retail trade, education and social services and manufacturing (see Table 2.5).

Table 2.4 - 2000 Labor Force Population 16 Years or Over

	Population	Percent in labor force	Percent unemployed
Maryland	2,769,525	67.8%	3.2%
Cecil County	44,866	69.3%	2.8%
Rising Sun	896	71.7%	3.4%

Source: 2000 U.S. Census

Table 2.5 - 2000 Occupation and Industry of Employed

Occupation	Number	Percentage
Management, professional, and related occupations	219	25.7
Service occupations	128	15
Sales and office occupations	255	29.9
Construction, extraction, and maintenance occupations	101	11.8
Farming, fishing, and forestry occupations	5	0.6
Production, transportation, and material moving occupations	145	17
Industry		
Agriculture, forestry, fishing and hunting, and mining	5	0.6
Construction	67	7.9
Manufacturing	95	11.1
Wholesale trade	61	7.2
Retail trade	160	18.8
Transportation and warehousing, and utilities	51	6
Information	16	1.9
Finance, insurance, real estate, and rental and leasing	45	5.3
Professional, scientific, management, administrative, and waste management services	72	8.4

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Educational, health and social services	143	16.8
Arts, entertainment, recreation, accommodation and food services	53	6.2
Other services (except public administration)	39	4.6
Public administration	46	5.4

Source: 2000 U.S. Census

Income

2000 per capita income for Rising Sun was 18.6 percent below that of Cecil County and 22.2 percent below per capita income for the State (see Table 2.6). Median incomes in Rising Sun for households and families were below those of the County and State, as well.

Table 2.6 - 2000 Income and Poverty Status

	Per Capita Income	Median Income		Persons Living in Poverty	
		Households	Families	Number	Percent
Maryland	\$25,614	\$52,868	\$61,876	438,676	8.5%
Cecil County	\$21,384	\$50,510	\$56,469	6,066	7.2%
Rising Sun	\$17,835	\$41,089	\$48,646	149	22.2%

Source: 2000 U.S. Census

Persons per Household

In 2000, there were 2.50 persons per household in Rising Sun, a number lower than both Cecil County (2.71) and the State (2.61). The average number of persons per household is expected to decrease in the planning period.

Housing Characteristics

The housing stock in Rising Sun is generally older than that of the County, a reflection of decades of strongest building activity in the period 1970 to 1990 and prior to 1960. Of the total housing units, over 37 percent were built between 1970 and 1990 and nearly 40 percent were built prior to 1960 (See Table 2.7).

Table 2.7 - Housing Age - Year Structure was Build

YEAR STRUCTURE BUILT	Number	Percent
1999 to March 2000	15	2
1995 to 1998	38	5.2
1990 to 1994	43	5.9
1980 to 1989	164	22.3
1970 to 1979	112	15.2
1960 to 1969	70	9.5
1940 to 1959	135	18.4
1939 or earlier	158	21.5

Source: 2000 U.S. Census

Home ownership in Rising Sun was significantly less than that of the County according to the 2000 Census (see Table 2.8). This may be due in part to the lower percentage of detached single family units and higher percentage of multi-family units found in Rising Sun (See Table 2.9).

Table 2.8 - Housing Characteristics - Occupied Housing Units

	Rising Sun		Cecil County	
	Number	Percent	Number	Percent
Total housing units	716	100	34,461	100
Occupied Housing Units	681	95.1	31,223	90.6
- Owner-occupied units	405	59.5	23,404	75.0
- Specified renter-occupied units	276	40.5	7,819	25.0
Vacant Housing Units	35	4.9	3,238	9.0

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Table 2.9 - Housing Characteristics - Units in Structure

	Rising Sun		Cecil County	
	Number	Percent	Number	Percent
Total housing units	735	100	34,461	100
UNITS IN STRUCTURE				
1-unit, detached	395	53.7	24,230	70.3
1-unit, attached	128	17.4	2,948	8.6
2 units	51	6.9	822	2.4
3 or 4 units	25	3.4	1,074	3.1
5 to 9 units	76	10.3	1,427	4.1
10 to 19 units	12	1.6	650	1.9
20 or more units	9	1.2	476	1.4
Mobile home	39	5.3	2,821	8.2
Boat, RV, van, etc.	0	0	13	0.3

Source: 2000 U.S. Census

The median value of single family, owner occupied housing in Rising Sun was slightly less than 89 percent of that of the County (see Table 2.10). Nearly 83 percent of these units in Rising Sun were valued at less than \$150,000 as opposed to 64.7 percent in the County.

Table 2.10 - Housing Characteristics - Selected Housing Values

	Rising Sun		Cecil County	
	Number	Percent	Number	Percent
Single Family Owner Occupied Homes	363	100	19,065	100
VALUE				
Less than \$50,000	1	0.3	302	1.6
\$50,000 to \$99,999	99	27.3	4,034	21.2
\$100,000 to \$149,999	200	55.1	7,996	41.9
\$150,000 to \$199,999	50	13.8	3,902	20.5
\$200,000 to \$299,999	10	2.8	2,267	11.9
\$300,000 to \$499,999	1	0.3	454	2.4
\$500,000 to \$999,999	0	0	71	0.4
\$1,000,000 or more	2	0.6	39	0.2
Median (dollars)	\$117,700		\$132,300	

Source: 2000 U.S. Census

Indicators of housing condition include the lack of plumbing facilities and crowding derived from estimates of person per room. As can be seen from Table 2.11, Rising Sun had a very low percentage of occupied housing units that reported internal conditions indicating substandard housing.

Table 2.11 - Housing Characteristics - Housing Condition Indicator

OCCUPANTS PER ROOM	Number	Percent
Occupied housing units	694	100
1.00 or less	689	99.3
1.01 to 1.50	3	0.4
1.51 or more	2	0.3
Lacking complete plumbing facilities	3	0.4
Lacking complete kitchen facilities	0	0
No telephone service	6	0.9

Source: 2000 U.S. Census

CHAPTER 3 – Public Process - Citizens Advisory Committee (CAC)

The objectives of the CAC process were to:

- Consider planning related issues and opportunities facing the community;
- Review the existing comprehensive planning goals, objectives and implementation strategies; and
- Recommend revisions to the Comprehensive Plan.

In the course of six work sessions the CAC was able to accomplish:

Reviewed the statutory basis for planning in Maryland, including the eight "visions" and other State planning mandates as well as the structure for local planning in Rising Sun, i.e., the Comprehensive Plan, zoning ordinance and maps, subdivision regulations, Priority Funding Areas, master water and sewer plan, building codes and design guidelines and standards. The CAC agreed that mapped information, such as those used for the Cecil County Master Water and Sewer Plan and the State's Priority Funding Area (PFA) should reflect the recommendations of the updated *Rising Sun Comprehensive Plan*.

Listed and discussed Rising Sun's strengths, weaknesses, opportunities and threats (SWOTS). The SWOTS were later prioritized

Considered regional and local socio-economic and land use trends and population projections in order to better understand Rising Sun today and the population growth the Town may expect in the future (See Attachment B).

The CAC agreed that the Maryland Department of Planning projections for Cecil County are conservative.

Reviewed the goals, objectives, policies and recommendations contained in the 1996 *Rising Sun Comprehensive Plan* and recommended revisions that reflect the CAC's discussions.

Conducted mapping exercises wherein the CAC considered future growth scenarios given expected population growth, existing land use patterns (County and Town), natural and physical constraints, as well as pending development projects. The result of the mapping exercise is a recommended land use plan that reflects a long range build-out plan and that identifies extra-territorial areas that could become part of the Town of Rising Sun in the future.

Considered desirable design characteristics of new residential development and

identified strategies for achieving the community character attributes most desired for new neighborhoods.

CONSENSUS FINDINGS

The consensus of the participants on the CAC was that the citizens value the features of small town community life offered in Rising Sun. These features include:

- friendly neighborly relations;
- personal relationships -a place where everyone knows everyone else;
- a positive living environment in which to raise children and build a family;
- promotion of traditional American values;
- physical features of small town USA, such as the Town Square; and
- proximity to major cities and metropolitan centers.

The residents recognize the importance and desirability of maintaining the small town character and sustaining the rich heritage and legacy of the Rising Sun community. The residents want the Town to judiciously consider present and future growth and require new development to reflect the principles and visions of "Smart Growth" in a manner that maintains and extends the small town atmosphere highly valued and esteemed by all inhabitants of Rising Sun.

The attached materials summarize more specific findings and recommendations of the Citizen Advisory Committee (CAC) for the 2005 update of the *Rising Sun Comprehensive Plan*. These findings and recommendations are based on the following consensus positions:

- Development Pressure and housing growth in and around the Town are likely to occur during the planning period (2009 -2030).
- It is in the best interest of the Town to have direct land use management responsibility for as much of the growth as possible that will occur within the identified growth area.
- New development should be fully responsible for its impacts to community facilities, services and infrastructure related to the development, including off-site impacts.
- It is imperative for the Town to have adequate staff and expertise to insure that new developments are planned, designed and built to the highest possible standard. Additional emphasis needs to put on construction inspections and adherence to minimum standards for health, safety and welfare. Aggressive enforcement of minimum development and construction standards is needed.
- New development should not be permitted unless adequate public facilities to fully serve the proposed development exist or will be in place at the time final approvals are given.

- Any upgrades to the Town water and sewer systems necessitated by new development should be fully funded by the development(s) benefiting.
- Developers should be required to construct planned public improvements, such as parks, greenways and pedestrian trails, regional stormwater management facilities and off-site road improvements that are located on, serve and or benefit the proposed development.
- As necessary, the Town should institute development impact fees or similar measures to fund needed off-site improvements to Town facilities and infrastructure.
- Development regulations and standards should be revised to require all new residential development reflect "smart neighborhood" and place making principles.
- New residential developments should be required to be mixed-use projects. Conventional subdivisions should only be permitted upon a compelling demonstration that it is in the best interest of the Town to do so. We make this recommendation because we feel that the recommended design principles are the best means of sustaining the positive socio-economic and physical characteristics of the Town so highly valued.
- Attracting retirement-aged oriented developments will have a positive economic impact on the Town. Development regulations should facilitate the creation of high quality active adult and continuing care retirement communities. Incentives for this type of development, e.g., bonus densities, should be considered.
- Residential development needs to be balanced by growth of employment uses (e.g., commercial, business, service, and light industrial uses) to the maximum extent practical. The Growth Plan identifies Area for development of new employment uses.
- Additional commercial uses should be encouraged consistent with population growth and demand in the Town and surrounding market area.
- Commercial uses serving neighborhood should be located convenient to residences (i.e., within walking distance). Equal emphasis should be placed on safe vehicular access and on making appropriate pedestrian travel connections with nearby residential neighborhoods. New community serving commercial areas may be needed as well.

RECOMMENDATIONS -GOALS, POLICIES AND OBJECTIVES

The following are the CAC's recommend revised goals, policies and objectives for the

updated *Rising Sun Comprehensive Plan*.

LAND USE

Land Use Goals

Growth Management • Achieve the spirit and intent of the following eight visions:

- 1 Development is concentrated in suitable areas;
- 2 Sensitive areas are protected;
- 3 In rural areas, growth is directed to existing population centers and resources are protected;
- 4 Stewardship of the Chesapeake Bay and the land is a universal ethic;
- 5 Conservation of resources, including a reduction in resource consumption is practiced;
- 6 Economic growth is encouraged and regulatory mechanisms are streamlined;
- 7 Adequate public facilities and infrastructure under the control of the Town are available or planned in areas where growth is to occur; and
- 8 Funding mechanisms are addressed to achieve these "Visions."

Residential • New residential neighborhoods designed according to "smart neighborhood" and traditional place making principles that enable and support neighborly, personal relationships traditionally found in small towns.

Commercial • Commercial, business and service establishments adequate to serve the needs of Rising Sun and surrounding regional markets at appropriate locations.

Industrial • Light manufacturing and research technology business activities that offer quality employment opportunities for the residents of Rising Sun and the surrounding region.

Open Space • The Town's best scenic landscape features such as hillsides, forests, and waterways retained for the enjoyment of present and future generations.

Natural Resource Conservation and Sensitive Areas Protection • A high quality natural environment within and surrounding the Town.

Land Use Objectives

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The following overall objectives should be pursued by the Town for the achievement of a balanced land use plan consistent with sound planning principles, local need and in harmony with regional influences:

- Encourage greater recognition by all citizens that land is a finite resource and its wise use and effective conservation is essential for the survival of existing and future generations (Note: This objective is consistent with Vision 4 of the Planning Act, "stewardship of the Chesapeake Bay and the land is a universal ethic").
- Integrate land use and transportation systems to provide for the logical continuation and improvement of existing streets, highways and pedestrian systems.
- Promote and maintain a well-planned pattern of compatible and efficient utilization of land and water resources which concentrates development in suitable areas.

Residential Land Use Objectives

In order to insure safe, livable residential neighborhoods (new and old) the following residential objectives are established:

- Implement laws and programs that assure orderly and diversified residential development in appropriate areas of the Town and adjoining areas.
- Establish development standards and guidelines that assure seamless integration of neighborhoods by requiring coordinated development design that includes compatible and complimentary adjacent land uses, continuation of "green" systems and appropriate vehicular and pedestrian connections.
- Assure connectivity between and with adjacent neighborhoods and subdivisions.
- Establish appropriate protective measures to stabilize, protect and enhance existing residential neighborhoods by prohibiting encroachment by incompatible land uses and encouraging appropriate infill and redevelopment.
- Locate public and commercial facilities, services, and amenities within convenient walking distance of residential neighborhoods.
- Encourage residential development reflecting good design practices that will make efficient use of available land and produce attractive residential neighborhoods and other development. Develop appropriate residential design standards and guidelines which insure new neighborhoods are compatible with the community and architectural character of Rising Sun.
- Encourage energy conservation in residential development. Establish subdivision and

zoning regulations that accommodate techniques that achieve greater energy efficiency (Note: This objective is consistent with Vision 5 of the Planning Act, "conservation of resources, including a reduction in resource consumption, is practiced").

Residential Land Use Policies

The development policies proposed by this Comprehensive Plan are designed to address the above objectives. The following are recommended policies for residential development.

- Larger residential developments (ten acres or more) shall be planned neighborhoods with mixed residential uses.
- Developments should be evaluated with regard to the availability of, and impact on, public facilities and Town services.
- Adequate recreational facilities and open space should be required as part of new residential developments where applicable.
- Existing residential neighborhoods should be protected from incompatible land uses.

Commercial Land Use Objectives

Recognizing the existing commercial development, within the Town and in its area of influence, other land use patterns and the circulation system, the following commercial land use objectives are recommended in order to support the basic land use concept:

- To develop a viable, efficient system of commercial at appropriate locations and in accordance with contemporary design standards.
- Emphasize safety, convenience, and attractiveness in all commercial developments.
- Prevent strip commercial development by encouraging clustering of commercial activities at optimal locations.
- Permit convenient neighborhood scale commercial development in residential areas.
- Encourage the revitalization of the central business area through cooperative public/private partnerships and by encouraging and facilitating appropriate infill and redevelopment.
- Where appropriate, permit commercial uses to be collocated with other types of uses such as industrial, office or community facilities.

Commercial Land Use Policies

- Minimum standards for commercial entrance locations, traffic site lines, landscaping, bufferyards, and other site improvements should be strictly adhered to in site design.
- Where feasible, new commercial development should be located in parks of a campus-like form (with access provided from internal streets) that combine commercial facilities with other types of uses such as light industrial uses or additional community facilities in order to create community focal points.
- When a commercial use abuts a residential property or residential street, landscaping plantings that protect adjacent residential uses will be required.
- The Town will adopt development provisions that permit neighborhood scale commercial establishments at appropriate locations, in large scale, planned residential developments.
- The Town will adopt commercial design standards that improve the quality and appearance of new commercial development including minimum site landscaping, street tree planting, parking lots layout, and signage standards.
- The Town will work with merchant and/or landlord organizations in the CBD to coordinate public improvements with private investment in buildings and building sites.
- The Town will avoid commercial intrusion into established residential neighborhoods by strictly limiting conversion of residential structures to nonresidential uses adjacent to the CBD.

Industrial Land Use Objectives

- Minimize undesirable effects of industry such as smoke, odor, noise, etc.
- Have a variety of attractive, safe, and convenient sites suitable in terms of size, location, physical characteristics of the land, and accessibility to transportation available for desirable new light industry.
- Designate land for light manufacturing and research-office activities. Locate such lands adjacent to proposed highway-oriented commercial centers and other major commercial centers and high density areas.
- Strictly control industrial uses in order to insure high standards of development compatible with the residential nature of the area.

Industrial Land Use Policies

- Special consideration should be given to the potential negative impacts of existing and proposed industrial facilities on health, safety and welfare of employees and residents of the neighborhood.
- Special consideration should be given to the potential negative impacts of existing and proposed industrial uses on existing and planned public facilities.
- Special consideration should be given to impact of the operation of industrial facilities on the surrounding area.
 - New industries will be directed into areas that have access to major transportation routes that provide rapid and safe movement within the County and to sources of supply and distribution of raw materials to points outside the County. This should be achieved within the limits of the existing or planned transportation system.
- The Town should do all it can to insure that adequate community facilities, particularly water and sewerage infrastructure, are available for desirable new industrial uses.
 - Where feasible, the Town should encourage new industrial development to locate in industrial parks of a campus-like form.
- The Town will protect land with unique potential for economic and industrial development from encroachment by other land use activities.

OPEN SPACE

Open Space Objectives

- Retain non-permanent open space in predominantly low intensity use until it is necessary and desirable to develop it.
- Where desirable, reserve land in advance in the form of open space for reservoirs and major utility right-of ways as well as land for other basic facilities.
- Provide for a variety of open space areas, recreational facilities and the protection of undevelopable natural areas for the enjoyment and betterment of all existing and future residents.
- Establish a system of public park and recreation areas linked by pedestrian trails to serve the needs of Town residents.
- Reserve land that is subject to flooding and drainage channels for appropriate open space uses.

RESOURCE CONSERVATION AND SENSITIVE AREAS

Natural Resource Conservation and Sensitive Areas Protection Objectives

- Protect water quality and conserve those natural features which make a significant contribution to the character of the Town.
- Adopt a Wellhead Protection Plan and Ordinance to protect the Towns' water sources.
- Maintain the environmental quality of the watershed areas by putting in place protection measures as necessary including limiting development in floodplains, steep slopes, and other sensitive natural areas to protect natural resources.
- Conserve fish, wildlife and plant habitats;
- Conserve forest and woodland resources and, wherever possible, replenished them through tree conservation measures and replanting programs and compliance with the Maryland Forest Conservation Act.
- Coordinate with the Maryland Department of Natural Resources and the U.S. Department of Interior in the protection of rare, threatened, and endangered species habitat.
- Require evidence of Federal and State environmental permits as a condition of local development approval.
- Plan and locate development to minimize destruction of the area's natural features. Ensure that the landscape is preserved in its natural state, insofar as practical, by minimizing tree and soil removal.
- To encourage property owners to place environmentally sensitive lands under conservation easements through national, regional, State and local land trust organizations.
- To assure that proper stormwater management and sediment and erosion controls are enforced. .
- Encourage the continued growth of Rising Sun in a manner that will conserve its significant natural features by requiring proper planning and design techniques.

TRANSPORTATION

Transportation Goals

- Provide a public transportation program that meets the needs of the population for safety,

mobility and access to facilities and opportunities and assures the effective and economical movement of people and goods within and through the Rising Sun area.

Transportation Objectives

- Provide a coordinated system of major roadways and local-streets that will best serve the Town and its immediate environs in accordance with the *Rising Sun Comprehensive Plan* and County, State and regional transportation objectives. Plan improvements to the Town's street network to correspond to and support the overall Land Use Plan.
- Minimize congestion in the Town by providing by-passes and peripheral roads for through traffic and working in conjunction with the State Highway Administration to control truck traffic on MD 274.
- Improve the visual quality of Town streets through such as things as landscaping, improved signage and special street furniture.
- Maintain and enhance the quality of the existing road system.
- Coordinate transportation planning and programming with all appropriate state and regional agencies.
- Set level of service policies that reflect the community character objectives for the planning districts.

Encourage use of existing and planned transit and other ridesharing services to reduce travel on the highway system.

Transportation Policies

- Land developers should pay for any alteration, improvements or additions to public streets and other transportation facilities that will be needed to support the proposed development and will not be provided through normal Town capital improvement programming, including but not limited to streets, entrances, deceleration and turning lanes, and "park and ride" lots.
- The Town will give priority to upgrading those streets that have weight restricted bridges or streets that are of inadequate width for fire equipment to safely transverse at higher speeds, to a condition that permits adequate emergency response times.
- The Town will not permit development that creates a traffic or safety hazard on roads serving the development unless the developer funds and/or constructs necessary improvements to the off-site access roads.

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- Where possible and appropriate, existing roads and highways should be improved and new linkages built to support the Town's transportation objectives. Responsibility for these improvements should be proportionally and equitably shared by the public and private sectors.
- Roadway capacity on County and State roads should be conserved by limiting and controlling future access points.
- Strip forms of development should be discouraged. Access onto major public roads should be reduced whenever possible.
- When new roads are built by the public or private sector, the roads should be constructed with an appropriate design which is suited to the road's primary function.
- New roadway construction and major improvement projects for existing Town streets should be scheduled as part of an overall Capital Improvements Program.
- The Town should work with the State Highway Administration to ensure that improvements to major State Highways in the area will allow these routes to continue functioning as important components of the local transportation system.
- The Town should promote alternatives to driving alone and encourage the State to inform citizens of the public and private monetary and environmental costs of continued dependence on autos.
- The Town supports providing bicyclists and pedestrians safe, convenient, and inviting routes and walkways between activity centers.
- The Town will promote safe and convenient access for people to transportation systems and ensure that there is adequate access from individual properties.
- The Town will plan for adequate rights-of-way taking into account existing and future development and proposed alternative transportation support facilities and programs.
- All developments will have adequate access and circulation for public service vehicles, but actual paved street sections should be as narrow as possible to maintain a human scale.
- The Town encourages the use of recycled materials (recycled/crushed concrete, bricks and blocks) whenever possible when making right-of-way improvements.
- The Town encourages the use of alternative fuels (re-refined oil, electric, and compressed natural gas powered cars) to save energy resources.
- The Town will work with the State and adjacent jurisdictions to coordinate the land use

and transportation elements of the Comprehensive Plan in order to achieve the reduction in drive alone rates.

- Traffic and roadway planning initiatives will be coordinated with emergency management agencies including development and maintenance of an emergency evacuation plan for use in the event of severe weather or catastrophic event.
- At the appropriate time, the Town will explore the feasibility of improved transit service for area residents and encourage such services when needed and economically feasible.
- The Town will require that the configuration of new street and road connections in undeveloped areas assure connectivity to the overall street and highway system.
- New local access streets serving commercial land uses should provide safe and convenient access and be designed in a way that preserves or contributes to the land use they are serving.
- New residential streets serving residential neighborhoods should be designed to ensure that the streets: provide safe and convenient access for motorists, pedestrians, cyclists, and emergency vehicles; maintain the integrity of the land uses and streetscapes they are serving; provide access within new neighborhoods and to adjacent neighborhoods, shopping areas, and schools; and manage vehicular traffic volumes, and minimize speed, required local travel distances, and congestion.

COMMUNITY FACILITIES

Community Facilities Goals

General

- Insure adequate public facilities and services for Town residents.
- Insure orderly and progressive growth and the provisions of vital municipal services through the staging and guiding development, particularly on vacant lands adjacent to the Town.
- Provide appropriate staffing and expertise to insure adequate and timely development project reviews by the municipal government.

OPEN SPACE AND RECREATION

- Establish local parks within easy access of Rising Sun's present and future residents.

- Provide for an open space system of sufficient size and location qualities in order to meet the complete range of recreation activities.

Open Space and Recreation Objectives

- Insure that human needs for physical refreshment and outdoor recreation are accommodated.
- Where possible link the park system to community activity centers and residential neighborhoods with pedestrian trails.
- Provide for an Open Space system of sufficient size and locational qualities in order to meet the complete range of recreation activities.

Open Space and Recreation Recommendations

- Adopt a Town park, recreations and open space plan that includes greenways, trails, active and passive recreation areas. Implement the plan through a combination of public and private efforts, including developer exactions of land and improvements.

Police and Fire Protection Goals

- Adequate levels of police, fire and emergency medical response.
Police and Fire Facilities Objectives
- To accomplish its basic mission by providing service to all areas of the Town with appropriate facilities, manpower, and equipment distributed according to need.
- Support the local volunteer fire department-Community Fire Company of Rising Sun.

Health Facilities Goals

- Adequate health care facilities to service the needs of Town residents.
Health Facilities Objectives
- Provide for areas for development of professional medical facilities.
- Cooperate with the County and State in the improvement and provision of public health facilities and services within the Rising Sun area.
- Cooperate with the County and State in the development of local health centers in those areas where the gap between health needs and available facilities and services is the greatest.

Utilities Goals

- Adequate public utilities to service the needs of Town residents
Utilities Objectives
- Maintain and ensure the continued improvement of the Town's water and sewer facilities.

Ensure that all future development within and outside the Town is adequately served with water, sewer, storm drainage and other utility systems in an economic and coordinated manner.
- Control future development patterns by phasing areas to be serviced by water and sewer.
- Cooperate with respective county and state agencies in the development of adequate and coordinated utility systems in the land areas adjacent to the Rising Sun Planning area.
- **Library Facilities Goals**
- To help insure the availability of public library facilities to the whole population of the Rising Sun area.
- To stress the relationship of libraries to other programs aimed at achieving the Town's objectives of improving the environment and broadening cultural opportunities.

HOUSING

Housing Goal

- To provide for varied housing needs as evidenced by the Town's population composition, existing and projected, and to provide for a living environment that is healthy, safe and attractive.

Housing Objectives

- Preserve housing in good condition from replacement by other uses or public facilities unless a greater public need would be served by such action.
- Encourage continued maintenance and upkeep of existing housing and stimulate the replacement of housing that becomes unfit for human habitation.
- Provide a balanced housing stock with housing opportunities for all Town residents.

- Encourage the development of affordable housing for all Town residents.
- Improve housing conditions for all the Town's residents, especially the disadvantaged population.

Housing Policies

- A variety of housing types should be provided for in the Town's land use controls.
- The Town will encourage the use of innovative programs to provide a suitable mix of housing types in affordable price ranges.
- The purpose of Town housing and building codes is to insure high standards of quality in new construction, but with sensitivity to housing affordability.
- The Town will continue to encourage, through both private and public actions, the renovation or removal of substandard housing.
- The Town will continue to encourage, through both private and public actions, an opportunity for families to live in adequate homes in price ranges that are affordable.

HISTORIC AND CULTURAL RESOURCES

Historic and Cultural Resources Objectives

- To encourage identification, preservation, and restoration of historic buildings within the Town, regardless of location.
- To seek out federal and state funding programs which might be used to assist restoration and upkeep of the buildings.

Historic and Cultural Resources Policies

- The Town supports promotion of historic sites through tourism efforts and business services that are complementary to historic areas.
- The Town Commissioners support efforts of preservation and cultural organizations in the Town and encourage open communications between those same organizations.
- The Town encourages school and community participation in historical resource management programs through education and public awareness.

RECOMMENDATIONS - COMMUNITY DESIGN

Much of the CAC's concern for maintaining Rising Sun's special character led to discussion of the characteristics of new development and how to integrate the new with the old. The CAC concluded that the design of new development should reinforce Rising Sun's unique identity and promote character in the town and landscape by responding to and reinforcing locally distinctive patterns of development, landscape and culture. New neighborhoods should have a focal point that provides a distinct identity for the neighborhood while at the same time blending in with the overall character of the Town. Design standards for new communities should provide for a central and integrated location with equal access from the surrounding neighborhoods to serve as the community focal point.

Growth should result in a Town that has a clear image and a form that is easy to understand. To achieve this, we must insist on legibility through development that provides recognizable routes, intersections and landmarks to help people find their way around. Places where form, layout, and way finding devices make them easy to understand are likely both to function well and to be pleasant to live in or visit.

An enduring positive quality of Rising Sun is its socio-economic diversity. New development should continue the theme of Rising Sun as a place with variety and choice. We can promote diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs. Development regulations should require diverse neighborhoods that provide for a broad mix of uses and housing types. We should foster neighborliness in Rising Sun by insuring attractive and successful outdoor areas. New development, infill, and redevelopment should provide for and enhance public spaces and routes that are attractive, safe, uncluttered and work effectively for all society, including disabled and elderly people.

Rising Sun should be a place that is easy to get to and move through. We can help insure access and local permeability by requiring new developments connect with each other and by requiring development designs that integrate well with the overall land use and transportation plans for the Town. A network of pedestrian and bike trails and greenways should be implemented so that people can travel safely throughout the Town and adjoining areas without relying on the automobile.

If change is inevitable, Rising Sun should be a place that changes easily. We should be cautious of allowing development that is not readily able to adapt and respond to changing social, technological and economic conditions. We should be mindful that fine grain, small scale development is easier to adapt than large-scale mega-structures.

The public realm, which includes streets, sidewalks, open space, parks, community buildings, etc., makes up a large part of any development. If we are successful in achieving the qualities we desire in the physical definition of streets and public places of shared use, we will have accomplished many of the community character objectives we endorse. Rising Sun should be known as a place where public and private spaces are clearly distinguished. This can be accomplished by insuring that design of street frontages and the enclosure of space by development clearly define private and public areas.

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A large part of the character of Rising Sun is the result of the natural features that permeate and surround our community. Development regulations (and the enforcement of those regulations) should insure a collective ecological responsibility. We should continue to vigorously apply regulations and standards to preserve natural resources, trees, water areas, etc., protect sensitive environmental areas, manage run-off to minimize damage to water quality, and when appropriate mitigate any negative impacts on land, air, water vegetation and energy. To achieve these design objectives the CAC concluded that development regulations and standards should be revised to require all new residential development reflect "smart neighborhood" and place making principles. Specifically, new residential development should consist of well-planned, mixed-use neighborhoods that include:

a range of housing types and densities;

- compact design;
- interconnected streets designed to balance the needs of all users, with sidewalks and on-street parking;
- open spaces integral to the community; location adjacent to the Town; and
- designed to extend the Town into new areas in a manner that insures development that is consistent with and complimentary to the existing Town character.

All new residential developments should be required to be designed as mixed-use, planned neighborhoods or master planned communities. Conventional subdivisions should only be permitted upon a compelling demonstration that it is in the best interest of the Town to do so. To accomplish this end, the Town should adopt Planned Neighborhood (PN) zoning provisions and require all annexed lands and large-scale in town project be developed as PNs (see Attachment C sample Planned Neighborhood Ordinance). The PN should be based in design policies and objectives (much like the one articulated above) that appear in the Comprehensive Plan.

RECOMMENDATIONS - LAND USE

The CAC mapped land use recommendations which are shown on Map 1. The CAC did not recommend any major changes to the existing land use plan within the corporate area with the exception of extending a small are of "Highway Commercial" south of MD 274. The consensus opinion of the CAC members was that it continues to be in the best interest of the Town to have its land use plan map reflect the ultimate build-out of the Town, i.e., beyond the year 2030, and to identify areas adjacent to the Town boundary in which Town and County land use policies should be coordinated. The population estimates are fully developed in Attachment B.

However, as described in detail in the Water Resources Element, sewer capacity constraints combined with severe funding limitations at this time preclude the timely provision of sufficient wastewater treatment capacity to address this theoretical phased growth scenario. Accordingly, in the short term, the Town will focus its efforts on meeting the requirements imposed by the Maryland Department of Environment to bring the current wastewater treatment plant into compliance. Available capacity will be directed to completing the construction of currently approved projects within Town that are presently under development moratorium. Any

additional capacity will be prioritized to facilitate infill and redevelopment needs. The third priority will be to serve limited development on parcels shown in the Municipal Growth Element to be priorities for potential annexation.

The CAC recognizes that Phase III Includes land currently planned for conservation (Kilby, Inc. property), which classification the CAC feels may not endure long term and should be planned as part of the Rising Sun growth area. The "growth" plan also includes a land use category entitled "Mixed-Use Employment" area. The Mixed-Use Employment area is targeted as a location for development of business and light industrial uses in park-like setting. Believing that it is important for the Town to balance population and housing growth with employment growth, the CAC did not specify when this area should be developed, only that expansion across US Route 1 should follow development of employment uses south of US Route 1. Worthwhile employment uses should be encouraged in these locations whenever possible.

The Land Use Plan also includes a category entitled "Infill" which consists of intervening lots and small parcels. Similar properties may be annexed in the future to resolve failing septic systems problems and/or to achieve contiguity.

Included in the category, "Park and Open Space" are two areas (in and out of Town) that may be used for regional stormwater management. Future development on these sites should include this consideration.

Map 2 reflects the staging of water and sewer facilities consistent with the land use plan recommendation. In addition, this map includes a recommended Priority Funding Area (PFA) boundary that is congruent with the Growth Area boundary.

CHAPTER 4 – Land Use

INTRODUCTION

The Land Use Plan Element is the most important element of the Rising Sun Comprehensive Plan in that it establishes the relationship between the town's existing pattern of development and the location, distribution and scale of future development. It also influences the location and timing of public facilities and transportation system improvements. The enhancement of specific township qualities, preservation of rural character, and protection of natural resources is achieved by all elements of the Comprehensive Plan with the land use element serving as the cornerstone. The cost-effective provision of roads, water and sewer facilities and other public services cannot be assured without a clear means of managing growth by directing it to specific areas where development infrastructure already exists and away from rural areas of the township where it does not exist. The Land Use Plan provides that means.

The Land Use Plan element of the Comprehensive Plan is where the various planning goals and objectives and chapters on specific topics must be integrated into a comprehensive whole. The way in which land use districts are mapped, their infrastructure requirements, the objectives established for resource protection, definition of community character, and provision of public facilities and transportation improvements must all be integrated into the Comprehensive Plan through the land use plan. In short, more than any other single plan element, the land use plan captures a future vision of the Town's development pattern. Finally, the land use plan is a fundamental extension of town growth management philosophy and illustrates the spatial land development implications of growth management policy.

The purpose of this section is to advance recommendations concerning land use development guidelines within the Town of Rising Sun. It is a guide to the proper direction of future development as well as maintaining and improving the existing environment. Included in subsequent sections of this report are proposals for circulation and community facilities, which although presented separately are closely related elements of the Land Use Plan.

The Rising Sun area maintains a rural character. Agricultural use and forests comprise a large percent of the area outside the incorporated limits. Based on information gathered for a recent water study, the land use in the watershed was categorized as shown in the following figure.

The location and form of recent growth within the Town has been influenced by growth pressure originating in the Wilmington-Newark, Delaware area, and to a lesser extent, from Baltimore. Nearby highways such as I-95, US 40, and US 1 provide relatively easy access to employment in these urban areas.

The land use plan for the Town defines nine (9) land use districts (See Map 1). These districts recognize existing land use patterns and are responsive to the Goals and Objectives of the Comprehensive Plan. Each district emphasizes a particular intensity of land use or resource and allows an appropriate mix of development consistent with the principle goals of the district. The nine districts and the guidelines attached to them are intended to serve as a guide to the

comprehensive rezoning of the Town.

The land use proposals that follow refer to lands both within the Town limits and surrounding areas outside the limits. The recommended Growth Area land use plan (Map 2) recommends residential density levels that are in harmony with present County planning objectives and the location of commercial and industrial land uses consistent with the planning objectives of the Town.

EXISTING LAND USE

Cecil County's 2007 GIS land use data set indicates that approximately 1040 acres are located within the corporate limits (see Table 4.1). A little over one quarter of the land area of the Town is in residential use in 2009. If we consider that the majority of the land classified as agriculture will be available for conversion to residential, the residential land use category could become as much as 65 percent of the total land. Employment related land uses, i.e., commercial and industrial comprise approximately 11.5 percent of the total land area of the Town. Town-owned, county-owned, institutional (e.g., school property) and semi-public uses like churches and civic organizations, make up approximately 8.5 percent of the land area of the Town.

Table 4.1 - Existing Land Use - 2009

LAND USE	ACRES	PERCENT
Very Low Density Residential	2	0.4
Low Density Residential	55	5.3
Medium Density Residential	185	17.8
High Density Residential	39	3.7
Commercial	104	10.0
Industrial	16	1.5
Institutional	34	3.3
Other Developed Lands	54	5.2
Agricultural	392	37.7
Forest	124	11.9
Water	17	1.6
Wetlands	17	1.6
(one acre lost to rounding errors)		
TOTAL	1,040	100%

Source: Cecil County 2007 land use data layer

LAND USE OBJECTIVES

The following overall objectives should be pursued by the Town for the achievement of a balanced land use plan consistent with sound planning principles, local need and in harmony with regional influences:

To encourage greater recognition by all citizens that land is a finite resource and its wise

use and effective conservation is essential for the survival of existing and future generations (*Note: This objective is consistent with Vision 4 of the Planning Act, "stewardship of the Chesapeake Bay and the land is a universal ethic"*)

To encourage the continued growth of Rising Sun in a manner that will preserve its significant natural features by requiring proper planning and design techniques for future development in order to be more sensitive to environmental concerns (*Note: This objective is consistent with Vision 2 of the Planning Act, "sensitive areas are protected"*).

To establish strong protective measures to help stabilize, protect and enhance the substantial residential development and neighborhoods in the town.

To integrate land use and the street and highway network to provide for the logical continuation and improvement of existing streets and highways in proper coordination with State and municipal facilities currently in existence.

To provide for a variety of open space areas, recreational facilities and the protection of undevelopable natural areas of the town for the enjoyment and betterment of all existing and future residents.

RESIDENTIAL LAND USE

The residential land use plan indicates areas that should be maintained in, or reserved for, residential use. This is particularly important since the level of community facilities that will be needed to serve the Town's residential population is dependent upon the recommendations regarding density, location and distribution of dwellings.

Residential Land Use Objectives

In order to insure safe, livable residential neighborhoods (new and old) the following residential objectives are established:

To prevent development on land that is not suitable for residential development because of soil characteristics, water table, or other faults from being developed.

To locate residential development convenient to services and amenities.

To encourage residential development reflecting good design practices that will make efficient use of available land and produce attractive subdivisions and other development.

To protect residential areas from encroachment by incompatible land uses.

To encourage energy conservation in residential development, to establish subdivision and zoning regulations to accommodate techniques that achieve greater energy

efficiency

(Note: This objective is consistent with Vision 5 of the Planning Act, "conservation of resources, including a reduction in resource consumption, is practiced").

Policies

The development policies proposed by this Comprehensive Plan are designed to address the above objectives. The following are recommended policies for residential development.

- 1 The density of residential development should be based on the availability of community facilities.
- 2 Developments should be evaluated with regard to the availability of, and impact on, public facilities and town services.
- 3 Adequate recreational facilities and open space should be required as part of new residential developments where applicable.
- 4 Residential areas should be protected from incompatible land uses.
 - A. Through traffic and heavy vehicles should be prevented, where possible.
 - B. In-fill development and redevelopment should be encouraged where appropriate.
 - C. Land development regulations should reflect proper design standards including landscaping and street tree requirements.

The main characteristics of the land use districts are summarized below.

Predominantly Single Family District (PSF)

The intent of this district is to provide for low-density single-family detached residences and supporting uses. This zone is located in areas of the Town where low-density single-family development patterns are generally established or where services and facilities will be adequate to serve the anticipated population. This zone is designed to secure for residents a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts. The PSF District is also intended to provide for minor in-filling of existing neighborhoods consistent with the existing character. Density in the PSF District should be maintained in the 2 - 4 dwelling units per acre. Once annexed to the Town, areas of the County to the southwest, southeast and east of the town limits are also suggested for residential development in a similar density range.

Encouragement of cluster development in the PSF District and adjoining county areas should be evaluated in an attempt to obtain a varied landscape and balanced community. Cluster development is an innovative technique that protects the environment and fosters economic development. The PSF District should be designated for cluster development under the town

zoning scheme, where appropriate. Since there is sufficiently large vacant areas suitable for residential development in those areas of the County planned for this land use classification, it is suggested that the cluster development form be utilized to the maximum extent possible to preserve and effectively use each site's natural amenities.

Cluster development can be utilized as a development option in appropriate instances where the preservation of flood plains, steep slopes, forests, wooded areas, etc., is to the benefit of the area. Basically, clustering is a pattern of development wherein housing sites are grouped somewhat close together around access courts with the remainder of the residential subdivision tract left in its natural state. Lot sizes may be reduced, permitting the housing sites to be clustered. However, the number of lots and the overall density of development remains in agreement with the overall intent of basic zoning classifications for area. For example, under conventional zoning practices, a ten-acre area zoned for ten similar sized one-acre building lots would, under cluster development, retain the same development density of ten units, but these units would be more compactly arranged to provide for more common open space.

Predominantly Multi-Family District (PMF)

The PMF district primarily for multi-family dwellings and supporting uses. Within this District, a variety of housing-types -- including single-family, two-family, duplexes, townhouses, and apartments -- are encouraged in order to provide for a mix in housing prices, household size, age groups, and lifestyles. Residential cluster is encouraged for development on minimum lot areas to provide for additional open space for common use by local residents as well as by the adjacent community. Recreation, health, and social service facilities for the elderly and handicapped are also encouraged in this zone.

PMF District also includes certain vacant lands abutting the southeastern portion of the town's business district, and lands adjacent to the intersection of the U.S. 1 Bypass and MD 276. It is suggested that maximum flexibility be encouraged in achieving dwelling unit variety and distinguished site design within these designated medium-high density areas.

In addition, it is proposed that the vacant lands south of the town be encouraged to develop diversified housing types through "Planned Unit Development" (PUD) techniques or other applicable planned residential development options which allow flexibility in site design (capitalizing on natural amenities of an area) and housing type (permitting varied housing units in a suitable site relationship). The PUD areas are suggested at a low-medium and a medium-high density range (1-6 dwelling units/acre)

In order to meet varied housing needs as evidenced by the town's population composition, (existing and projected) the predominant concerns appear to be:

- A large segment of the present and future population in the family bearing age group.
- An increasing segment in the future will be in the over 60 age bracket.

It is suggested that within the town limits and immediate adjacent areas residential land use plans cater primarily to the bulk of its population needs (25-44 age bracket) with consideration for accommodation to the over 60 age bracket. This item suggests a policy that allows, in a

limited and controlled fashion, the introduction of the following housing types:

- Semi-detached
- Patio Townhouses
- Garden Apartments

COMMERCIAL LAND USES

The basic concept of the commercial land use plan is to meet the needs of the whole community through the provision of adequate commercial facilities. Commercial activities, by their very nature, take on varied forms and characteristics with differing land, locational and trade area requirements. As an overall concept of development, a hierarchical system of commercial facilities is recommended. That is, commercial facilities are geared to specific trade areas, providing essential services which do not compete with one another.

Commercial Land Use Objectives

Recognizing the existing commercial development, within the Town and in its area of influence, other land use patterns and the circulation system, the following commercial land use objectives are recommended in order to support the basic development concept:

- Emphasize safety, convenience, and attractiveness in all commercial developments.
- Prevent strip commercial development by encouraging clustering of commercial activities at optimal locations.
- Protect existing and future residential development from the close proximity of intense commercial activity.
- Provide convenient neighborhood scale commercial development in residential areas.
- Improve the quality and appearance of new commercial development within the Town.
- Establish a cooperative public/private partnership for the benefit of the Central Business District. Maintain a clear distinction between the CBD and adjacent residential areas.

Commercial Land Use Policies

Minimum standards for commercial entrance locations, traffic site lines, landscaping, bufferyards, and other site improvements should be strictly adhered to in site design.

Where feasible, new commercial development should be located in parks of a campus-like form (with access provided from internal access streets) that combine commercial facilities with other types of uses such as light industrial uses or additional community facilities in order to create community focal points.

When a commercial use abuts a residential property or residential street, landscaping plantings that protect adjacent residential uses will be required.

The Town will adopt development provisions that permit neighborhood scale commercial establishments at appropriate locations, in large scale, planned residential developments.

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The Town will adopt commercial design standards that improve the quality and appearance of new commercial development including minimum site landscaping, street tree planting, parking lots layout, and signage standards.

The Town will work with merchant and/or landlord organizations in the CBD to coordinate public improvements with private investments in buildings and building sites.

The Town will avoid commercial intrusion into established residential neighborhoods by strictly limiting conversion of residential structures to non-residential uses adjacent to the CBD.

A system of commercial areas or business centers implies a concentration and categorization of business activities. It is recommended that the size and character of each center, containing retail stores and consumer services, be closely related to the needs of its market and surrounding development. It is further suggested that the strip form of commercial development be discouraged in favor of planned clustering of business activities.

In planning for a diverse system of complimentary business centers some consideration will need to be given toward developing appropriate commercial development standards which are in harmony with established community planning principles. As a general background for this section of the plan, it is important to note the difference between various types of commercial facilities proposed for Rising Sun and vicinity. To reduce the possibility of confusion, a general classification has been made of four distinct shopping center types: the Town Center, the Neighborhood Center, the Highway-Oriented Center, and Mixed-Use Center.

Town Center (TC)

This is the existing main business area of Rising Sun which services the Town as well as the surrounding area. The purpose of this district is to provide appropriate locations for select commercial activities. Provision should be made for accommodation of a wide range of business pursuits, retail sales and office and service activities which serve the needs of citizens of the area. The district is designed to preserve, and to encourage the continued development, as well as redevelopment, of the Central Business area consistent with the unique land use mix which currently exists. Generally this district covers the historic commercial center of the Town and as such is intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than associated by incidental light and noise of congregation of people and passenger vehicles. This district also provides for some residential uses.

The Town's central business area needs to be revitalized. The Town's center presently is adequate to serve the existing population. However, with the influx of more families into the area, certain aspects of the Town need to be strengthened. In particular the following are suggested for the Town Center's revitalization:

The principle of concentration of uses in the center of Town is recommended. Scattering commercial areas along the principle streets in Town is rejected as a planning

alternative. Concentrating uses closely together provides ease of access for shoppers, convenience of parking and shorter distances for carrying packages for the consumer.

Providing an attractive and pleasing environment by rehabilitating existing stores, to make them physically attractive, establishing attractive landscaped areas, walkways, and street furniture.

Providing accessible off-street parking areas and minimizing traffic on streets adjacent to stores to allow safe street crossings for the pedestrian.

Orienting the town center to the pedestrian and not to the automobile in that the center is made easy to reach by auto and made safe, efficient and attractive for the shopper with minimum intrusion possible by the ubiquitous automobile.

Neighborhood Center (NC)

The Neighborhood Center features primarily convenience goods, and personal services, (food, drugs, sundries for everyday needs and possible gasoline or auto service station). The characteristics of a neighborhood center is that it is within a few minutes walk or drive from the residential area. Usually there are anywhere from two to six stores in such a center.

Neighborhood centers serve residential areas. It is proposed that residential areas of sufficient population and documented need contain individual neighborhood centers that include other facilities such as day care centers and playgrounds.

Highway-Oriented Center (HO)

This center is located on a major road. This type of center provides space for quality auto-oriented uses such as a drive-in bank, cleaners, Seven-Eleven Store and other similar types of establishments. The intent of this District is to provide for the local and regional oriented business with a variety of office and commercial uses that are not suitable for location in other zones. This zone is primarily automobile accessible and allows for more intensive uses than the TC or NC District. The HO District should be located adjacent to major transportation routes in locations where new development can be grouped with existing compatible development.

Highway-oriented centers should be designed so as to cluster the commercial uses as a unit, with special access drives and well-planned parking areas to avoid congestion on adjacent streets. In addition, landscaped buffers, as well as imaginative site and architectural design, should be encouraged within these areas.

Mixed-Use Center (MU)

The MU Center is not mapped, but provisions should be made in the zoning ordinance for such uses at appropriate locations and under appropriate conditions. The MU Center would combine shopping facilities with business and light industrial uses as well as community facilities such as a library branch and meeting areas to compliment the planned residential area surrounding it. The MU Center should provide convenience shopping facilities as well as some light industrial

and research facility buildings for those residents living within a planned development. Basically, it would be a larger neighborhood center. Also, such facilities as a branch library could be located in this center.

INDUSTRIAL LAND USE

The purpose of the Industrial District is to establish appropriate areas that will be held out for light and necessary supporting accessory uses and facilities. Business and industrial sites should be large enough to be designed as industrial parks that complement surrounding land uses by means of appropriate location of buildings and service areas, attractive architecture, effective buffering, and substantial site landscaping. Also, locating industrial uses adjacent or near commercial areas will tend to stimulate the activities within the commercial areas.

The basic industrial land use plan concept is derived mainly from the likely demand for light industrial facilities. The purpose of this District is to provide areas in which the principal use of land and buildings is for business services, light manufacturing and assembly plants, processing storage, warehousing, wholesaling and distribution. It is the intent that permitted uses be conducted so that noise, odor, dust, and glare of each operation is confined within an enclosed building.

Industrial Land Use Objectives

Minimize undesirable effects of industry such as smoke, odor, noise, etc., in efforts to reduce hazards to public health and safety.

Have a variety of attractive, safe, and convenient sites suitable in terms of size, location, physical characteristics of the land, and accessibility to transportation available for desirable new industry.

Industrial Land Use Policies

Special consideration should be given to the potential negative impacts of existing and proposed industrial facilities on health, safety and welfare of employees and residents of the neighborhood.

Special consideration should be given to the potential negative impacts of existing and proposed industrial uses on existing and planned public facilities.

Special consideration should be given to impact of the operation of industrial facilities on the surrounding area.

New industries will be directed into areas that have access to major transportation routes that provide rapid and safe movement within the County and to sources of supply and distribution of raw materials to points outside the County. This should be achieved within the limits of the existing or planned transportation system.

The Town should do all it can to insure that adequate community facilities, particularly

water and sewerage infrastructure, are available for desirable new industrial uses.

Where feasible, the Town should encourage new industrial development to locate in industrial parks of a campus-like form as opposed to a linear form that maximizes road frontage exposure.

The Town will protect land with unique potential for economic and industrial development from encroachment by other land use activities.

Light Industrial (LI)

The LI district encompasses area currently zoned for light industrial uses within the corporate limits. In addition, land located in the County on the northeast side of Town has been included in the Light Industrial land use category. It is the intent of the Town to this area develop as a planned light industrial/employment park when served by adequate public facilities.

OPENSOURCE (OS) AND AGRICULTURAL (AG) LAND USE

The Rising Sun area is rich in agricultural land and much of this should be preserved for this use and protected from encroaching development pressures. Also, the area has a multitude of waterways and lands that are subject to periodic flooding.

The purpose of the Agriculture and Open Space District is to identify areas in need of special regulatory protection for the land and water resources and to recognize general areas, where sensitive natural features and other development constraints limit uses. Most of this land is presently farmed and it is suggested that this type of use should continue on this land in the future. Included in this classification are areas best suited for agriculture, open space or low intensity recreation uses. Permitted development in these areas should be strictly regulated, to ensure minimum adverse environmental impacts, with special attention given to maintaining natural conditions.

Over eight hundred acres in the planning area are suggested to be preserved as water ways and open space. This land, because of its soil condition and water ways, should be preserved as open through the use of special flood plain control ordinances

Agriculture and Open Space Objectives

Reserve through zoning, tax policy and other appropriate means, productive agricultural soils for continued agricultural use where appropriate.

Plan and locate development to avoid destruction of the area's natural features or interference with access to them.

Protection, preservation and enhancement of major physical and environmental features such as hills, forests, waterways and water bodies.

Prohibit development on all flood plain areas by creating flood plain control ordinances.

Reserve land that is subject to flooding and drainage channels for appropriate open space uses.

Retain non-permanent open space in predominantly low intensity use until it is necessary and desirable to develop it.

Where desirable, reserve land in advance in the form of open space for reservoirs and major utility right-of ways as well as land for other basic facilities.

Open Space

A minimum common open space (spaces designed and intended for the use and enjoyment of all residents of the development) should be set aside in residential developments and improved with such complimentary structures, improvements as are necessary and appropriate for the use, benefit and enjoyment of residents of the development. Common open space areas should be exclusive of tidal wetlands and road rights-of-ways/parking areas and only a limited amount of those areas designated as nontidal wetlands.

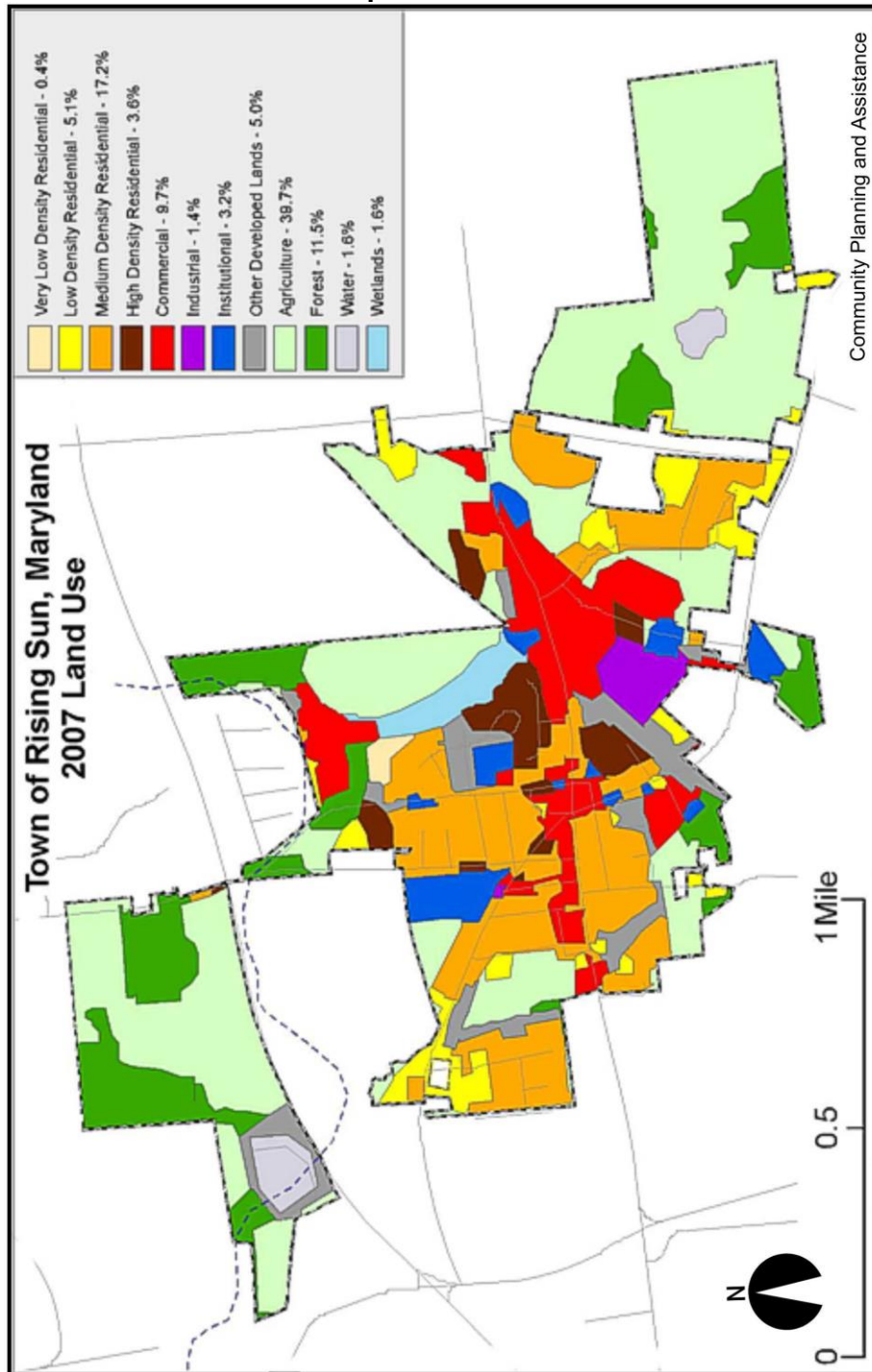
Common open space may serve recreational purposes, preserve significant site features, and preserve open space. The uses authorized should be appropriate to the purposes intended to be served. Open space designed to serve recreational purposes should be appropriate to the scale and character of the cluster development, considering its size, density, expected population, and the number and type of dwelling units proposed.

At least 15 percent of any site should be set aside as permanent open space. Where possible, this open space should encompass streams and stream buffers. Stream buffers that are part of the pedestrian trails and/or bikeway system shown in this Plan should be dedicated to public use. The Planning Commission may allow payment in-lieu of open space in whole or in part. Planned and cluster communities should be required to set aside at least 30 percent of the site in permanent open space. In addition, at least 20 percent of a development site should be landscaped with tree species native to Cecil County. Stormwater management areas should not be considered as open space areas.

Agriculture

The Agriculture areas, shown on Graphic 5, form a greenbelt surrounding the Rising Sun planning area. They contain low intensity and resource utilization land uses that lend a rural character to the surrounding countryside and help form the definition of a planned rural/urban demarcation.

Map 1 Land Use



CHAPTER 5 Municipal Growth Element

(House Bill 1141 2006 Session) An Amendment to the Comprehensive Plan

INTRODUCTION

The purpose of the Municipal Growth element is to develop, in coordination with Cecil County, a plan for future territorial growth which will serve as a guide for annexation, growth, and land preservation. By statute, the element must consider certain items; these are paraphrased below and organized according to the planning process.

VISION

- Future municipal territorial growth (comprehensive and long-term view of annexation potential and land supply)
- Relationship of long-term development policy to the vision of future municipal character

BACKGROUND

- Past growth patterns

Needs

- Population growth projections
- Municipal land capacity (must be considered in determining land needed for growth)
- Land supply needed to satisfy demand consistent with the long-term development policy

Land constraints

- Rural buffers and transitions
- Sensitive areas protection

Public Services

- Services needed for growth
- Infrastructure and service financing
- Any extra-territorial service responsibilities

The Municipal Growth element must also be integrated with the Town's Land Use element and prepared in conjunction with the Town's Water Resources element.

The law encourages, but does not require, the use of joint planning agreements with the County in order to provide support and continuity for the Town's growth plans.

GROWTH CONSIDERATIONS

Future Municipal Territorial Growth

A growth area has been unofficially delineated around the Town of Rising Sun as part of the Town's planning process. Also, a schematic for future growth and protected lands around Town has been prepared in draft form. Because of a shortage of wastewater treatment capacity, and Town obligations to correct the treatment system, the Town is deferring the adoption of a growth area map (or municipal growth plan), as part of this element.

Municipal Growth Policy

The Town adopts the following interim policy:

Based on the eleven considerations above, the Town of Rising Sun has adopted an interim policy to not expand its territorial boundary until infrastructure issues have been resolved, current Town commitments for infrastructure have been fulfilled, and land supply becomes inadequate for short or long term needs. As a general rule, land supply will be inadequate when the supply-to-demand ratio falls below that of Cecil County.

The Town will amend the Municipal Growth element and other relevant parts of the Comprehensive Plan at such time as the interim policy is no longer desirable or necessary. As a routine matter under State law, the Town will re-examine the Plan at least once every six years for needed changes.

Long term forecasts of employment growth, coupled with Cecil County's rapid growth and high growth pressures, require that the Town's planning program be able to respond to bona-fide economic growth proposals that may involve a request for annexation. Therefore, the Town reserves the right to make exceptions to the general growth policy for non-residential projects that meet the following criteria:

- Infrastructure must adequate and if the Town is providing the service, current Town obligations must first be satisfied
- The project is consistent with the Town Comprehensive Plan, as adopted or as may be amended

Current Status of Town-County Growth Plans

Map 2 Growth Area appears at the end of this element. The purpose of the Map is to show long term thinking about future growth, irrespective of the Town's inability to adequately serve such growth at the current time. The Map has no added significance until and unless infrastructure issues are resolved and the Town Comprehensive Plan, including the Municipal Growth element, is appropriately amended.

Several additional graphics are included at the end of this element to illustrate compatibility, incompatibility, and ambiguity between the Town's growth area with the plans and programs of Cecil County. These include: Graphic 2 Cecil County Comprehensive Plan, Graphic 3 Cecil County Urban Growth Boundary, Graphic 4 Composite County Water and Sewer Service Areas, Graphic 5 Cecil County Greenbelt Growth Scenario, and Graphic 6 Cecil County Zoning. The two most important and up-to-date Graphics (Zoning and Water and Sewer Service) indicate that Cecil County and Rising Sun are in substantial agreement over the amount and specific locations of future growth around the Town.

LONG TERM DEVELOPMENT POLICY AND MUNICIPAL CHARACTER

The character, visual cohesiveness, and bounded edges of the Town should stay in tact. New edge development will be permitted, but it must reflect traditional Town character in terms of scale, land use, and design. The Town may consider patterns of housing styles, lot arrangements, setbacks, open space provisions, and other elements of design to guide infill, redevelopment, and new growth in a manner that reinforces community character.

The Town is nearly enveloped by planned growth in Cecil County (see end of element: Graphics 2, 3, 4, 5 and 6). The Town has a self-interest in protecting the character of Rising Sun, thus the Growth Area extends to cover much of the growth planned by Cecil County.

Under County planning and zoning, much of the Growth Area is planned for residential use. The impact of future growth on municipal character is better managed by the municipal government, thus, the long term development policy of Rising Sun (once the interim growth policy ceases relevance and utility) is to accommodate the development planned and zoned by the County under municipal jurisdiction.

There are also significant areas within the Growth Area where land will not be developed due to natural resource issues and open space needs.

Past Growth Patterns

Historical growth patterns are described in the Background Section of the Comprehensive Plan. The Town has a long history of being a rural population and growth center within the US Route 1 corridor. According to statistics from the Maryland Department of Planning, the Town was 538 acres in size in 1997, and increased its territory by 412 acres, or 71 percent, by the end of 2005. As of 2009, the Town contains a measured 1040 acres. The Town does not foresee such rapid territorial growth in the future given the supply of vacant land in Town for residential development.

Population Growth Projections

Population projections are used to ensure that an adequate supply of land is comprehensively planned and zoned to meet residential land demand and to provide an extra measure of supply for market flexibility and private sector choices.

In Table 5.1, the projected Town population for the year 2030 is given for different growth scenarios, ranging from 3,259 to 4,715. Without the high and low data, the average of all methods is 3,919 people by the year 2030. Interestingly, the independent TAZ (WILMAPCO) projection closely matches MDP’s high development pressure scenario (4,220 versus 4,208). Also noteworthy is that even the lowest development pressure scenario forecasts growth in excess of Rising Sun’s historical (constant) share of County population (3,557 versus 3,259).

Table 5.1 Population Projections for 2030 (Seven Scenarios and Methods)

Method	2030 Population
Constant Share of Cecil County (2.0%)	3,259
Geometric Growth	4,715
Average of Linear Regression and Geometric (without high and low extremes)	3,839
Lowest Development Pressure	3,557
Highest Development Pressure	4,208
Average Development Pressure	3,770
Transportation Analysis Zones (data adjusted to fit Town geography)	4,220
Average of All Methods	3,938
Average of All Methods (without high and low)	3,919

Sources: TAZ data from WILMAPCO; constant share calculated based on MDP County data; remainder of projections are unofficial growth scenarios by MDP (2009).

Table 5.2 shows Town population growth in five year increments from 2010 to 2030. Projections are based on the high development pressure scenario to ensure an adequate land supply; to reflect longer term growth forecasts in Cecil County, particularly in and around Rising Sun; and to prepare for an eventual economic upturn and improved wastewater treatment capabilities.

Table 5.2 Population Projections 2010 to 2030

2000	2010	2015	2020	2025	2030
1751	2,259	2,661	3,114	3,632	4208

Source: MDP High Development Pressure Scenario (March 2009)

HOLDING CAPACITY OF GROWTH AREA

Parcel Data

In 2005, the holding capacity of the three phases of the Deferred Growth Area was calculated to be 5,050 dwelling units (or households) with an estimated capacity of 13,029 people. The estimates were based on a detailed parcel-by-parcel analysis.

A review of this data indicates that the estimates may be over stated, primarily because of land requirements that reduce housing production by nearly one-half. For example, it will be necessary to devote land for afforestation and forest retention, and for protection of water quality and the avoidance of sensitive areas. The development capacity of each deferred growth phase has been revised in Table 5.3. The yield assumes roads and other rights-of-way, passive and active open spaces, common areas, and protected lands consume 45 percent of the gross acres.

Table 5.3 Development Capacity of the Growth Area

Number of Parcels	Gross Acres ⁴	Residential Yield	Population
13	975	2,265	5,890 ¹
13	975	3,412	8,700

¹Assumes 15,000 sq. ft. lots net under R1 zoning and household size of 2.60 people

²Assumes 3.5 du/net acre and household size of 2.55 people

The measured area is the basis for non-point source water quality estimates in the Water Resources Element.

An alternative method to the “measured acreage” by assumed development density scenario is based on a parcel by parcel evaluation of its current development potential under adopted zoning and possible net yields for each individual existing parcel. No assumptions are made regarding possible “lot assemblages” although review of existing geographic dispersal suggest limited opportunities for many of the smaller lots. Realistically, the resubdivision of larger developed residential lots (theoretically allowing for building of one or two additional dwelling units is unlikely and not consistent with maintaining community character or local preferences. However, as a purely academic exercise, those potential dwelling unit yields are included in tables 5.4 and 5.5 below.

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**Table 5.4 Development Capacity of Growth Area
Based on Individual Parcel Analysis and Zoning**

Growth Area			
Number of Parcels		Acreage	
Vacant Ag	Developed Ag	Vacant Ag	Developed Ag
4	7	169	479
Vacant Res 26	Developed Res 140	Vacant Res 45	Developed Res 171
Dwelling Unit Yield based on R1 Zoning and Individual Parcel Sizes			
Vacant Ag	Developed Ag	Vacant Res	Developed Res
392	1111	104	156*
980	2777	260	390
313	889	83	317**
782	2222	207	792
Total household population by totaled Dwelling Unit yield 1			4407
Total household population by totaled Dwelling Unit yield 2			4005

Population “carrying capacity” based on 2.5 persons per household (2000 census)
 *assumes every parcel with a home will resubdivide to the maximum permitted under the Zoning although this is unlikely in reality. (net to 10% req. open space + 10% roads, etc.) but not including 140 existing dwellings. **Includes 140 existing dwelling units in the overall estimate of “potential development” Adding assumed 350 persons per 140 du results in very similar overall estimates for the two methods, i.e 4407 vs 4355.

This method reveals 864 acres of development potential. The balance of the 975 measured acres is included in other land uses that do not have an impact on development and also includes acreage taken up in roads, a figure that is typically in the range of 10% of overall land use in residential areas.

**Table 5.5 Development Capacity of Rising Sun Town
Based on Individual Parcel Analysis and Zoning**

Town of Rising Sun					
Vacant R1 Res		Vacant R2 Res		Vacant R3 Res	
#Parcels	Acreage	#Parcels	Acreage	#Parcels	Acreage
25	77	29	146	7	18
Dwelling Unit Yield		Dwelling Unit Yield		Dwelling Unit Yield 5000 sq ft 2000 sq ft	
76		620		116 292	
Population capacity based on 2.5 persons/hh (dwelling unit) per 2000 densus					
190		1550		290 730	
Total Population “absorption” capacity with existing Town land inventory					2470

Non-conforming lots are assumed to require a variance from the Board of Appeals. A number of lots are less than 500 square feet and are assumed to require reconfiguration in order to qualify as a "buildable lot."

The Knutsen Farm is subject to potential development and has a capacity for 250 dwelling units or 625 persons.

MUNICIPAL LAND CAPACITY

Map 1 (at the end of the Land Use element) shows 2007 land use and land cover for Rising Sun. Within the Town limits, there are approximately 120 acres of forest and 413 acres of farmland. The Knutsen Tract is about 201 acres of farmland, and the Planning Commission has already determined the maximum development potential for that farm on the basis of preliminary site plan review resulting in net yield of 250 potential dwelling units. That figure is included in the summary calculation of sewer allocation setaside for intown infill development addressed in the Water Resources Element. Some additional shortfalls in acreage counts are due to missing data in the Maryland Property View parcel data set. It is assumed that future data sets will correct these errors of omission and additional refinement will then be possible. Some of this land is not available for development due to ownership and environmental features. In addition, land will be withheld from development to provide community open space, to meet requirements of the State forest conservation law, and to provide area for roads, stormwater management, and so on. The shape of land parcels and access points will also affect the amount of acres that can actually be used for residential and non-residential buildings. Based on the Town land use plan, vacant municipal land will provide for 696 single family dwelling units (at R1 and R2) and a range of between 290 and 730 multi-family units (at R3) for a holding capacity of between 2,030 and 2,470 additional people. The Knutsen Farm can accommodate another 625 residents. Combined with the estimated 2010 population of 2,259, the Town can hold between 4,914 and 5,354 people. This is between 16 and 27 percent higher than the projected 2030 population of 4,208.

Municipal land capacity represents a supply of sites that can accommodate immediate needs and longer term growth. While there are no assurances that owners of long held undeveloped parcels will make these sites available in a timely manner, the current supply is ample. The Town will make provisions to reserve water and sewer service for existing vacant lots-of-record, and for the possible subdivision of larger parcels. Although the Town's planning and zoning program does not unnecessarily impede infill development or the use of vacant land in Town, there are some areas that have disincentives for development including stream buffers and wetlands.

Land Supply to Support the Growth Policy

Table 5.6 summarizes land demand in relation to land supplies within the Town and the Growth Area. The Table shows that the Growth Area and existing in-town capacity provide a land supply that is about 2.2 times the amount needed by year 2030.

**Table 5.6 Land Demand in Relation to Land Supply
Under the Long Term Growth Policy**

Anticipated Population Growth	2015	2020	2025	2030
Land Demand (population)	2661	3114	3632	4208
Land Supply (population)				
Town Capacity (all land, low density scenario)	4914	4914	4914	4914
Town Capacity (all land, high density scenario)	5354	5354	5354	5354
Growth Area (all land, low yield scenario)	4005	4005	4005	4005
Growth Area (all land, high yield scenario)	4407	4407	4407	4407
Supply to Demand Ratio for Town	1.8 – 2.0	1.6 - 1.7	1.4 - 1.5	1.2 – 1.3
Supply to Demand Ratio for Growth Area	1.5 – 1.6	1.2 - 1.4	1.1 – 1.2	0.9 – 1.0

Because the Town does not control private land use decisions, but rather depends on a functioning market place for production of housing units and non-residential floor space, there must be more land available for growth than what may be calculated to be an adequate supply. Moreover, having enough land for population growth is a fundamental obligation of municipal government, whereas having more than needed ranges from being practical, at best, to being more difficult to manage, at worst. In summary, it is better to have more land than necessary, than not enough.

Cecil County has approximately four times the amount of land needed for projected growth. The Town of Rising Sun will strive to improve upon that ratio of supply to demand, but not to the extent that the County will have market advantages over the Town.

Existing municipal capacity is not viewed by the Town as a constraint on annexation of land for economic growth, provided services are adequate and the growth is consistent with the Town Comprehensive Plan.

The Town of Rising Sun presumes that each municipality in the County will exercise its own judgment about how much, if any, County growth should be targeted. Rising Sun’s Municipal Growth element is based on the following principles:

- a. County population projections to the year 2030 provide an estimate of the size of the pot of growth opportunity, and Town growth plans can affect how much of the pot will be captured.
- b. State and County land use and environmental policy discourage large lot residential growth on septic systems.
- c. State and County land use and environmental policy encourage growth in compact walkable forms, on smaller lots, and served by public sewer.

- d. The choice of whether or not to grow is determined by each local government and implemented through the Comprehensive Plan.
- e. The Town of Rising Sun will have a Comprehensive Plan and the facilities to accommodate growth, and can regulate land use and development to prevent adverse impacts to water supply and water quality.

Services Needed for Growth

Water, Sewer, and Stormwater Management: The Water Resources element estimates the adequacy of sewer and water service to serve existing and future development. The Town Sewer and Water Plan is a functional plan used (along with others) to implement the Land Use Plan Map. Upgrade of the Town's wastewater treatment plant is needed before the Growth Area Map can be implemented.

The Water Resources element also examined stormwater management by assessing the non-point impacts of land use changes under the Land Use Plan Map, modeling revised development scenarios, and calling for urban best management practices for development.

The Town will assess the impact of each project, keep good records, maintain a reasonable reserve capacity for water and sewer, guarantee service taps to vacant lots of record, and use Water Supply and Wastewater Treatment Capacity Management plans or protocols. This will allow the Town to control growth rates. Annexation would proceed in accordance with the phases set forth on the Deferred Growth Area Map.

Other Services: The Comprehensive Plan includes a thorough report on services including schools, libraries, public safety and EMS, and recreation (see Community Facilities and Services element). Services are adequate at present. A determination of service adequacy will be required for new development and may result in deferral of project approvals. Annexation proposals will be referred to the County and State for input on the adequacy of services that fall under County or State jurisdiction.

Once all municipalities in the Cecil County area have adopted municipal growth plans, the cumulative impact of municipal growth on town and county services and facilities should be assessed by the County. The Town notes that public services and facilities are already addressed in detail in local and State functional plans for open space and recreation, schools and libraries, water and sewer, planning and zoning, and public safety.

Financing Mechanisms

The Town has both public and private sector sources for infrastructure financing. As incorporated municipalities, the Town has the authority to enact excise taxes and impact fees. These tools exact infrastructure funds from developers as a condition of project approval; excise taxes are by far the more flexible tool in terms of how the funds can be used. The Town can also enact a tax increment financing district to charge homeowners in a defined area to help pay for infrastructure.

Developer Rights and Responsibilities Agreements (DRRA) can be used to legally bind the Town and a developer for specific development projects. Assignment of infrastructure responsibilities is often an important part of these agreements.

The Town will continue to compete for federal and State funds that support growth. The Town will review their Priority Funding Area (PFA) maps, and annexation proposals, and establish the necessary criteria, if possible, to achieve PFA status.

Following are additional details on impact fees, excise taxes, and tax increment financing, taken from a 2007 Growth Report by the Sage Group, prepared for Cecil County.

Impact Fees

An impact fee is most commonly assessed on the construction of new structures to pay for the expansion of the service capacity of government, including by supporting the construction of fire stations, police stations, sewer/water supply systems, parks, libraries, etc. Impact fees are designated for specific uses and funds are not to be intermingled with the general fund.

In places lacking impact fees (e.g., municipalities, County), jurisdictions must either generate funds for infrastructure expansion from the existing tax base or through the issuance of bonds. One can imagine a circumstance under which the existing community would see their taxes raised in order to finance new infrastructure and then eventually see their taxes dropped again once new taxpaying development formed around the infrastructure. The problem with this structure is that raising taxes is rarely politically convenient, and therefore communities end up in an equilibrium characterized by moderate taxes, permanently inadequate infrastructure and stunted development.

Impact fees would allow for projects to move forward within the growth corridor, thereby siphoning off much of the residential development pressure from the county's rural areas. Impact fees should be set considerably higher in the county's agricultural regions than within the growth corridor and presumably reinvested in water/sewer infrastructure, schools and other government controlled facilities

Excise Taxes

Excise taxes represent another approach. These are sales taxes and can be levied on real estate transactions. Excise taxes are not as constitutionally limited as impact fees, which is typically viewed as an advantage from the perspective of local government, but funds generated from these taxes may be diverted for non– infrastructure purposes. If excise taxes are adopted, the study team recommends that the use of these funds be largely limited to infrastructure build–out within the county's growth corridor.

Tax Increment Financing for Re-development

Tax increment financing (TIF) permits jurisdictions to create special districts and to make public improvements within those districts that will generate private sector development. During the development period, the tax base (assessed value) is frozen at the predevelopment level. Though property taxes continue to be collected, taxes derived from increases in assessed values (the tax increment) resulting from the new investment either head toward a special fund created to retire bonds issued to accommodate the development or to promote additional economic expansion in the district.

Impact fees [can be used] to help accelerate new development within the growth [area], while TIF districts could be defined to promote redevelopment of already developed areas that suffer from an unacceptably low average quality of development.

Rural Buffers and Transitions

The Cecil County Comprehensive Plan envisions that residential development and rural conservation land will surround the Town. However, the County's Northern-Agricultural Residential Zone does permit (as the name implies) large lot subdivisions, on well and septic system, within the rural conservation area. Thus, it is fair to say that the Town does not have strong greenbelt protection for now. Land for open space needs and land avoided for environmental reasons (both in and out of Town) may provide suitable buffers and transition areas in certain locations.

Extra-Territorial Service Obligations

As a general rule, the Town will not extend service in the future to areas that are not within Town or annexed. The Town's Land Use Plan Map should be reflected in, and supported by, the Cecil County Water and Sewer Plan.

Sensitive Areas Protection

Sensitive Areas are avoided and point and non-point sources of pollution will be reduced. Steep slopes, habitat of threatened or endangered species, and wetlands are avoided. Stream buffers will be protected in the Town. (See also, the Sensitive Areas element.)

RECOMMENDATIONS

a) Annexation Plan:

The phasing of annexations, prioritizing of sites, site planning, and zoning coordination with the County should be addressed. Guidance should be developed for preparation of an Annexation Plan that is consistent with the Municipal Growth and Water Resources elements. This should

include assessments of wastewater treatment, water supply, and non-point source impacts on the watershed.

b) TDR's:

The Town should evaluate the practical value of developing an interjurisdictional TDR program with the County, whereby development rights under County zoning can be voluntarily sold and transferred for use in the Town or in mapped Growth Areas. One important goal is long term protection on greenbelt sites.

c) Municipal Character Policy:

Under the Town's long term development policy, the character, visual cohesiveness, and bounded edges of the Town should stay intact. New edge development is permitted, but it must reflect traditional Town character in terms of scale, land use, and design. The Town should consider identifying patterns of housing styles, lot arrangements, setbacks, and other elements of design that can guide infill, redevelopment, and new growth in a manner that reinforces community character.

d) Development Review Policy:

Development projects and annexation proposals should include analyses of several key factors. Developers, landowners, and applicants should provide these analyses and the Town can refer these to the County and State Planning for review and comment. The key factors include:

- Preservation of community character
- Protection of water quality (stormwater runoff)
- Adequacy of sewer treatment capacity and potable water supply
- Consistency with smart growth principles and the Comprehensive Plan
- Coordinated development plans the Octoraro Creek watershed.

e) Planning Contracts:

Joint Planning Agreements: The law enables the County and Town to enter into formal agreements as a means to solidify the inter-jurisdictional aspects of the new Comprehensive Plan (e.g., the Land Use Plan Map). A Joint Planning Agreement between the Town of Rising Sun Cecil County should be developed. Components of a Joint Planning Agreement are listed below.

Developer's Rights and Responsibilities Agreements: The DRRA is similar to the Joint Planning Agreement, but operates on a different level. The DRRA is a contract between the municipality and the developer that spells out rights and responsibilities of the parties. The tool was developed as a response to complaints from the development industry that Maryland's vesting law is too severe, and that developers need some assurance that their projects will not be abandoned under pressure to ignore the local Comprehensive Plan, zoning laws, and project

approvals. The Town should develop a standardized DRRA that can be adapted to suit particular projects.

MUNICIPAL GROWTH PLAN

The Town of Rising Sun, in cooperation with Cecil County, has designated areas for future growth. (See Map 1 at the end of this element.) The designations are based on three considerations:

- Adequate acreage for the long term that allows comprehensive interjurisdictional planning for growth, as opposed to case-by-case annexation.
- Adoption of a Plan that accommodates growth, preserves greenbelts, and minimizes the impacts of growth on water quality.
- Municipal capture of County population growth to reduce sprawl.

To be successful over the long term, the Town's plan for growth should include a Joint Planning Agreement with the County.

A) Components of a Joint Planning Agreement for Growth

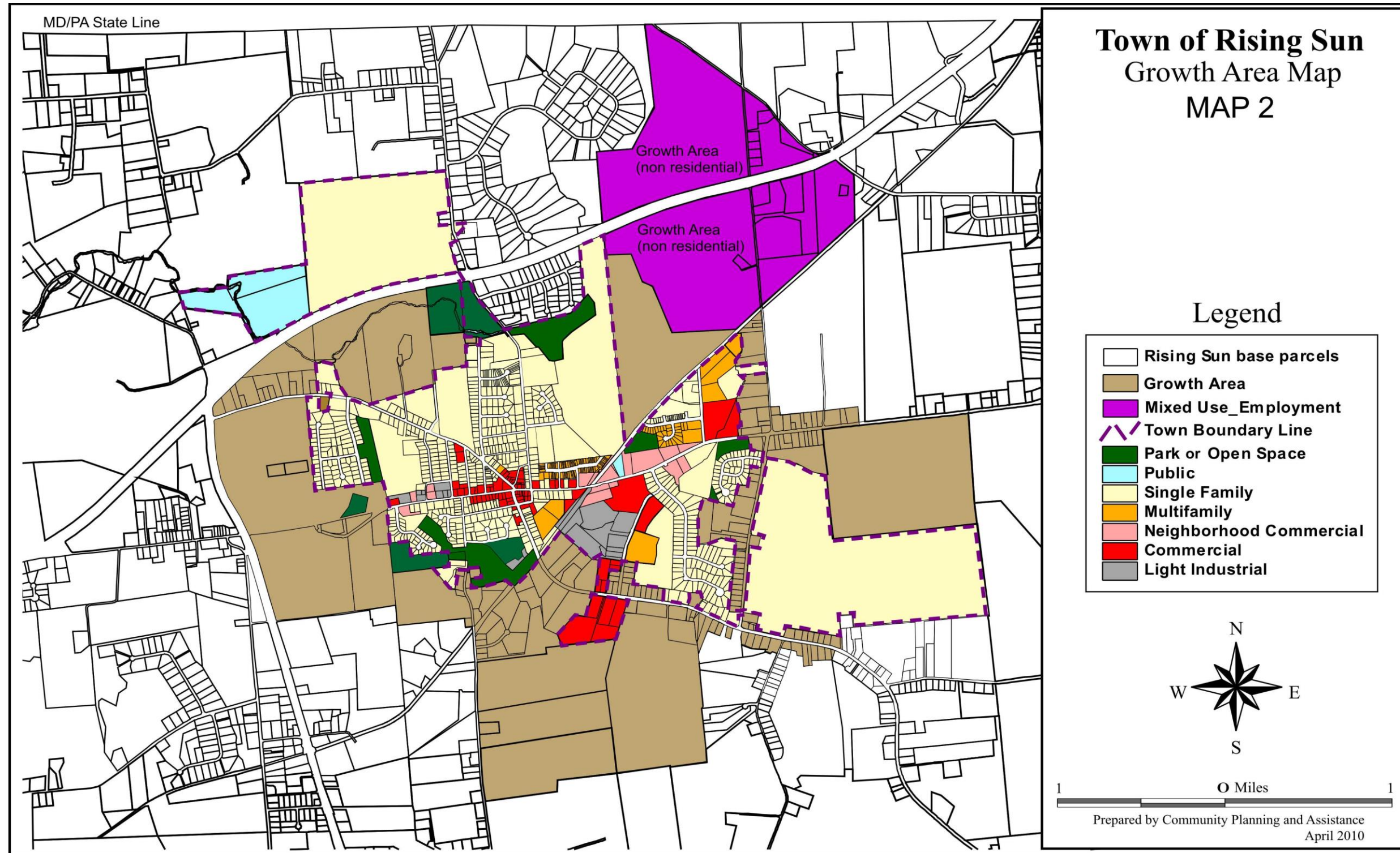
- These areas are the locations that the Town may annex in the future.
- The County agrees to provide the appropriate zoning in a timely fashion or to grant zoning waivers if needed.
- The County agrees to incorporate these areas in its Comprehensive Plan and Water and Sewer Plan during the next update.
- The order of annexation will be determined by adjacency, landowner choices, and availability of services.
- Forest conservation practices and 100 foot stream buffers will be required for developing sites.
 - Annexation plans must be consistent with the Municipal Growth element.
 - Developers will be required to estimate project impacts on water quality, water supply, and waste water treatment capacity.
 - Project design will reflect traditional town character, as relevant.
 - Until annexed, the County will refer proposed land use changes in these areas to the Town for review and comment.
 - As part of the process of annexation, the Town does not want the County to prematurely adopt zoning for implementation of the Growth Areas. The Town should work with the County to develop two-tiered zoning (or an alternative) that allows higher density only upon successful annexation.

B) Components of a Joint Planning Agreement for Land Preservation

- These areas are planned for preservation by the County.
- The County and Town will explore the transfer of development rights from Greenbelts to areas within the Town and Growth Areas.
- These areas are part of the geographic setting of the Town and the Town has an interest in what happens on these sites.

- The County and Town will discourage growth and development.
- The County will refer proposed land use changes in these areas to the Town for review and comment.
-

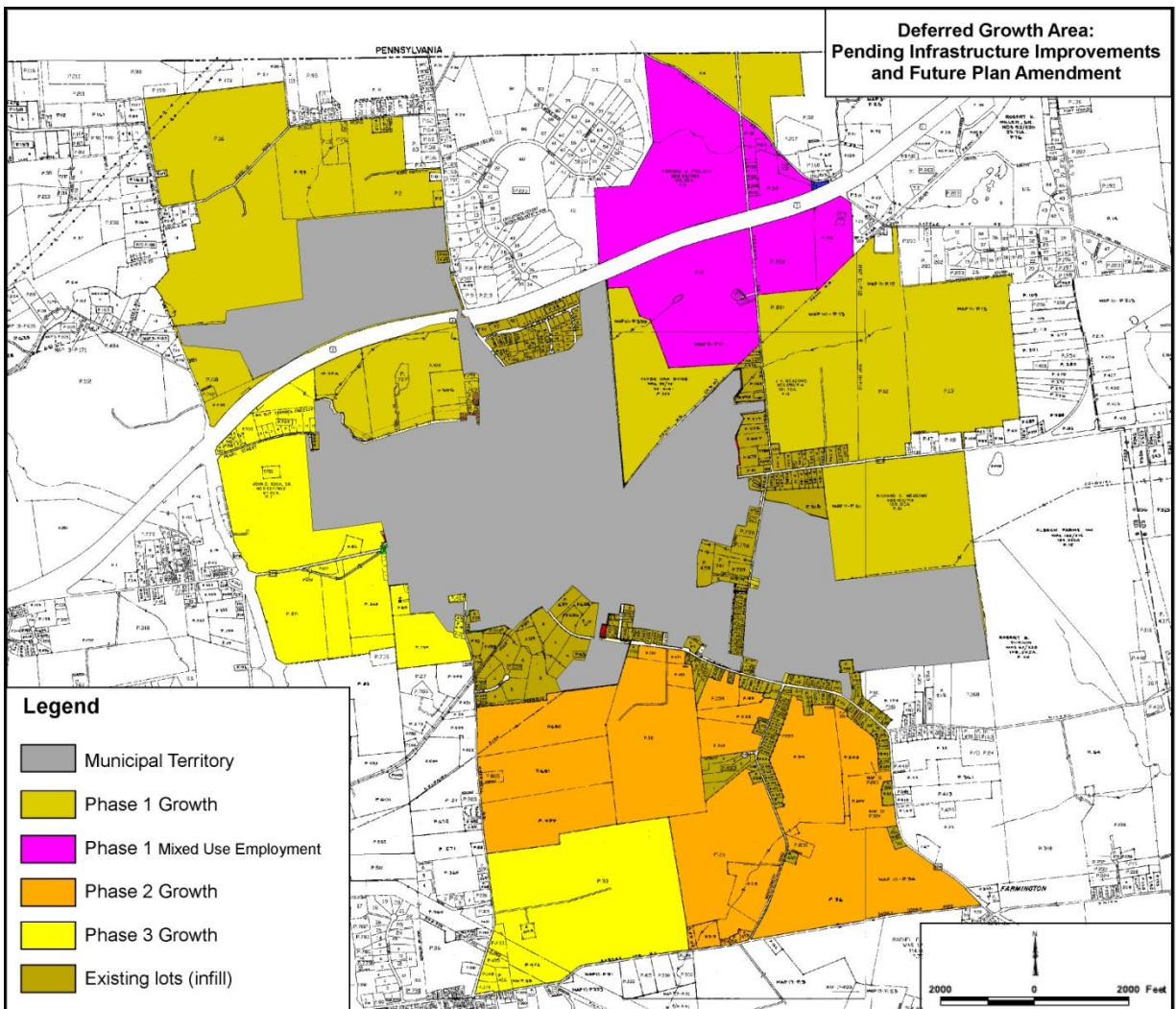
The Rising Sun Future Growth Plan is depicted on Map 2 on the following page



Map 2

In 2006, a draft growth area map was prepared for the Town as part of the long range planning process. That map (see graphic 1, below) has evolved into the Town's Growth Area Map, Map 2 included on the preceding page. Noteworthy, is the much larger area originally conceived as a growth plan that was considered consistent with both Town and County visions at the time. Passage of House Bill 1141 added additional considerations to the planning process that resulted in significant downward sizing of the original growth area.

Graphic 1



Another significant change was the elimination of specific phasing for the new and smaller growth area. While arguably still large [in terms of a methodology based on the vagaries of population projections], the reality of parcel sizes adjacent to the Town of Rising Sun precludes a rational method for “choosing” one or two properties – and thereby setting the stage for

potential “windfalls and wipeouts.” Ownerships are subject to change as are the development plans that property owners wish to pursue. Due to these unknowns and experience with changing market factors the Town has determined to map all of the potential parcels that might be subject to a positive annexation review.

That is not to say that every parcel would be annexed if all property owners were to petition for immediate annexation. Annexations must be consistent with the Comprehensive Plan, and one of the Town’s policies is to proceed with orderly and contiguous development in a manner that ensures adequate public facilities will be available to support development or upgrades and capacity expansions are planned to become available in a reasonable time frame.

If only one or two tracts of land were identified for potential future growth and annexation, and their owners chose not to participate in the development process (while another tract was the subject of development pressure), then the Town would be faced with amending the Comprehensive Plan every time an “unplanned” or “inconsistent” annexation was contemplated. That scenario is neither reasonable nor consistent with the intent of comprehensive long-range planning.

INFILL DEVELOPMENT

The Rising Sun Growth Area map also shows several large tracts of undeveloped land already within Town boundaries. These tracts and smaller “infill” parcels constitute the primary development opportunities for Rising Sun at this time. Additionally, a number of projects are in various stages of development related to phased approvals for site plans that require waste water treatment allocations.

As will be discussed in greater depth in the Water Resources Element, the Town of Rising Sun has been struggling with the performance of its existing waste water treatment plant. Discharges have exceeded permit limits for a number of years, and the Maryland Department of Environment (MDE) has restricted additional discharges until remedial measures can be completed.

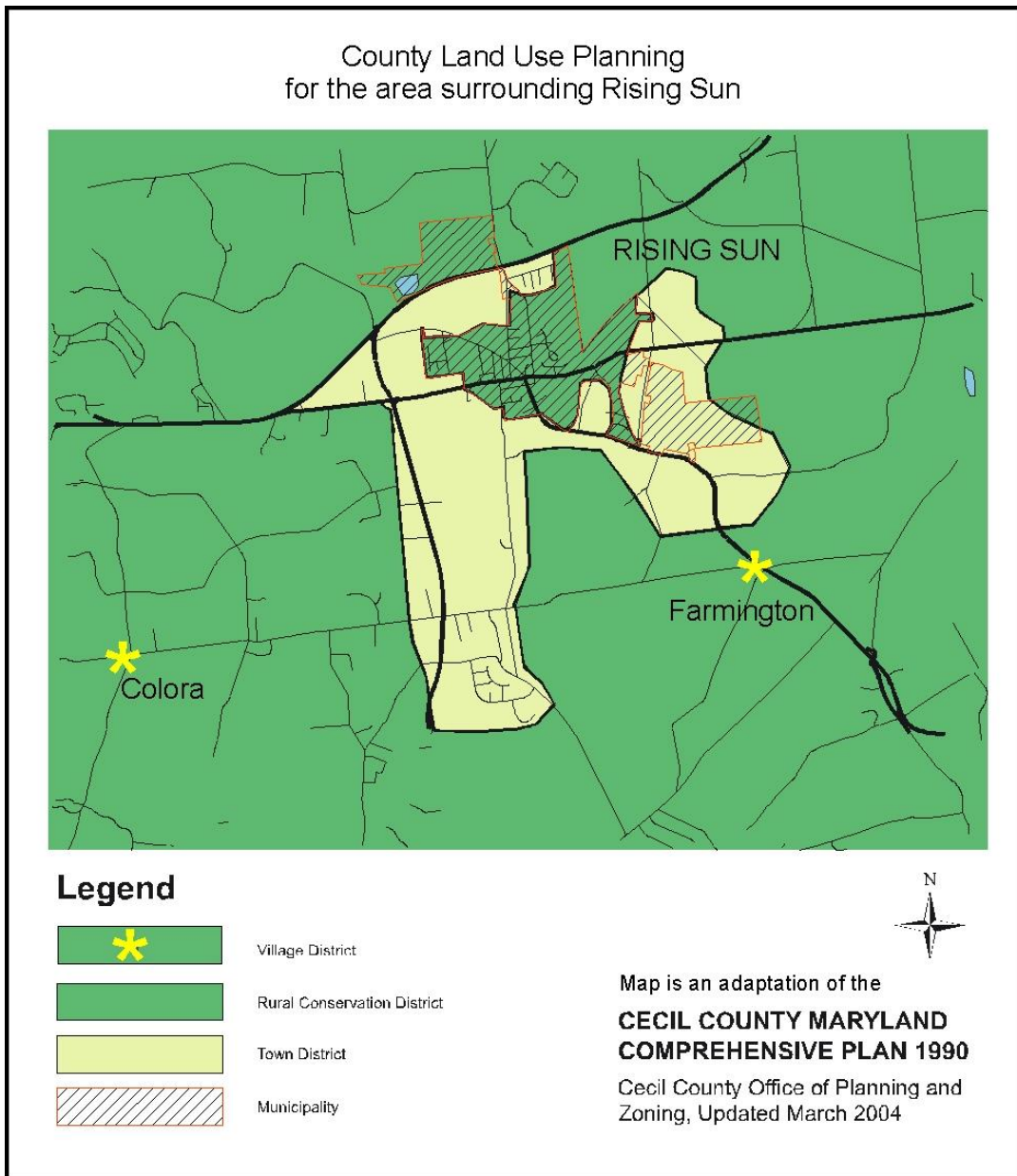
Even with improvements to the plant’s performance [which are anticipated to begin final design and construction in the near term], overall capacity is limited to the current permitted discharge of 275,000 gallons per day. At that level of operation, treatment requirements will be equivalent to Biological Nutrient Removal (BNR). Cost estimates to achieve process upgrades are around six million dollars. This cost will severely burden existing users, and if capacity is increased then MDE has indicated that Enhanced Nutrient Removal (ENR) standards will be imposed on the plant (even if it stays below the 500,000 gallon per day discharge threshold typically applied to standard setting practices).

This reality minimizes the Town’s ability to accommodate municipal annexations in the near term. Annexation and growth within the planned Growth Area will of necessity require an expanded and upgraded waste water treatment plant that meets ENR standards. The cost for such an upgrade is unknown at this time. However, it is Town policy not to further overburden

existing users with additional debt service. Accordingly, new growth will be required to fund its share of wastewater treatment. MDE has indicated that at this time, and as a practical matter, future potential plant capacity expansion will be capped at 670,000 gallons per day.

Cecil County Comprehensive Plan

Graphic 2

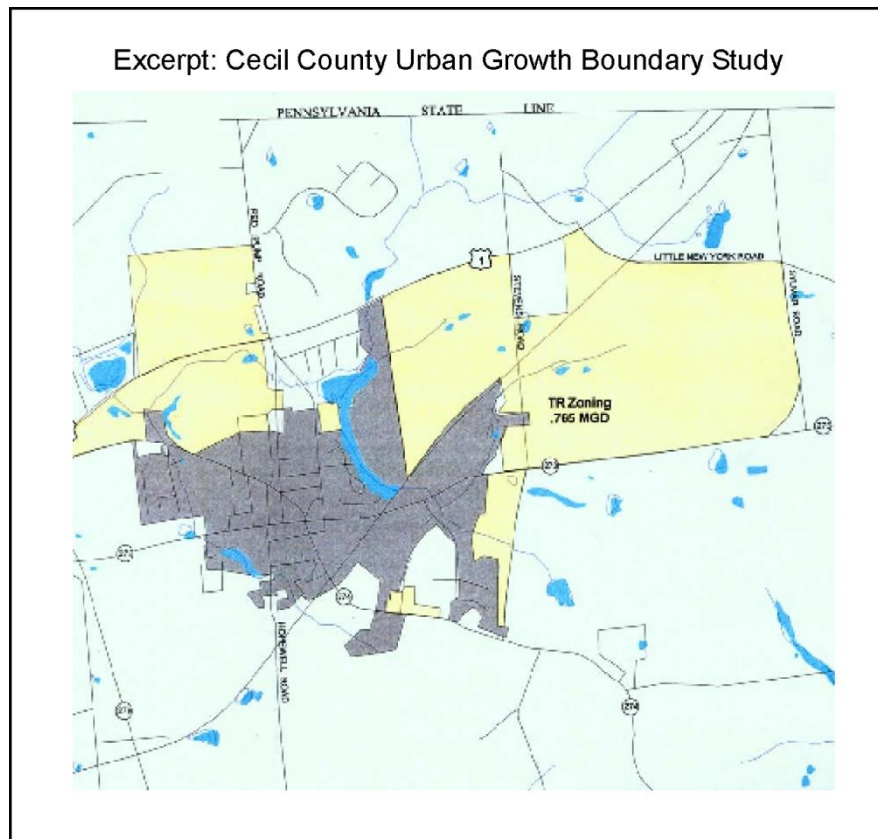


The County's 1999 Comprehensive Plan calls for "Town District" land uses to the south, east, and west of Town, with rural conservation to the north of Town. The Town and the Town District are completely surrounded by the Rural Conservation District. One significant difference between the County Plan and the Town's Growth Area Map is the absence of County support for growth to the north, including a large area shown as mixed use employment on the Growth Area Map. Another is the much larger overall extent, especially to the south, that the County's Plan indicates. It should be noted that the County adopted a revised Comprehensive Plan in April 2010. That Plan was unavailable during the drafting of the Rising Sun Plan and will be used in future updates and refinements to coordinate land use policy in areas adjacent to Town.

Cecil County Urban Growth Boundary Study

The Map below shows the County's planning policy for the extension of public water and sewer around the Town of Rising Sun (light yellow area). The Study was adopted in 2000 (and updated in 2004, but the Map below did not change). The areas northeast of Town (shown below as planned for water, sewer, and growth) are not fully represented on the County's Comprehensive Land Use Plan (see growth area Graphic 2, above).

Graphic 3

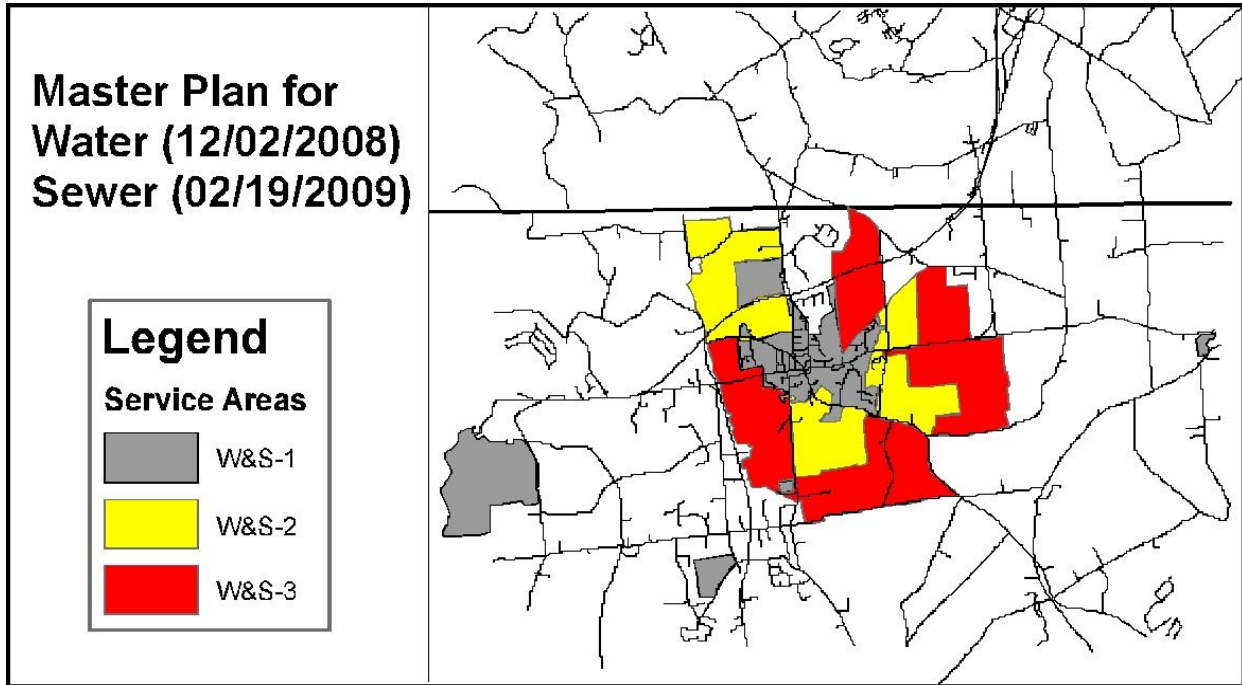


(note: Town Boundary is out of date)

Cecil County Water and Sewer Service Area Map

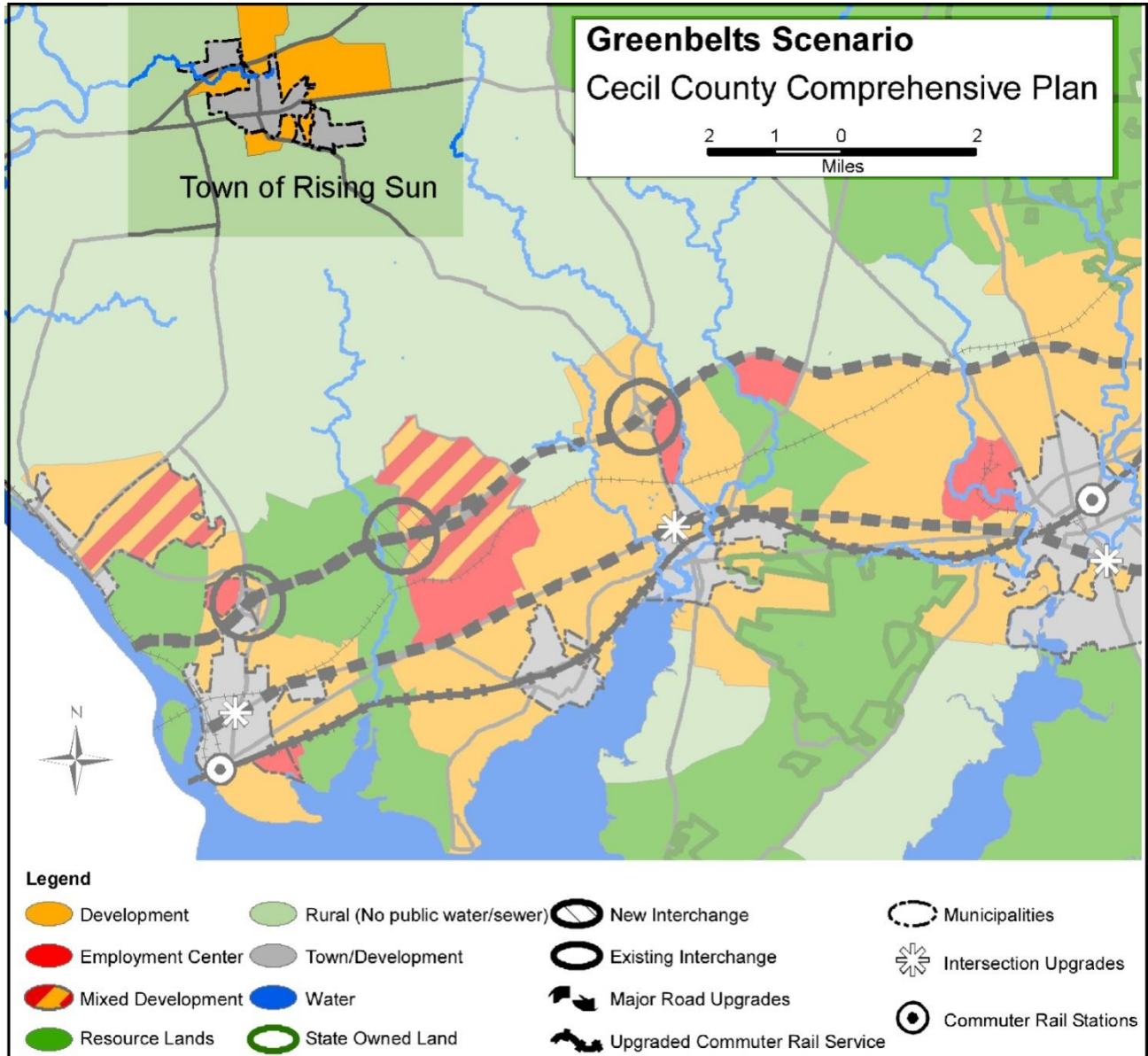
As the most recent official maps, Cecil County's Water and Sewer Service Area Maps (see composite below) indicates growth and development in its most substantial form, nearly surrounding the Town.

Graphic 4



Source: Cecil County Water and Sewer Plan

Graphic 5



Cecil County Comprehensive Planning Scenario: Greenbelts

As the County worked to update its Comprehensive Plan, several long term growth scenarios were under review. The scenario most advantageous in terms of protected lands, improved water quality, and municipal growth is the Greenbelt Scenario. This map indicates a preference for growth to the north and northeast of Town.

Cecil County Zoning in the Rising Sun Area

Despite differences between various County plans as to future growth around Rising Sun, the County's Zoning Map forms the legal basis for land use control and thus plays a key role in any future growth area and annexation plan. Under the State's annexation statute, the Town will have to adopt zoning that is similar to the County's zoning (for a particular subject site), or risk waiting for a five year period before the Town can apply the zoning that it desires. The major differences between County zoning and Town growth planning are as follows.

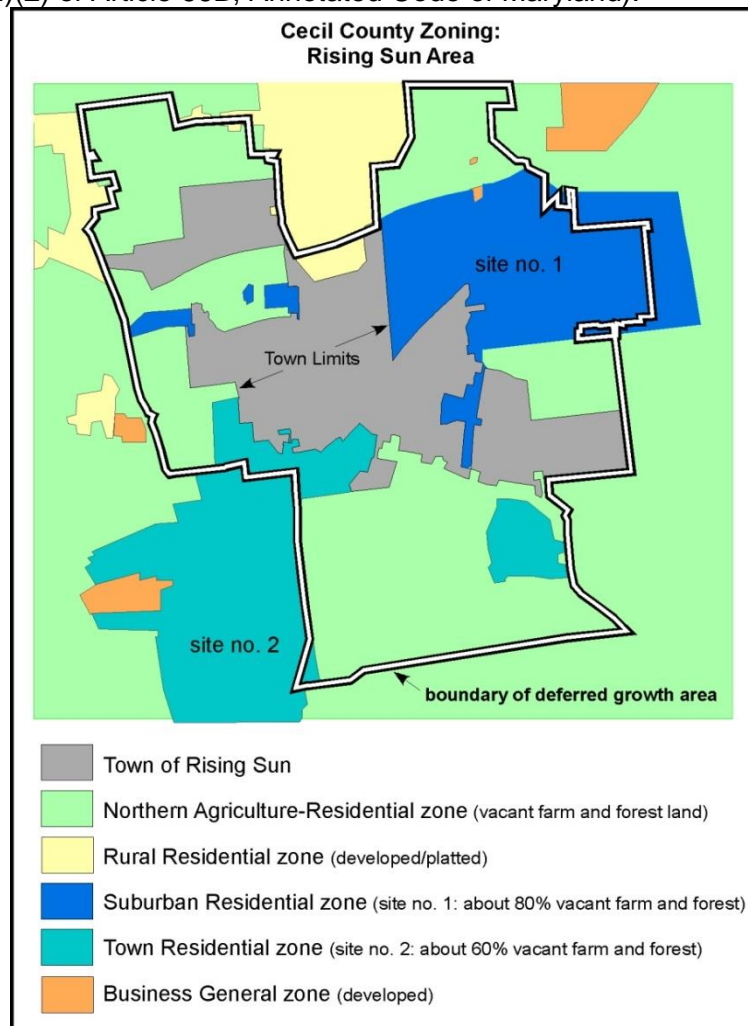
- Large areas within the Deferred Growth Area are zoned for Agriculture-Residential (this zone permits large lot homes on well and septic; otherwise known as sprawl).
- The area planned by the Town for mixed use employment (northeast of Town) is zoned for Agriculture-Residential and Suburban Residential.

Graphic 6

Chapter 6 Water Resources Element

PURPOSE OF ELEMENT

Article 66B requires a Water Resources Element in the Comprehensive Plan that addresses the adequacy of water supply and the suitability of water and land areas for discharges. First, the Water Resources element must identify “drinking water and other water resources that will be adequate for the needs of existing and future development proposed in the Land Use Plan Element...” Second, the Water Resources element must identify “suitable receiving waters and land areas to meet stormwater management and wastewater treatment and disposal needs of existing and future developments proposed in the Land Use Element...” (Section 3.05(a)(4)(vi)(2) of Article 66B, Annotated Code of Maryland).



The Town does not have an active plan for future municipal expansion, and instead has adopted a Deferred Growth Area. Growth is deferred until certain conditions are addressed by the Town and until the Plan is appropriately amended; see the Municipal Growth Element for more information.

Much uncertainty about the future stems from the Town's wastewater treatment situation, wherein MDE has placed strict limitations on discharges. Rather than speculate about an uncertain future in terms of the number of new homes and the demand for services generated by the deferred growth area, this Water Resources Element focuses on supply and treatment needs within current Town limits (i.e., existing customers and development approved or in the pipeline). When and if the deferred growth policy is revised, the Town will amend this Element to reflect the water and sewer needs associated with an active plan for municipal expansion and growth.

Estimates of the non-point source impacts of the build-out conditions of the deferred growth area do not depend on forecasts of new homes or population, and rely instead on acres of "before and after" land uses. Thus, an analysis of the non-point impacts of the deferred growth area is included in this Element.

WATER QUALITY

Octoraro Creek Watershed

Rising Sun is primarily contained within the Octoraro Creek watershed. The Creek receives pollution discharges from both point and non-point sources in the Town. The point source is the Town's wastewater treatment plant, and the discharge is controlled by State permits. Non-point sources are a consequence of how land is used and how stormwater runoff is managed, and are not controlled directly by permit.

The Octoraro Creek watershed contains 22,242 acres, of which, 38 percent is farmland, 32 percent is forest, and 24 percent is very low and low density residential development. The low density development, spread over nearly a quarter of the watershed, relies on well and septic systems, fragments critical masses of farm and forest land, and is an inefficient use of a finite supply of land. Most of the remaining 6 percent is "urban" development, which efficiently accommodates population on small lots, and handles water supply and wastewater treatment with centralized public systems. (See Octoraro Creek Watershed Map at the end of this element, attachment A).

The Creek is listed in the Maryland Department of the Environment's 2008 Integrated Report on water quality as Category 2, Clean Waters, and is designated for use by wildlife and aquatic life. The MDE has a program to establish total maximum daily loads (TMDLs) for watersheds, based on the assimilative capacity of a stream or river to receive pollution. No TMDL has been issued for Octoraro Creek. The Lower Susquehanna River (into which the Creek empties) was recently removed from MDE's list of waters with nutrient impairment. There is a Tier Two (non-

degradation) stream at the southern end of the watershed, but Rising Sun does not drain or discharge into it.

Other Watersheds

A small portion of the Town at the eastern end (about 50 acres) is located in the Northeast River watershed. In the deferred growth area, about 470 acres (south east of Town) are situated in the Furnace Bay watershed. This element concentrates on the Octoraro watershed because that is the location for Town wells, point discharges, and the majority of land use changes over the 20 year planning horizon. The area within the Northeast River and Furnace Bay watersheds are primarily farmland, thus runoff pollution should decline somewhat if they develop in the future. Point source discharge is not planned for these areas.

Non-Point Source Pollution: Existing Conditions

See the end of this element (attachment C) for a spreadsheet that estimates the non-point source pollution for nitrogen, phosphorous, and sediment of the Town and the deferred growth area under existing conditions (based on measured land use and land cover). Non-point loads were calculated using two methods: 1) the “impervious surface/rainfall” equation and 2) the “land use coefficients” equation.

Without a TMDL or other quantitative goal to aim for, the Town will simply adopt a goal to minimize water quality impacts insofar as possible, given how particular land is planned and zoned.

Also, new stormwater management regulations that reflect and implement the MDE model manual (as amended in 2009) are being adopted by Cecil County. Since the County provides stormwater management review as part of the technical advisory committee function in the Department of Planning and Zoning for the benefit of Cecil municipalities, Rising Sun believes that significant potential exists for nonpoint water quality improvements through the development and redevelopment requirements that have been strengthened in the State requirements for permits. Amounting to “urban best management practices,” the new low impact and “green” regulations will be implemented as a matter of course in the preparation and review and approval of site plans and building permits.

Table 6.1 Summary of Non Point Loads – Existing Conditions

Rainfall Equation Method			
Pollutant (lbs/month)	Town	Growth Area	Combined
Nitrogen	91	103	194
Phosphorous	12	13	25
Sediment	n/a	n/a	n/a

Land Use Coefficient Method (septic loads factored out)			
Pollutant (lbs/month)			
Nitrogen	584	243	827
Phosphorous	62	30	92
Sediment	9	2	11

Non-Point Source Pollution: Build Out (Future) Conditions

See the end of this Element (attachment C) for a spreadsheet that estimates the impacts of build out in the Town and in the Growth Area. Loadings were estimated based on the two methods described above (for existing conditions).

Table 6.2 Summary of Non Point Loads – Build Out Conditions

Rainfall Equation Method			
Pollutant (lbs/month)	Town	Growth Area	Combined
Nitrogen	137	287	424
Phosphorous	18	37	55
Sediment	n/a	n/a	n/a
Land Use Coefficient Method (septic loads factored out)			
Pollutant (lbs/month)			
Nitrogen	514	1516	2030
Phosphorous	60	169	229
Sediment	5	19	24

WATER SUPPLY

Population

This section is based, in part, on the data and findings of the Water Capacity Management Plan for the Town of Rising Sun, prepared by the consulting firm CLSI (2007).

As of 2006, the Town provided water service to an estimated 2,440 people. The future development of four areas recently annexed by the Town will ultimately push the service

base to 4,443. This development is slated for the next ten year period. At the time of the CLSI report, the Town had plans for additional annexations, which would have increased the service population to 8,177 in the year 2030.

The 2030 population projection used in the Municipal Growth Element, based on a high development pressure scenario, is 4,208. The growth scenario is an econometric model from the Maryland Department of State Planning and does not factor in the effects of future annexation on population totals. It does suggest, however, that full build out of areas recently annexed could provide land supply that is adequate for twenty years (until 2030). The development capacity analysis in the Municipal Growth Element estimated that, if all land in the Growth Area were to be annexed and developed, the population of the Town would be between about 8,450 and 8,850.

Because the Town is deferring the adoption of an **active** municipal growth plan, the demand estimates which follow are primarily associated with the demands from existing and future connections within current Town limits.

Demand

Existing demand for water, based on 250 gallons per day (gpd) per connection, is an average of 237,710 gpd. During the month of maximum use, the average daily demand is 265,100 gpd.

Demand from the future development of the four areas recently added to the Town, is estimated at an average of 210,500 gpd and the average daily demand during the month of maximum use is 294,700 gpd. Combined with current demand, the Town needs approximately 559,800 gpd of water during the month of maximum use to serve existing and future customers in Town.

It is possible that demand may be overstated using the 250 gpd factor. Cecil County uses a factor of 220 gpd per residential connection, and also uses the tables on attachments D and E (at the end of this Element) to estimate non-residential demand. These variations could decrease demand estimates by 12 percent or more.

Supply

The CLSI report estimates that current maximum water production is 175,000 gpd, and additional production from the Legion wells is 172,800 gpd, bringing total supply to 347,800 gpd. This amounts to a surplus of 82,700 over what is needed for the existing water customers in Rising Sun. The surplus can serve an additional 330 connections, or about 39 percent of the future growth on areas recently annexed into Town. About one million gallons of water per day would be needed to serve the build out of the Town and Growth Area.

Ensuring adequate water supply is a matter of thoughtful planning and managing, and the CLSI report offers several recommendations that are paraphrased below:

- Explore new wells
- Develop alternatives such as surface supplies and service by private water authorities
- Require developers to supplement water supply
- Complete the Legion wells and the new treatment facility
- Reduce water losses (unaccounted for water amounts to a 25 percent loss of supply)

The Town's key impediment to further growth (and the basis for deferring growth) is the wastewater treatment plant and the restrictions and requirements placed on it by the Maryland Department of the Environment (see next section).

WASTEWATER TREATMENT

The following discussion is reproduced from the draft Cecil County Water Resource Element in the interest of consistency:

Point Source Caps

The Maryland Department of the Environment has established point source caps for all WWTPs that discharge to the Chesapeake Bay or its tributaries. These caps are numerical limits on the mass (expressed as pounds per year of nitrogen and phosphorus) of nitrogen and phosphorus that each WWTP can discharge.

Water quality goals for the Chesapeake Bay were set by the Chesapeake 2000 Agreement, which placed Maryland's statewide nutrient loading goals at 37.3 million pounds per year for nitrogen and 2.9 million pounds per year for phosphorus. Other states in the Chesapeake Bay watershed (Delaware, Pennsylvania, New York, Virginia, and West Virginia) have also adopted nutrient goals. These goals are also caps, meaning once Maryland and the other States achieve the necessary reductions, they must maintain those levels, even as the region's population and economy grow.

TMDL

Another measure of assimilative capacity is the Total Maximum Daily Load (TMDL), required under the Clean Water Act. A TMDL is the maximum amount of pollutant that a water body, such as a river or a lake, can receive without resulting in impaired water quality. It quantifies an upper threshold for pollutants or "stressors." Whereas point source caps only address WWTPs and other point sources, a TMDL accounts for all sources of the given pollutant, including point sources and non-point sources (such as stormwater, agricultural runoff, or discharges from septic systems). Water bodies are classified as "impaired" when they are too polluted or

otherwise degraded to support their designated and existing uses. The impaired waters list is called the 303(d) list, in reference the section in the Act that establishes TMDLs.

MDE has determined that the Back Creek, Conowingo Dam/Susquehanna River, Furnace Bay, Lower Elk River, Upper Chesapeake Bay Watersheds are all “impaired” and that TMDL’s will eventually be prepared and adopted. When that occurs, it is recommended that this Element be revisited and possible update or revision. The Town will carefully monitor potential State actions that may set limits on total nitrogen and total phosphorous for the watershed. Such limits would be allocated between point and non-point sources and could restrict the ultimate development potential of Preston as well as the overall watershed.

Table 6.3 Waste Water Treatment Plant Performance (2007)

CURRENT PLANT PERFORMANCE								
Waste Water System	Avg Daily Flow (mgd)	TN mg/l	TP mg/l	TN Load lbs/yr	TP Load lbs/yr	Octoraro Creek Load Cap TN lbs/yr	Octoraro Creek Load Cap TP lbs/yr	Design Capacity (mgd)
Rising Sun 2005	0.221	21.01	3	14,103	2,022	15,076	2,513	0.275
Rising Sun 2006	0.245	26.05	3	19,509	2,237	15,076	2,513	0.275
Rising Sun 2007	0.221	23.31	3	17,498	2,018	15,076	2,513	0.275

Source: Chesapeake Bay Program data base: www.chesapeakebay.net/data_pointsource.aspx

Notes about the numbers: daily total nitrogen/phosphorus concentration (expressed as milligrams per liter - to the nearest 0.01mg/L) multiplied by the flow volume of effluent discharged during the 24-hour period ((expressed as million gallons per day (MGD) to the nearest 0.01 MGD)) multiplied by 8.34 and rounded to the nearest whole number to convert to pounds per day (lbs/day) units, then totaled for the calendar month to convert to pounds per month (lbs/mo) units, and then totaled for the calendar year to convert to pounds per year (lbs/yr) units. 1 mg/l = 3.78 mg/gal

This table summarizes that the Rising Sun lagoon currently has about 42,000 gallons per day of discharge flow capacity as of three years ago. The 2010 Cecil County Comprehensive Plan suggests that average daily flows are around 216,000 gallons per day (which would yield capacity for about 235 additional hookups). Relatively little growth has occurred during the last three years due to a number of factors including a general nationwide economic downturn and performance issues noted in the nitrate, nitrite, and total nitrogen loadings (which are running above the cap limits). Even when the new treatment plant comes on line, it is estimated that no more than 170 additional residential allocations will be available (using the data reported by the EPA’s Chesapeake Bay Program Office). Cecil County projects that Rising Sun will experience a capacity shortfall of about 186,000 gallons per day which equates to about 750 equivalent dwelling units (EDU’s). As discussed above, expanding the capacity will require an upgrade from BNR to ENR status. Even with that, unless MDE changes its policy, the maximum additional flow that will be allowed to Octoraro Creek will accommodate 1,748 additional

equivalent dwelling units, as an absolute quantity. At 2.5 persons per dwelling unit, the State imposed growth cap for the Town of Rising Sun is 4,370 additional residents. In order to achieve the Town’s growth vision long-range planning must begin in order to find a suitable alternative to continued discharge to Octoraro Creek. However, in view of the population projection, the solution for the next twenty to twenty five years will most likely involve an expansion and upgrade to the plant that is currently under design (that will replace the underperforming lagoon).

The MDE Policy for Nutrient Cap Management and Trading Policy

The Policy for Nutrient Cap Management and Trading took effect on April 17, 2008, and is intended to help jurisdictions more efficiently manage their point source nutrient load caps. Trading is not available as a substitute for mandatory Tributary Strategy upgrades, and nutrient reductions achieved through those upgrades must be maintained to meet Bay water quality goals. The Policy allows a point source owner (such as Cecil County) to acquire additional system capacity by purchasing the unused treatment capacity from another underutilized point source (typically a smaller WWTP that uses less advanced technology). MDE is also developing a nonpoint-to-point trading policy that will allow point sources to obtain additional capacity through the retirement of non-point nutrient sources. That may provide a means to annex some of the existing developed parcels in the Growth Area lining MD 274 and Pierce Road.

One potential solution that needs further evaluation for such issues as soil suitability and cold weather operation is a tertiary wetland treatment regime. In this system, effluent is treated at a BNR or ENR WWTP and then discharged into a series of constructed, vegetated wetlands. These wetlands purify the effluent to the point where the eventual discharge meets or exceeds water quality standards. A WWTP paired with a tertiary treatment wetland could potentially increase its discharges without violating nutrient caps or TMDLs. In addition to providing wastewater treatment, the wetlands can also provide habitat for wetland-dwelling species.

Table 6.4 Nonpoint Source Nutrient Loading –Octoraro Creek Watershed

2007 conditions (lbs/year)				2030 conditions (lbs/year)			
septic	nonpoint	Total N	P	septic	nonpoint	Total N	P
41,153	271,208	312,361	10,376	37,847	170,105	207,952	8,065
		11,832	3,944			5,131	385
totals		324,193	14,320			175,236	208,337

WATER RESOURCE GOALS AND OBJECTIVES

WATER SUPPLY

Goals:

The Town will provide an adequate supply and a good quality of water for existing and planned development, consistent with the Comprehensive Land Use Plan and with the State's goals and programs for water resources.

The Town will implement measures to avoid or minimize risks associated with potential contamination or degradation of water sources from the surface.

Objectives:

The Town will provide and maintain infrastructure including a system of raw water wells, filtration plants, pumps, tanks, distribution lines, and other components for water treatment, storage, and delivery.

The Town will continue to monitor water usage to periodically assess the adequacy of water supply, and will continue to make individual and cumulative assessments about the resource demands and impacts associated with development projects.

The Town will consult the tables on Attachments E and F for estimating non-residential water demand.

The Town will consider new study results from USGS, MDE, and other sources as part of the State-mandated six year Plan review process, and make adjustments and recommend actions, as appropriate.

The Town will implement a Water Supply Capacity Management Plan.

WATER QUALITY

Goals:

The Town will strive to minimize the impacts of point and non-point sources of pollution in the Octoraro Creek watershed.

Objectives:

The Town will require that developers identify and map wetland areas on-site and in adjacent areas using the following sources:

National Wetlands Inventory

DNR wetland data layers (GIS)

MDE's associated priority preservation and restoration areas

Hydric soils maps

100 year floodplain maps

The Town will require the use of Best Management Practices (BMPs) for development on infill parcels and in growth areas. BMP's that are effective in phosphorous, nitrogen, and sediment removal will be required. BMPs include, but are not limited to, stream setbacks, tree plantings, creation of natural areas around streams and wetlands, minimized impervious surface, avoidance of sensitive areas, and stormwater management.

The Town will require that impervious surfaces be minimized insofar as possible, consistent with the type of land use planned and zoned. High levels of impervious surface will be offset with suitable plantings and large setbacks, especially around associated streams and wetlands.

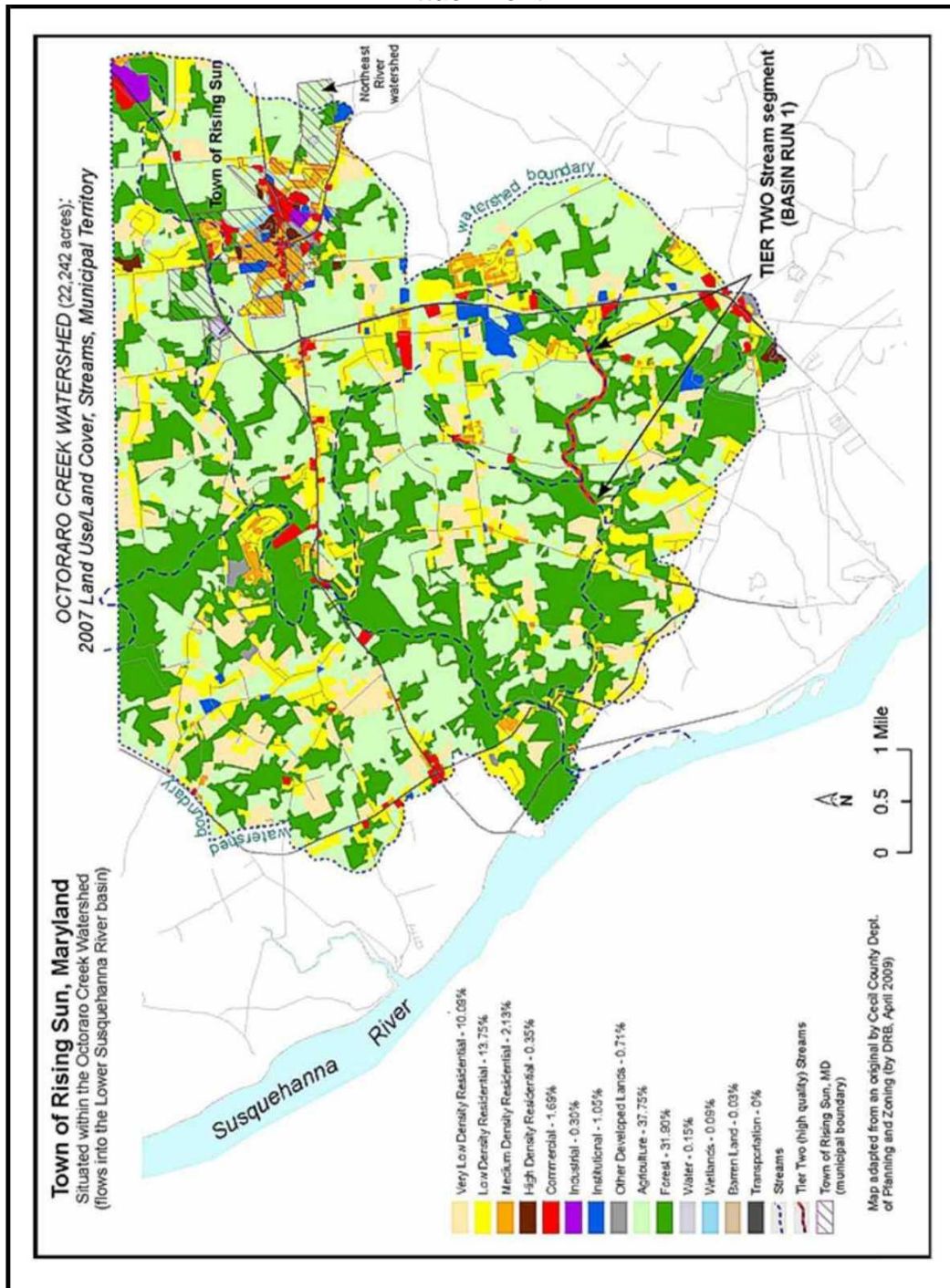
The Town will use the Tributary Strategy as a guide for planning and as a consideration in decision-making.

The Town will consider new study results from USGS, MDE, and other sources as part of the State-mandated six year Plan review process, and make adjustments and recommend actions, as appropriate.

The Town will identify, as part of the on-going planning process, potential sites for wetland and stream mitigation that can be used to mitigate impacts of capital projects where impact avoidance is not possible.

The Town will update the Water Resources Element to incorporate new TMDLs (when they become available).

Attachment A



Attachment B

EXHIBIT A: Estimated Water Quality Impacts for the Town of Rising Sun - EXISTING CONDITIONS (based on 2007 Land Use)						
METHOD ONE: IMPERVIOUS SURFACE/RAINFALL EQUATION ($L = .226 * R * C * A$)						
Impervious Surface Estimates: Town of Rising Sun (Stormwater Management)						
Land Use	Acres in Town			Mean Impervious Surface (%)		Impervious Ac - Town
Agriculture	413			2		8.26
Very Low Density Res	4			14		0.56
Low Density Res	53			21		11.13
Medium Density Res	178			28		49.84
High Density Res	37			33		12.21
Commercial	101			70		70.7
Industrial	15			50		7.5
Institutional	33			35		11.55
Other Development	52			9		4.68
Forest	122			0		0
Wetlands	16			0		0
Water	16			0		0
All Acres in Town	1040					176.43
Land Uses w/IMPERV SURF	886					
TN and TP LOADINGS (without and with BMPs) based on IMPERVIOUS surfaces by 2007 Land Use/Land Cover						
Without BMPs						
Total Nitrogen Loads	Imperv Surface (ac)	metric to US convers	Annual Runoff (inches)	Rv (la variable = .31)		R=
Town	176.43	0.226	44	0.329		13.70556
Total Phosphorous Loads	Imperv Surface (ac)	metric to US convers	Annual Runoff (inches)	Rv (la variables = .31)		R=
Town	176.43	0.226	44	0.329		13.70556
With BMPs						
						With Urban BMP's
SOURCES:						
Annual rainfall: USGS, Wheeler (2006)						
Formulas from Stormwater Resource Management Center						
Formulas Used:						
$Rv = 0.05 + 0.9 * Ia$ (impervious %)						
$R = P$ (annual rainfall inches) * Pj (0.9 used) * Rv						
Annual Loadings = 0.226 (conversion) * $R * C$ (pollutant concentration: 2.0mg/l for TN and 0.26mg/l for TP)						
METHOD TWO: LAND USE COEFFICIENTS						
TOWN of RISING SUN: TN, TP, and SED LOADINGS based on ChesBayProgam Land Use Coefficients and Acres (Trib Strategies data, Upper West						
MAJOR LAND USE	ACRES	TN lb/ac/yr	TN Loads lb/yr	TP lb/ac/yr		TP Loads lb/yr
AGRICULTURE	413	9.6	3964.8	0.94		388.22
FOREST	122	1.42	173.24	0.02		2.44
URBAN	473	6.07	2871.11	0.75		354.75
Water and Wetlands	32	n/a	n/a	n/a		n/a
	1040		7009.15			745.41

Attachment C

Rising Sun Comprehensive Plan | 2010

EXHIBIT B: Estimated Water Quality Impacts for the Town of Rising Sun - FULL BUILD OUT (based on proposed 2009 Land Use Plan):					
METHOD ONE: IMPERVIOUS SURFACE/RAINFALL EQUATION (L=.226*R*C*A)					
Impervious Surface Estimates: Town of North East and Growth Area (Stormwater Management)					
Land Use	Acres in Town			Mean Impervious Surface (%)	Impervious Ac - Town
Agriculture	0			2	0
Very Low Density Res	4			14	0.56
Low Density Res	53			21	11.13
Medium Density Res	563			28	157.64
High Density Res	83			33	27.39
Commercial	113			70	79.1
Industrial	15			50	7.5
Institutional	33			35	11.55
Other Development	52			9	4.68
Forest	57			0	0
Wetlands	16			0	0
Water	16			0	0
All Land	1005				299.55
All Land w/IMPERV SURF	916				
TN and TP LOADINGS (without and with BMPs) based on IMPERVIOUS surfaces by 2008 Land Use					
Without BMPs					
Total Nitrogen Loads					
	Imperv Surface (ac)	metric to US convers	Annual Runoff (inches)	Rv (la variable: 299.55/916=.327)	R=
Town	299.55	0.226	44	0.3443	14.250852
Total Phosphorous Loads					
	Imperv Surface (ac)	metric to US convers	Annual Runoff (inches)	Rv (la variable: 299.55/916=.327)	R=
Town	299.55	0.226	44	0.3443	14.250852
With BMPs					
SOURCES:					With Urban BMP's
Annual rainfall: USGS, Wheeler (2006)					
Formulas from Stormwater Resource Management Center					
Formulas Used:					
Rv=0.05 + 0.9*la (impervious %)					
R= P (annual rainfall inches)*Pj (0.9 used)*Rv					
Annual Loadings = 0.226 (conversion)* R * C (pollutant concentration: 2.0mg/l for TN and 0.26mg/l for TP)					
METHOD TWO: LAND USE COEFFICIENTS					
TOWN of RISING SUN: TN, TP, and SED LOADINGS based on ChesBayProgam Land Use Coefficients and Acres (Trib Strategies data, XXXX Basi					
MAJOR LAND USE	ACRES	TN lb/ac/yr	TN Loads lb/yr	TP lb/ac/yr	TP Loads lb/yr
AGRICULTURE	0	9.6	0	0.94	0
FOREST	57	1.42	80.94	0.02	1.14
URBAN	916	6.07	5560.12	0.75	687
	973		5641.06		688.14
Monthly Loads			470.0883333 per month		57.345
THE EPA APPROVED MDE's REMOVAL of Lower Susquehanna from TMDL 303(d) list on January 11, 2006 (no TMDLs for now)					

Allocations for Sanitary Sewer and Public Water Capacity
 Cecil County Maintained Systems
 Policies and Procedures

Design Flow Estimation Tables⁴

Flow Projection Based Upon Gallons
 Per Person per Day

Type of Establishment	Gallons per Person per Day (Unless Otherwise Noted)
Airports (per passenger)	5
Auditorium or Assembly Hall (per seat)	3
Bathhouses and swimming pools	10
Camps:	
Campground with central comfort stations	35
With flush toilets, no showers	25
Day camps (no meals served)	15
Resort camps (night and day) with limited plumbing	50
Luxury camps	100
Country clubs (based on rated capacity)	50
Dwellings:	
Boarding houses (per room)	100
Multiple family dwellings (per apartment)	220
Single family dwellings (per address)	220
Factories (gallons per person, per shift, exclusive of industrial wastes)	35
Hospitals (per bed space)	350
Hotels (per room)	120
Institutions other than hospitals (per bed space)	125
Laundries, self-service (per washing machine)	550
Mobile home parks (per space)	220
Motels (per room)	100
Picnic Parks (toilet wastes only) (per picnicker)	5
Picnic Parks with bathhouses, showers and flush toilets	10
Restaurants, bars, lounges (per seat)	25
Schools:	
Boarding	100
Day, without gyms, cafeterias or showers	15
Day, with gyms, cafeterias and showers	25
Day, with cafeterias, but without gyms or showers	20
Service Stations (per vehicle served)	10
Swimming pools and bathhouses	10

⁴ Adapted from "MDE Guidelines for Estimating Water and/or Wastewater Flow," Maryland Department of the Environment, July 2005 Draft and "Design Guidelines for Sewerage Facilities; Technical Bulletin M-DHMH-EHA-S-001," Environmental Health Administration, Department of Health and Mental Hygiene, State of Maryland, 1978 Edition. Additional modifications based upon Wastewater Engineering Treatment, Disposal, and Reuse, Third Edition, Metcalf & Eddy, Inc., 1991.

Allocations for Sanitary Sewer and Public Water Capacity
Cecil County Maintained Systems
Policies and Procedures

Theaters:	
Indoor (per auditorium seat)	3
Drive-in (per car space)	5
Travel (transient or seasonal) Trailer Parks without individual water and sewer hook-ups (per space)	50
Travel (transient or seasonal) Trailer Parks with individual water and sewer hook-ups (per space)	110

Guiding Factors For Flow Projection Related With Commercial Establishments, Public Service Buildings or Dwelling Units

Type of Establishment	
Office Buildings	Gross Sq. Ft. x 0.09 = gpd
Medical Office Buildings	Gross Sq. Ft. x 0.62 = gpd
Warehouses	Gross Sq. Ft. x 0.03 = gpd
Retail Stores	Gross Sq. Ft. x 0.05 = gpd
Supermarkets (without food preparation)	Gross Sq. Ft. x 0.20 = gpd
Drug Stores	Gross Sq. Ft. x 0.13 = gpd
Beauty Salons	Gross Sq. Ft. x 0.35 = gpd
Barber Shops	Gross Sq. Ft. x 0.20 = gpd
Department Store with Lunch Counter	Gross Sq. Ft. x 0.08 = gpd
Department Store without Lunch Counter	Gross Sq. Ft. x 0.05 = gpd
Banks	Gross Sq. Ft. x 0.05 = gpd
Service Stations	Gross Sq. Ft. x 0.18 = gpd
Laundries & Cleaners	Gross Sq. Ft. x 0.31 = gpd
Laundromats	Gross Sq. Ft. x 3.68 = gpd
Car Wash without Wastewater	
Recirculation Equipment	Gross Sq. Ft. x 4.90 = gpd
Dry Goods Stores	Gross Sq. Ft. x 0.05 = gpd
Shopping Centers	Gross Sq. Ft. x 0.18 = gpd

Flow Projection for Country Clubs and Public Parks

Type of Fixture	Gallons Per Day	Per Fixture
Showers		500
Baths		300
Toilets		150
Urinals		100
Sinks		50

Chapter 7 Natural Resource Conservation and Sensitive Areas Protection

INTRODUCTION

The impact of growth and development on the natural resources and environmental quality of the area is an issue of increasing public concern. Cecil County is blessed with an abundance of valuable natural resources which contribute to the County's pleasant quality of life. The effects of increased population and physical development can manifest themselves on the natural environment in many ways including:

- Clearing of trees and natural vegetation;
- Loss of plant and wildlife habitats and populations;
- Loss of limited farmlands;
- Loss of important wetlands and aquatic habitats;
- Contamination of groundwater for drinking supplies;
- Reduced surface water quality in streams, rivers and the Bay;
- Disruption of natural water drainage systems;
- Increased air pollution;

Increased amounts of solid wastes and litter; and Loss of scenic natural views. Environmental deterioration does not have to be an inevitable consequence of growth and development. The construction of the new homes, businesses, industries, schools and roads necessary to accommodate growth can occur without unduly threatening the area's environmental quality if steps are taken to ensure that new development is designed and implemented in an environmentally-sensitive manner.

Throughout the Town there are areas that are much more susceptible to environmental degradation than others due to the presence or proximity of sensitive natural features. Future development should be directed away from sensitive areas and guided towards areas where environmental impacts would be less severe. Regardless of location, all future development should be subject to minimum performance standards for environmental protection and natural resource conservation.

OBJECTIVES

To help insure the protection of natural resources, the Town has established the following objectives:

- To protect water quality and wildlife and to conserve those natural features that make a significant contribution to the character of each zone and the Town in general.
- To limited development in floodplains, steep slopes, and other sensitive natural areas to protect natural resources.
- To protect water quality by reducing pollution and its effects, whatever the sources;
- To conserve fish, wildlife and plant habitats;
- To establish new protection measures for sensitive areas including streams and their buffers, 100-year floodplains, steep slopes adjacent to streams, and habitats of threatened and endangered species to reinforce existing regulatory protection programs.
- To conserve forest and woodland resources and, wherever possible, replenished them through tree conservation measures and replanting programs and compliance with the Maryland Forest Conservation Act.
- To limit development within the 100-year floodplain so as to minimize disturbance and protect life and property.
- To coordinate with the Maryland Department of Natural Resources and the U. S. Department of Interior in the protection of rare, threatened, and endangered species habitat.
- To require evidence of Federal and State environmental permits as a condition of local development approval.
- To develop local regulations which ensure that the landscape be preserved in its natural state, insofar as practical, by minimizing tree and soil removal.
- To insure that all new development and redevelopment minimizes pollutant loadings and runoff from the site through the implementation of sediment, stormwater and erosion control plans.
- To encourage property owners to place environmentally sensitive lands under conservation easements through national, regional, State and local land trust organizations.
- To assure that proper stormwater management and sediment and erosion controls are enforced in accordance with the Stormwater Management Ordinance.
- Reduce conflicts between incompatible uses.

SENSITIVE AREAS

The Maryland Economic Growth, Resource Protection and Planning Act of 1992 added provisions to Article 66 B of the Annotated Code for the State of Maryland that require this Comprehensive Plan to contain a Sensitive Areas Element which describes how the Town will protect the following sensitive areas:

Streams and stream buffers;

100-year floodplains;

Habitats of threatened and endangered species; and

Steep slopes.

Performance standards that protect sensitive resource areas should be included in the Zoning Ordinance and Subdivision Regulations. These standards should establish minimum protection levels for stream valleys, wetlands, forests, wildlife habitats, and sensitive soils.

Streams and Stream Buffers

Streams and their buffers are important resources. Streams support recreational fishing and serve as spawning areas for commercial fish stock. Development near stream areas subject to flooding can result in the loss of life and property. Streams and their adjacent buffers are home to countless species of animals and plants and transport valuable nutrients, minerals and vitamins to rivers and creeks and, in turn, the Chesapeake Bay. The floodplains, wetlands, and wooded slopes along streams are important parts of the stream ecosystem.

As development activity consumes large amounts of land, forest cover and natural vegetation along streams are diminished. The cumulative loss of open space and natural growth reduces the ability of remaining land along streams to buffer the effects of greater storm water runoff, sedimentation, and higher levels of nutrient pollution. Buffers serve as protection zones when located adjacent to streams and reduce sediment, nitrogen, phosphorous, and other runoff pollutants by acting as a filter, thus minimizing stream damage. The effectiveness of buffers to protect stream water quality is influenced by their width (which should take into account such factors as contiguous or nearby slopes, soil erodibility, and adjacent wetlands or floodplains), the type of vegetation within the buffer (some plants are more effective at nutrient uptake than others), and maintenance of the buffer.

Buffers also provide habitat for wetland and upland plants which form the basis of healthy biological communities. A wide variety of animals use the natural vegetation as a corridor for food and cover. A natural buffer system provides connections between remaining patches of forest in the area to support wildlife movement.

100-Year Floodplains

Some areas are subject to periodic flooding which pose risks to public health and safety, and potential loss of property. Flood losses and flood-related losses are created by inappropriately located structures which are inadequately elevated or otherwise unprotected and vulnerable to floods or by development which increases flood damage to other lands or development. While protection of life and property provided the initial basis for protection of floodplains, there has been a growing recognition in recent years that limiting disturbances within floodplains can serve a variety of additional functions with important public purposes and benefits.

Floodplains moderate and store floodwaters, absorb wave energies, and reduce erosion and sedimentation. Wetlands found within floodplains help maintain water quality, recharge groundwater supplies, protect fisheries, and provide habitat and natural corridors for wildlife. The minimum requirements of the National Flood Insurance Program do not prohibit development within the 100-year floodplain from development. However, to adhere to the minimum Federal requirements the Town requires development and new structures in the floodplain to meet certain flood protection measures including elevating the first floor of structures a minimum of one foot above 100-year flood elevations and utilizing specified flood proof construction techniques.

Moreover, where alternative building sites on a parcel are available for construction outside the 100-year floodplain, then construction in the floodplain is prohibited. These requirements are established in the Town's Floodplain Management Ordinance. Habitats of Threatened and Endangered Species

Materials and chemicals produced by plants and animals are a largely unresearched storehouse for products beneficial to people. More than half of all medicines in use today can be traced to wild organisms. Plant chemicals are the sole or major ingredient in 25 percent of all prescriptions written in the United States each year. Likewise, agriculture depends on the development of new varieties of crops, often created by cross-breeding strains with wild relatives of crop species, in efforts to develop pest, disease, or drought resistant crops. Maintenance of biological diversity today sustains future opportunities to advance health care and provide a number of other societal benefits.

Habitat destruction and degradation is currently estimated to threaten some 400 native Maryland species with extinction. The key to protecting threatened and endangered species is protecting the habitat in which they exist.

The Maryland Nongame and Endangered Species Conservation Act (Natural Resources Article, 10-2A-0 1 through 06) provides definitions of threatened and endangered species. Maryland law and regulations do not currently provide a definition of habitat. As a basis for establishing protection measures for habitats of threatened and endangered species, habitat is defined in this Plan as "areas which, due to their physical or biological features , provide important elements for the maintenance, expansion and long-term survival of threatened and endangered species listed in COMAR 08.03.08. Such areas may include breeding, feeding, resting,

migratory, or overwintering areas".

Steep Slopes

Slopes provide an environment that facilitates movement of soil and pollutants when land disturbances occur. Control of erosion potential is usually achieved through regulation of development on steep slopes because such areas represent the greatest opportunity for accelerated soil loss and resultant sedimentation and pollution to streams.

Forest Conservation Act

The Forest Conservation Act of 1991 (Natural Resources Article Sections 5-1601-5-1613) was enacted to protect the forests of Maryland by making forest conditions and character an integral part of the site planning process. It is regulated by the Maryland Department of Natural Resources, but implemented and administered by local governments. The Forest Conservation Act seeks to maximize the benefits of forests and slow the loss of forest land in Maryland, while allowing development to take place.

IMPLEMENTATION RECOMMENDATIONS

This section of the Plan recommends performance standards that implement three important goals of the Comprehensive Plan dealing with protection of natural resources management of stormwater quality, and avoiding conflicts between adjacent land uses. These performance standards should apply to all new development in the town. Additional performance standards should be required for new development adjacent to publicly owned sensitive natural resource areas and private conservation areas.

SENSITIVE AREAS PROTECTION

Perennial Streams -A 110 foot minimum setback from all perennial streams, as shown on U.S .G.S. 7.5 minute quadrangle maps, shall be required for any disturbance except road crossing and recreational access to the stream.

Ephemeral Streams -A 25 foot minimum setback from all ephemeral streams as identified on the U.S.O.S. 7,5 minute quadrangle maps is recommended for any disturbance except road crossing.

Sensitive Soil Setback -There should be no disturbance of sensitive soils adjacent to the 110 foot perennial stream setback to a maximum distance of 160 feet. Sensitive areas should include hydric soils, floodplains, steep slopes, highly erodible soils, and highly permeable soils.

Nontidal Wetlands -There should be at least a 25 foot setback from nontidal wetlands. No direct or indirect disturbance to nontidal wetlands should be permitted except as allowed by State and Federal nontidal wetland regulations.

Vegetated Buffer in Stream and Nontidal Wetland Setbacks -Vegetation in the perennial stream and nontidal wetlands setbacks should be preserved and maintained in a natural state, or if not present, created through planting of native species appropriate to the site.

Steep Slopes (Outside stream valleys) -There should be no structures or impervious surfaces placed on slopes greater than 25 percent. On slopes between 15 and 25 percent good engineering practices should be used for sediment and erosion control during construction, and slopes should be stabilized as soon after disturbance as possible.

Habitats of Rare, Threatened and Endangered Species -Rare, threatened and endangered species and their habitats should be protected as prescribed by Maryland DNR, Natural Heritage *Program. Where an appropriate situation presents itself for passive recreation, the Planning Commission may require that open space on an applicant site, or on another site purchased for open space, be afforested to improve wildlife habitat and to provide passive recreational opportunities.

Forest Cover Protection -All land development should be required to limit clearing of natural vegetation and retain specimen trees to the extent possible, as determined by a forest stand delineation study and in accordance with the Forest Conservation Ordinance of the Town of Rising Sun.

Floodplain Protection -All areas within a designated Floodplain or zoned F-I, shall be subject to the Town of Rising Sun Floodplain Ordinance as approved by F.E.M.A.

Stormwater Management

Creation of Impervious Surfaces -All land development should be encouraged to minimize impervious surfaces through good site design, use of impervious surfaces where use by people or vehicles is infrequent, and full utilization of height limits on structures.

Bufferyards

Bufferyards are meant to minimize the negative impacts of adjacent incompatible uses. Buffering can be achieved by a combination of setbacks and vegetative plantings. Such vegetative plantings shall be of a type that remains thick ·with foliage all year such as evergreens, pines, etc.

Guidelines -Bufferyards should be required along property boundaries between all zones of disparate intensities. Road buffers should be wide enough to screen residential areas from the road. Road buffers should be wider along with more traffic. Finally, bufferyards should be required along property boundaries between agricultural and residential uses. Street trees along the road satisfy bufferyard guidelines along internal roads.

Bufferyards are a design technique that can be employed to achieve some of the objective of

the Comprehensive Plan. The following discusses two types of bufferyards that can be considered by the Planning Commission. The first is the bufferyard between zoning districts and the second is the bufferyard between development and roads.

Bufferyards are a combination of setback together with the planting required thereon. Both the amount of land (setback) and the type and amount of planting for each bufferyard are specified and are designed to ameliorate nuisances between adjacent zoning districts and to insure a desired character along public streets and roads.

One of zoning's most important functions is the division of land uses into districts which have similar character and contain compatible uses. All uses permitted in any zoning district have generally similar nuisance characteristics. Bufferyards between zoning districts act to minimize the negative impact of any future use on neighboring uses. They separate different zoning districts from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

Bufferyard can also be required along roads to maintain and enhance visual character area. Public perception of community character is most commonly experienced moving along public roads. Where appropriate, the Planning Commission may agree that it is more desirable to leave openings in bufferyards to permit views of scenic areas or over open space areas.

Street Trees

A new awareness of the importance of streets to the quality of life in our growth centers is needed. We must plan for streets that are pleasant to walk along. Development can and should create an exciting, attractive and vibrant community. New concepts -using the successful communities of our past -should be permitted, encouraged and preferred. As part of this philosophy, street tree planting should be required and specimen trees should be saved where possible. The Town should require that street trees be planted or retained along both sides of all newly created streets. All plantings should be done **in** conformance with the Forest Conservation Ordinance. At a minimum developers should be required either plant or retain sufficient trees so that for every 35 feet of street frontage there is at least an average of one deciduous tree that has or will have when fully mature a trunk at least 12 inches in diameter.

CHAPTER 8 Mineral Resources

No known deposits of commercially viable mineral resources (such as construction grade sand and gravel) exist within the Town or Rising Sun or the areas contemplated for growth and potential annexation. If such deposits are located in the future, the Town will adopt appropriate policies in accordance with the requirements of Article 66B to ensure that such deposits are protected for purposes of utilization prior to premature site development.

CHAPTER 9 Community Facilities

INTRODUCTION

The quality and location of recreation areas, governmental services schools and libraries in the Rising Sun area are as important to the town's continued well being as its places of employment, homes and circulation system. They contribute to the health and vitality of its citizens and have a significant effect on the quality of life in Rising Sun.

For these reasons, it is important that the Town's facilities and services keep pace with its growth and patterns of local need. The goals, policies and recommendations in this section have been developed as interrelated parts of the proposed land use and circulation plans presented in the previous sections. The various elements of the Towns Community Facilities Plan are presented below under separate subheadings for ease in presentation.

OPEN SPACE AND RECREATION

Open Space and Recreation Objectives

To establish local parks within easy access of Rising Sun's present and future residents
To link centers of community activity through park systems
To Provide for an Open Space system of sufficient size and locational qualities to meet the complete range of recreation activities

To establish and improve the quantity and quality of local parks within easy access of all present and future residents implies a recommended policy approach to park and recreational development programs. A first step in developing a coordinated approach to development is the establishment of desired open space and recreation standards. The application of these standards will aid in determining future open adequacy. Table 9.1 indicates the open space planning standards recommended.

Within this suggested framework, a balanced park and recreational system can be developed. Future park land acquisition can be evaluated as to their ultimate benefits as well as to their immediate effectiveness. Based on the standards presented above, Table 9.2 indicates the number of needed facilities based on the present and future population.

Table 9.1 General Recreation Standards

Facility	Equipment	Age Groups Served	Optimum Size	Acres per 1,000 pop.	Population	Service Area
Play Lot Tot Lot	Swings, Slides, Structures, Sand Boxes, Fences and Benches	2-6 years	1,500 to 5,000 sq. ft.	----	200 (at 4 persons per household)	1/8 to ¼ mile (dependent on density)
Neighborhood Playground/Park	Swings, slides, Baseball fields, Basketball courts, play lots	5-15 years	2-7 acres	1.5 to 2.0	500 – 2,500	½ mile
Community Recreation Area	Playground Equipment, Sports Fields, Areas for passive recreation, toilets, indoor recreation, pools, tennis	All	15-20 acres or larger	1.5 to 2.0	6,000 to 15,000	1 ½ to 3 miles

Table 9.2 Present and Future Needs by Type of Recreation Facility

Time Frame/ Area	Population	Tot Lots 1/200 persons	Acres Needed	Neighborhood Parks 1/500-1,500 persons	Acres Needed	Community Parks 1/6,000 – 15,000 persons	Acres Needed
Present/Town	956	4	---	0-1	1.5-2.0		
Future/Town	1,786	8	---	1-3	1.5-4.5		
Future/Area	9,400	47	---	4-18	6.0-27	1	20 acres +

The figures indicated that at present the Town is deficient in the number of tot lots, neighborhood playgrounds and other types of recreational facilities available to its population. With the growth expected in the area, it would be to the benefit of the Town to start acquiring areas suitable for each recreational need. The construction of multi-purpose recreation center just south of Rising Sun will aid in meeting the recreational deficiency which presently exists.

Unlike many municipalities, the Town has ample vacant land on which proposed recreational facilities could be located. The abundant number of streams and valleys can serve dual purposes both for preservation as well as providing areas for recreational activity. The area in the northeast quadrant of Town should be consider for park area and may also serve as a

stormwater management area and reservoir.

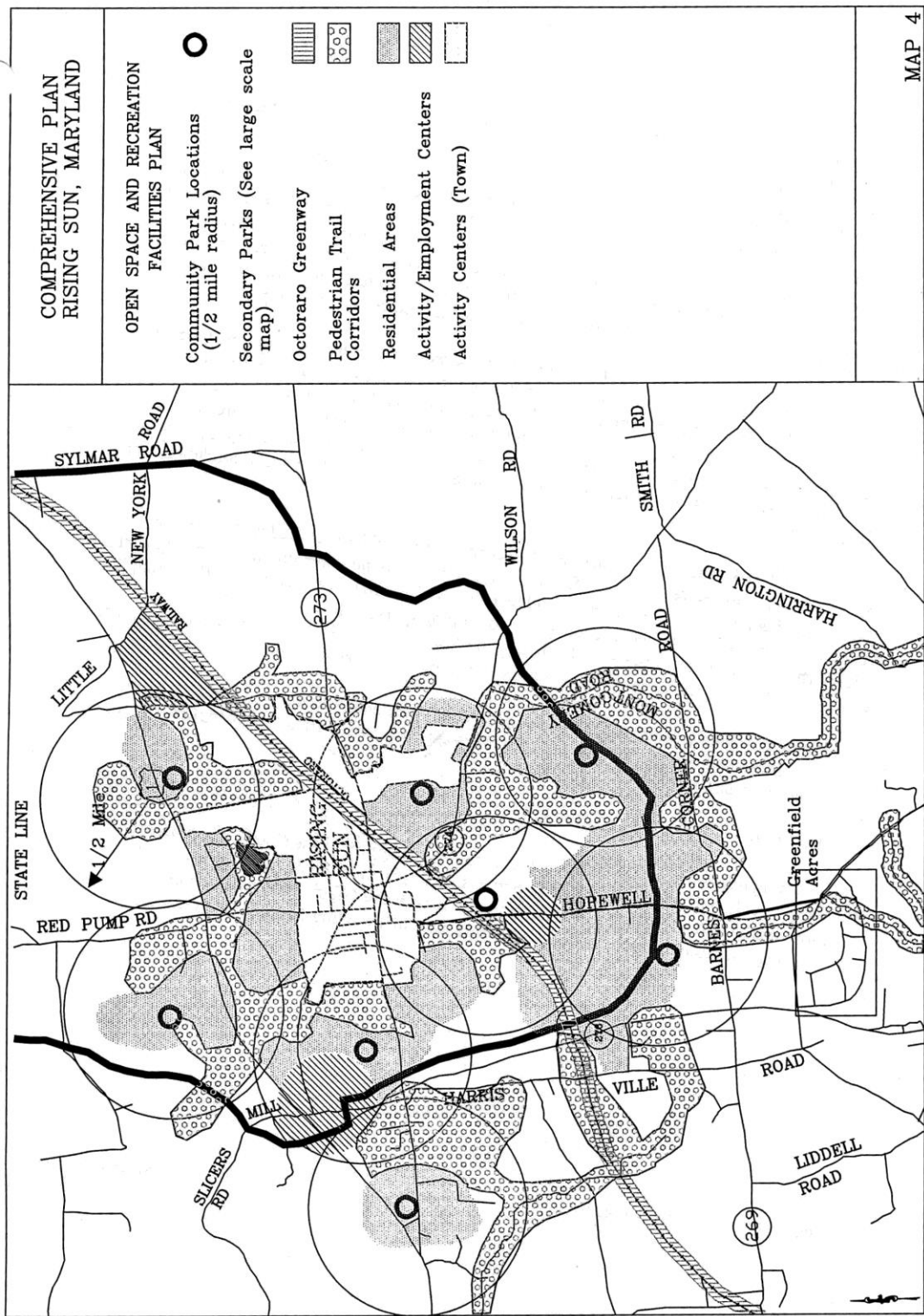
Map 4 illustrates the major proposed Open Space and Recreational Plan for the Town. As is indicated on Map 4, all proposed residential areas are within ½ -1 mile distance to the proposed steam valley lands which gives residents easy access to recreational facilities and pedestrian paths which may be planned along these water courses thus meeting the plan objectives. Listed below are the major open space and recreational recommendations:

- 1 Encourage stream valleys be preserved for open space and recreational use.
- 2 Provide tot lots throughout the Town in strategically located vacant areas.
- 3 Acquire land for additional neighborhood playgrounds to supplement the Little League Field as well as to serve future populations in the Town.
- 4 Develop the existing abandoned railroad right-of-way as pedestrian and bicycle path to link major open spaces.

In order to implement the Open Space and Recreation objectives for the Town, all residential subdivisions should be required to provide recreation opportunities. The Town may require that all residential developments in the Town shall provide, at a minimum, (through dedication or reservation) recreational areas in the form of neighborhood parks at the rate of 0.005 acres per residential unit, with a minimum area of not be less than 5,000 square feet.

The Town Commissioners may permit payment of a fee in-lieu, dedication, reservation or a combination whenever these open space requirements cannot adequately meet the open space and recreation responsibilities of the development or if the development is less than 30 homes or within 1,500 feet from another park or playground. The fee in-lieu should be on a per-dwelling unit basis as established by the Town. Fees collected should be deposited only in a designated account with funds expended only for planned park and recreation facilities.

In the case of large proposed developments (over 100 dwelling units) the Planning Commission may require a combination of improved park and recreational property and playgrounds, at the minimum rate of 0.0 15 acre per dwelling unit, and an impact fee in order to meet the planned Town open space and recreation objectives.



MAP 4

The purpose of the neighborhood park is to provide adequate active recreational facilities to serve the residents of the immediately surrounding neighborhood within the development. The following are illustrative of the types of facilities that should be deemed to serve active recreational needs and count toward satisfaction of the neighborhood park requirements of this article: tennis courts, racquetball courts, swimming pools, sauna and exercise rooms; meeting or activity rooms within clubhouses, basketball courts, swings, slides, and play apparatus.

Each development should satisfy its neighborhood park requirement by installing the types of recreational facilities that are most likely to be suited to and used by the age bracket of persons likely to reside in that development. However, unless it appears that less than 5 percent of the residents of any development are likely to be children under 12, then at least 15 percent of the neighborhood park must be satisfied by the construction of "tot lots" (i.e., areas equipped with imaginative play apparatus oriented to younger children as well as seating accommodations for parents).

Neighborhood parks should be attractively landscaped and shall be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences. Each neighborhood park should be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve. Each neighborhood park should be constructed on land that is relatively flat, dry, free of nontidal wetlands, and capable of serving the purposes intended.

As a concluding policy statement relative to the Town's proposed Open Space and Recreation System, it should be recognized that such a system can make a significant contribution toward improving the quality of life.

PUBLIC EDUCATION FACILITIES

The planning of educational facilities is the direct responsibility of the Cecil County Board of Education. Although the Town of Rising Sun has no direct authority in the planning for the location of educational facilities, it is important to realize the effect schools have upon surrounding land usage and the influence schools have in attracting families to an area.

Based on the population projections in the Basic Studies portion of this Plan, the population will almost double both in the town and in the surrounding area. Furthermore, the character of the population will be in the child bearing age bracket, thus increasing the number of school children in the area (See table 9.3).

Table 9.3 Population Growth and Children

Location	Projected Population	Addition Children
Rising Sun	1,786	572
Rising Sun Area	9,400	3,008.

The Cecil County Board of Education is presently undertaking a study of future needs and possible re-districting in the County and in the Rising Sun area. The County Board of Education should take into consideration the population increase that will occur in the Rising Sun area. The recent expansion of the Rising Sun Elementary, the new Rising Sun High School and the current Rising Sun Middle School is sufficient to handle today's population, but plans should be considered to plan for the future influx of people into the Rising Sun vicinity.

OTHER PUBLIC FACILITIES AND SERVICES

Town Office Building

Completed in 1952, the building is located on South Queen Street, and contains the police department, the library and various municipal offices. The building is inadequate for the present level of service necessary in the Town and needs to be replaced or enlarged.

Looking at the future needs of the Town should consider acquiring new or additional property to accommodate the Town Offices. There should be adequate room for expansion of the proposed Town Offices as the population of the Town continues to grow.

Public Safety

For the purposes of this report, public safety shall concern itself with the provision of adequate police protection within the town limits and fire protection with the Rising Sun area. Within the scope of this report only general guidelines and qualifications of need can be advanced concerning these facilities.

Police Facilities

The following is a recommended objective concerning the Town's police force:

To accomplish its basic mission by providing service to all areas of the Town with appropriate facilities, manpower, and equipment distributed according to need.

At present, the police department is adequate to meet the needs of the current population. It is suggested that as undeveloped portions of the Rising Sun area become inhabited, additional police protection will be necessary. It is further suggested that since there are no generally accepted standards for placing that the following basic guidelines be considered in evaluating future policing needs with the Town and its environs:

1. The size and nature of the population;
2. Density of population-whether it is scattered or concentrated;

3. Economic composition of the population;
4. Past and projected crime rates.

Considering general guidelines that exist in terms of the number of police officers per 1,000 population in other municipalities a range of one per 1,000 in rural areas to one per 300 in New York City is noted. The average for municipalities in Maryland of the current population of Rising Sun is 3.8 police officers. Considering an absolute minimum goal of two per 1,000 population in the Rising Sun area, there should be eighteen to twenty police officers to ultimately handle the projected future population. In order to provide twenty-four hour police coverage, seven days a week, a minimum of six officers is required at the current population level.

In addition to manpower, consideration must also be given to provide adequate police facilities. To meet future needs of the Town, the police department must be provided with an adequate base of operations. Such facilities should be designed to meet present and future needs. It should be separate from the other Town Offices so that easy access is not available to the general public. It should supply office space for police and civilian employees, at least two holding cells, a booking area for processing prisoners, a locked evidence room and a locked records room. There should also be an area for citizens to enter that is secure and separate from the rest of the building.

The police department should also be provided with sufficient vehicles, based on manpower. In addition to vehicles needed to maintain daily patrols, vehicles will also be required for court, investigation, transportation of prisoners, and other routine daily operations. To meet the future needs of the Town, a minimum of six vehicles will be required.

Fire Facilities

The following objective is recommended as a basic guideline for Town commitment to the adequate protection of its citizens:

To provide adequate fire protection of its citizens, fire facilities are generally planned according to set standards established by the National board of Fire Underwriters. Standards are developed in terms of optimum service area radii for certain types of fire fighting equipment.

Accordingly, the standards applicable to Rising Sun area:

- 1 Engine and ladder company is recommended to service a radius of 3/4 to 1 mile for high value commercial, industrial and high density residential areas.
- 2 For lower density residential areas, the service radius is extended to 2-3 miles.
- 3 To encourage the availability of adequate Emergency Medical Services and work with

the County to increase their Emergency Medical Service.

Accordingly, the volunteer fire company that services the Rising Sun area presently satisfies the above requirements. However, with the future growth of population, additional fire substations and or companies should be distributed based on population densities, service areas and need.

The Town should work with appropriate department and developers to identify and coordinate the implementation of specific measures designed to facilitate response times and service provisions. Examples of techniques the Town may incorporate into ordinances and Town programs are:

- 1 Include dry hydrant hook-ups at available water supply sources and looping of water mains for fire fighting as subdivision and site plan requirements.
- 2 Encourage creation of water impoundments in developments as water sources for fire fighting; and
- 3 Target priorities for improvement of traffic flow to allow the safe and expedient passage of emergency apparatus.

Health Facilities

Since the provisions of adequate health facilities is a function and responsibility to be considered at the broader county and regional levels for efficient coordination of services, the following objectives are suggested as guidelines for health planning agencies which should be supported by Town officials:

To cooperate in the improvement and provisions of public health facilities and services within the County area.

To encourage the development of local health centers.

Water and Sewer

The water and sewer extension for the Town and vicinity should be based on the 2008 Town Water and Sewer Resident Survey, the engineering studies the Town has commissioned and the policies in the Cecil County Comprehensive Water and Sewer Plan (as amended from time to time). Proposed extensions, are indicated on the attached maps. Also, the phasing for future development and annexations should be coordinated with timing for the proposed water and sewer extensions.

In order to insure that new development within and outside the Town are adequately served with

utility systems, a recommended policy would require that development be only considered if it is proposed with adequate utilities appropriate to the type and intensity of development. Further it should be recognized that the Town, as indicated in the Basic Studies section of this report, has an effective utility base upon which extensions can ensue. However, care should be exercised in avoiding an overburdened to the existing system and at all times a reserve of 50,000 gallons per day must be maintained in both the water and sewer system.

The recommendations of the Cecil County Comprehensive Water and Sewer Plan report are worthy of endorsement. As the areas adjacent to the Town begin to develop, increased attention to proper drainage is paramount.

Also, the designation of Controlled Areas is of particular importance in insuring proper development patterns. Cecil County has set a policy that certain areas in the County should be designated as "Controlled Areas". Areas designated as such would have the following restrictions:

- 1 That the minimum lot size shall be two acres and the minimum road frontage two hundred feet when public sewers are not utilized; and
- 2 No building shall be allowed within five hundred feet of an existing sewer unless the sewer is utilized for service. This policy should be adopted to control all areas which are not serviced by water and sewer but which in the future would be subject to development pressures.

One method of controlling growth outside the Town limits which either are not annexed by the Town or are planned to be annexed at a future time, is by controlling the availability of water and sewer services to these areas. This will discourage development in areas without these facilities.

In order to properly coordinate the planning for utility systems in areas outside the Rising Sun Planning Area, suggested policy guidelines for the Town can be summarized as follows:

- 1 Consideration should be given to the relationship of the County based network of utility systems and their future expansion.
- 2 Emphasis should be placed on insuring adequate utility easements either through the County/Town subdivision process or other forms of easement preservation.

Sanitation--Recycling Solid Wastes

The State of Maryland has mandated that Cecil County reduce, through recycling, at least 15 percent of the County's solid waste stream by 1994. Since the Town of Rising Sun is an incorporated town in Cecil County such mandate applies to the Town of Rising Sun. "Recycling"

means any process in which materials that would otherwise become solid waste are collected, separated, or processed and returned to the marketplace in the form of raw materials will substantially reduce the required capacity of proposed refuse disposal systems thereby resulting in significant cost savings in their operations and keeping the cost to the residents at a minimum. Recycling relieves pressures on landfill capacity, conserves energy and natural resources and can even stimulate local economic development and job creation. The following components of the solid waste stream are those that can be successfully recycled with a high degree of commercial acceptance:

Aluminum By far the most valuable recycled product by weight, even though it account for less than two percent of the solid waste stream.

Glass Can either be reused to made new glass bottles or as a raw material in the production of fiberglass and construction materials.

Ferrous Metal Tin and bimetals are used in steel manufacturing and in the de-tinning industry while "white goods" (household appliances such as refrigerators and air-conditioners) can be recycled as low grade scrap metal.

Paper Represents the largest percentage of the solid waste stream. Newspapers can be made into insulation, packing and roofing materials. High grade paper can be remade into bond paper, printing paper, tissue or wrapping. Corrugated cardboard can be made into corrugated and cardboard boxes.

Plastic bottles Have recently received publicity as a growing environmental problem, but they can be reused as raw material feedstock, fiberfill, carpet construction, furniture, flooring and other products, but not for beverage containers.

Yard debris can be used to produce a compost which might be used by the public.

Library Facilities

The following objectives are noted as cooperative measures to be emphasized between the Town and appropriate County agencies:

1. To stress the availability of public library facilities to the whole population in the Rising Sun area;
2. To stress the relationship of libraries to other programs aimed at achieving the Town's objectives of improving the environment and broadening cultural opportunities.

In terms of the first objective, library facilities will need to be expanded as the population increases in the Rising Sun area. General site requirements for libraries may include: 1) easily accessible preferable on main thoroughfare; 2) located in a shopping area; or 3) located near a neighborhood center.

FINANCIAL TECHNIQUES FOR PROVIDING PUBLIC FACILITIES

None of the techniques for providing public facilities will work unless a method is found to finance their provision. The following financing techniques are among the range of possibilities:

Pay-As-You-Go--The financing of capital projects from annual appropriations through the Capital Improvements Program.

Reserve Fund Financing--Is a variation of the pay-as-you-go method whereby payment is made in advance by deposits in a capital reserve fund until the amount required has been accumulated.

Borrowing--The Town can issue long-term debt through the sale of tax exempt obligations, or revenue bonds to finance a revenue producing enterprise. A general obligation bond can be sold to finance permanent types of improvements, and it obligates the Town to pay interest and return the debt of the issue.

Grants-In-Aid--Source for these include the Farmer Home Administration, United States Environmental Protection Agency, United States Department of Commerce and United States Department of Housing and Urban Development.

Lease Purchase--With this technique local governments prepare specifications for a needed public works project that is constructed by a private company or authority through lease back to the jurisdiction.

Authorities and Special Districts--These may be created, usually to provide a single service e.g., a sanitary district for provisions of sewer and/or water service. They may be financed through revenue bonds retired by user charges or in some cases by taxes if the authority has that power.

Tax Increment Financing--this method may be used to provide front end funds in an area where large scale redevelopment is feasible. A district is created around the proposed development. The tax base of this district is equivalent to the values of all the property in the area. The tax revenues paid to taxing units are computed on the initially established tax base during the redevelopment period, which is usually the expected life of the project. The area is then redeveloped. This redevelopment is financed with funds from the sale of tax increment bonds which are sold by the Town. When the property is redeveloped, the values rise, thus generating more tax revenue. This tax "increment" above the initially established level goes into a fund to

retire the bonds. Rising Sun's public facilities cannot rely on only one technique. Rather, a combination of methods should be employed pursuant to appropriate ordinances being adopted by the Mayor and Commissioners. However, in the case of new development, the developer should be made responsible for any and all upgrades to public facilities to accommodate the new development.

CHAPTER 10 Transportation Plan

INTRODUCTION

The future vision for Rising Sun is of streets that are pleasant to walk along, safe and efficient bike routes, effective incentives for carpools and vanpools, and a network of roads that moves people and goods efficiently throughout the Town. The goal must be to shift from moving vehicles, to strategies that will result in balancing the need for cars and trucks, transit riders, bike riders, and walkers.

Effective transportation planning and facility programming is an integral part of growth management. The quality of access to land and activities effects the form, intensity and location of all land uses. This is especially true for intense land uses such as industrial, commercial, and high density residential, as well as for less intense activities such as rural residential and agricultural land uses. Intense uses tend to locate where accessibility is the highest. Conversely, where access is limited, development is naturally limited to low traffic generators such as agriculture and rural residences.

In order to accommodate and assure the achievement of the goals and policies recommended in the Land Use Plan, consideration must be given to the traffic movement patterns within and adjacent to the Town. The Transportation Plan should be so designed to accommodate the free flow of vehicular and pedestrian traffic, to the maximum extent possible.

Rising Sun's transportation system will continue to be heavily dependent on automobile use throughout the planning period. The existing system of roads and streets will serve as the primary means of access to present and future land uses. Therefore, making efficient use of existing highways will be critical if Rising Sun hopes to maintain an adequate level of transportation service.

Transportation planning often begins in reaction to a problem. The Maryland Planning Act of 1992 suggests that a proactive approach to mobility issues is needed. Municipalities need to plan in a manner that defines a coordinated, evolutionary approach toward achieving less reliance on driving alone in the future, in order to enhance the choice, mobility and quality of life for all citizens.

The Comprehensive Plan attempts to balance public concern for efficiency, mobility, and safety with economic development and growth management objectives in the Transportation Plan.

With population and employment growth, increases in travel will also likely increase congestion on some roads. Where congestion results, improvements will have to be made to insure that public concerns are addressed.

The following Transportation Plan has been developed within and outside the Town limits. In arriving at the plan a set of goals and policies are recommended, which compliment those employed in developing the proposed Land Use and Community Facilities Plans of this report.

EXISTING SYSTEM

The Highway System

Rising Sun's transportation system includes highways and streets, and railroads. The Town's highways are traveled by autos, trucks and farm equipment. Its railways are abandoned and owned by the County.

The highway system consists of secondary highways with interconnecting County and feeder roads. The major east/west highway in Rising Sun is MD 273. The major north/south route serving Rising Sun is MD 274 and US 1.

Major truck traffic passes through the Town on MD 273 and MD 274 creating numerous traffic problems. Current plans are being explored to eliminate truck traffic on MD Route 274 through Town.

POLICIES AND OBJECTIVES

Objectives

- To allow the Town center to function as well as possible unimpeded by traffic congestion by providing by-passes and peripheral roads for through traffic and working in conjunction with the State Highway Administration to control truck traffic on MD 274 thereby controlling congestion in the center of Town.
- Work with the State Highway Administration to secure a "roundabout" intersection at MD 1 and North Walnut Street to facilitate better traffic flow to and through the Town Center
- To improve the quality of the environment through coordinated transportation development such as landscaping and special street furniture.
- Maintain and enhance the quality of the existing road system.
- Plan improvements to the Town's street network to correspond to and support the overall Land Use Plan.

- Coordinate transportation planning and programming with all appropriate state and regional agencies.
- Set level of service policies that reflect the community character objectives for the planning district.
- Encourage use of existing and planned transit and other ridesharing services to reduce travel on the highway system.

Policies

- Land developers should pay for any alteration, improvements or additions to public streets and other transportation facilities that will be needed to support the proposed development and will not be provided through normal Town capital improvement programming, including but not limited to streets, entrances, deceleration and turning lanes, and "park and ride" lots.
- The Town will give priority to upgrading those streets that have weight restricted bridges or streets that are of inadequate width for fire equipment to safely transverse at higher speeds, to a condition that permits adequate emergency response times.
- The Town should not permit development that would create a traffic or safety hazard on roads serving the development unless the developer agrees to make or fund necessary improvements to the off-site access roadway.
- Where possible and appropriate, existing roads and highways should be improved and new linkages built to support the Town and Area Land Use Plans. Responsibility for these improvements should be proportionally and equitably shared by the public and private sectors.
- Roadway capacity on County and State roads should be conserved by limiting and controlling future access points.
- Strip forms of development should be discouraged. should be reduced whenever possible.
- When new roads are built by the public or private sector, the roads should be constructed with an appropriate design which is suited to the road's primary function.
- New roadway construction and major improvement projects for existing Town streets should be scheduled as part of an overall Capital Improvements Program.
- The Town should coordinate with the State Highway Administration during the planning and design of State Highway improvements in planning area.

- The Town should work with the State Highway Administration to ensure that improvements to major State Highways in the area will still allow for these routes to function as important components of the local transportation system
- The Town should promote alternatives to driving alone and encourage the State to inform citizens of the public and private monetary and environmental costs of continued dependence on autos.
- The Town should support providing bicyclists and pedestrians safe, convenient, and inviting routes and walkways between activity centers
- The Town should promote safe and convenient access for people to transportation systems and ensure that there is adequate access from individual properties.
- The Town will plan for adequate rights-of-way taking into account existing and future development and proposed alternative transportation support facilities and programs.
- All developments will have adequate access and circulation for public service vehicles, but actual paved street sections should be as narrow as possible to maintain a human scale.
- The Town encourages the use of recycled materials (recycled/crushed concrete, bricks and blocks) whenever possible when making right-of-way improvements.
- The Town encourages the use of alternative fuels (re-refined oil, electric and compressed natural gas powered cars) to save energy resources.
- The Town will work with the State and adjacent jurisdictions to coordinate the land use and transportation elements of the Comprehensive Plan in order to achieve the reduction in drive alone rates.
- Traffic and roadway planning initiatives should be coordinated with emergency management agencies including development and maintenance of an emergency evacuation plan for use in the event of severe weather or catastrophic event.
- The County and towns should coordinate with each other during the planning and design of roadway improvements in or near a town which would impact both the County's and town's road system.
- At the appropriate time, the Town should explore the feasibility of improved transit service for area residents and encourage such services when needed and economically feasible.
- The Town may require that the configuration of new street and road connections in undeveloped areas assure connectivity to the overall street and highway system.

New local access streets serving commercial land uses should provide safe and convenient access and be designed in a way that preserves or contributes to the land use they are serving.

New residential streets serving residential neighborhoods should be designed to ensure that the streets:

- provide safe and convenient access for motorists, pedestrians, cyclists, and emergency vehicles;
- maintain the integrity of the land uses and streetscapes they are serving;
- provide access within new neighborhoods and to adjacent neighborhoods, shopping areas, and schools; and
- manage vehicular traffic volumes, and minimize speed, required local travel distances, and congestion.

CIRCULATION PLAN

From the primary goals noted previously, more specific circulation policies are recommended. As an integral part of Cecil County, Rising Sun historically has had its circulation system influenced by its location. In order to effectively develop a circulation plan for the Town and immediate area it should logically be developed within the context of the County Road systems.

The town should develop and adopt a functional hierarchy of street systems. What such a system does is to categorize streets according to their uses and ability to carry certain traffic volumes. It also allows separation of through traffic from local traffic. Briefly, it is a categorization from generally high volume, long distance to low volume, short distance roadways. For example, limited access highways (I-95) are designed primarily for long distance regional travel, major (US 1 Bypass) and minor (MD 276) arterials for relatively shorter sub-regional travel, major collectors (MD 274 and 273) to receive traffic from local streets and channel it to arterial, and local streets (Mount Street) to provide access to individual properties.

In the Rising Sun area, it is suggested that the following system or categories be established:

Principal Arterial--Carries a high volume of traffic for interstate and intro-state travel. Flow is usually uninterrupted from origin to destination.

Intermediate Arterial--Carries a high volume of traffic from inter-county and inter-town travel. Traffic on this type of road normally has the right-of-way except in areas of high hazard, then traffic controls are used.

Minor Arterial--Carries a high volume of traffic for intracounty and inter-community travel. These roads normally serve the higher classification roads providing access to and from the arterial.

Major Collector--Serves intra-county and inter-community travel, but at a lower volume and usually connects to an arterial to provide access to the surrounding land. Access is normally not provided directly from this road but from a sub-road connected to the collector. They may also serve large community shopping areas, schools, parks, and cluster developments.

Minor Collector--Serves intra-community travel at a volume below the major collector. Provides access to the land using lower order roads and sometimes direct access from itself.

Arterial Street--This is a refinement of the Local classification under the Federal Functional Classification System used above. These streets in the Town serve intra-area travel, provide access to higher level road and to the land using lower order streets. They also include direct access from itself.

Collector Street---This is also a refinement of the Local classification under the Federal Functional Classification System used above. These streets in the Town primarily serve intra-town travel and provide access to higher level roads.

Local--Provides direct access to land

In an attempt to reduce conflicts between vehicular and pedestrian activity in the Town and advance the pedestrian way network suggested for the Town's central business area, a conscious effort to separate through from local traffic in the Town is necessary. Proposals in this vein are concerned primarily with providing alternate travel routes for traffic heading in a general east-west direction. It is proposed that an alternate route be used to divert traffic for MD 274 to U.S. Rt. 1 Bypass. It is proposed that within the commercial core area a realignment of streets to eliminate hazardous intersections will aid in improving traffic flow and improve circulation around the commercial core.

A coordinated effort on the part of the Town and business establishments is required to achieve an overall beautification scheme concentrating on the central core of the Town. Special landscaping and paving treatment is recommended as well as coordinated and well designed street furniture such as street lighting, street signs, benches, trash receptacles, pedestrian crossings, underground utility placement, designated loading zones for service vehicles, etc.

It is further proposed that a major outer loop system be developed in the future. Thus traffic either east or west on MD 273 would be diverted to use the loop system proposed. The loop system would use existing major roads as well as a new constructed road which would bisect the proposed planned residential developments.

IMPLEMENTATION RECOMMENDATIONS

Functional Classification System

The Town should officially adopt the functional hierarchy of street systems shown on Map 6. This insures that streets are categorized (and evaluated) according to their uses and ability to carry certain traffic volumes. It also indicates which routes should be used for separation of through traffic from local traffic.

Highway Improvements

Existing conditions indicate that portions of MD 273 and the intersection of MD 273 and MD 274 are currently operating below an acceptable level of service. The MDDOT should evaluate each of these highway corridors and identify long range improvements to address existing and/or future capacity and operational issues.

Increased Coordination of the Land Use/Transportation Planning Process

The State, County and Town should work very closely together to evaluate the transportation system implications of the Town's new growth plans. Elected officials should be major participants in this process.

More emphasis should be placed on coordination between the Town, the Maryland State Highway Administration and WILMAPCO staff on matters related to planning and programming improvements and transportation systems management.

A coordinated transportation management policy should recognize the need to expand upon the current level of commuter ride-sharing to aid in the reduction of single-occupant vehicles. WILMAPCO and the State Highway Administration should be requested to assist the Town in preparing a transportation systems management (TSM) program to ensure that transportation planning and traffic operations are coordinated to enable the overall street system to function efficiently and effectively. A TSM program should include a Town street inventory and assessment, site traffic impact analysis, street planning, construction and maintenance, as well as traffic signs, signal and coordination, and pavement markings.

Access Management

An access management program should be created and initiated, supported by appropriate ordinances to ensure that access is not unnecessarily violated along key street links or near major intersection in the Transportation Plan.

Service streets, reverse frontage and commercial park concepts should be applied by the Town as part of all future nonresidential development. These techniques will help prevent the proliferation of driveways and individual access points which would intensify traffic hazards and adversely affect the function of arterial highways.

In the case of new commercial and other nonresidential developments, the Town should protect the capacity of the intersections of major streets (arterial and collectors) by requiring minimum setbacks for access drives. In general the town should encourage major commercial and industrial developments to locate in planned parks of large enough size to be served with a minimum of curb cuts and where traffic management can be internalized. This approach will help minimize strip commercial development. New development should be subject to the overall transportation plan for the area, with each news subdivision required to lay out its major circulation in accord with the circulation plan for that area. The same sort of practice should be extended to commercial development. The careful design of circulation so as to afford adequate access and yet maintain smooth traffic flows is one of the few thing that can positively address the conflict between access and traffic flow.

The following type of techniques should be considered to manage access to principal corridor roadways:

-Limit the number of conflict points, by installing physical barriers, modifying driveways, installing signal sat driveway to intense land uses, etc.

-Adopt guidelines for access type of minimum spacing of intersections, such as those show below: Table 10-1

Table 10.1 Recommended Minimum Intersection Spacing

Street Intersection with Street Classification	Minimum Intersection Spacing (centerline to centerline)
Principal Arterial	In accord w/SHA stand.specs
Intermediate Arterial (divided and undivided)	750 feet
Minor Arterial (divided and undivided)	750 feet
Major Collector	750 feet
Minor Collector	500 feet
Local Street	250 feet

-Zoning and Subdivision provisions should require development project design minimize left turn movement or conflicts on the site and in the street. Driveways should be designed to achieve clear sight lines based on design speeds as outlines below. Site access and circulation should conform to the following standards:

Table 10.2 Recommended Stopping Sight Distance

Design Speed (mph)	Distance (feet)
30	200
40	275
50	400
55	450
60	525

Parking

It is proposed that additional areas on the periphery of the center of Town be set aside as off-street parking areas for the future. Two such areas are identified on the Circulation Plan. At present, there are structures on these sites, however, these structures are beginning to show signs of blight and at a future time should be considered as possible off-street parking sites.

Transit service for the general public in Cecil County is not feasible at this time without

substantial subsidy and would not likely prove to be cost effective under any circumstances given the existing settlement pattern. At such time as settlement patterns, demand, or other circumstances warrant, the Town and County should explore the feasibility of providing public or private bus service between major residential, commercial and employment centers within the County. In the immediate future, the Town can be most effective in reducing drive alone auto trips by cooperating with the State in the planning and provision of “park and ride” facilities to encourage ride-sharing and commuting.

Roadways where access and aesthetics should be controlled in order to either avoid unappealing forms of commercial strip-development and resultant traffic congestion, or to preserve scenic rural views should be designated in the Plan as important corridors. Both of these objectives have great merit for the maintenance and improvement of rural character.

Along designated highway buffers should be required, development should be limited and buffered from roadway view. Signage should also be limited to avoid detracting from rural vistas. Along major town highways limiting access is vital to preserving roadway capacity, decreasing congestion, and improving safety. Commercial development should not be stripped along these corridors, but rather, it should be concentrated into defined commercial nodes.

The large-scale and permanent loss of scenic views, characteristic landscapes, and open space is perhaps the most devastating visual result of conventionally regulated commercial highway development in suburban areas. The tendency has been for zoning to encourage new development to line both sides of major roadways, eventually obscuring fields, pastures, or woodlands behind commercial frontage lots. This kind of homogenous development contributes greatly to the loss of rural character and community identity.

Bicycle Facilities

The Town should amend the Zoning Ordinance to require space be provided for parking of bicycles in non-residential developments and permit an appropriate reduction in parking based on the availability of space for parking bicycles.

In addition, the Town should plan for bikeways along appropriate Town streets and pedestrian trails as opportunities present themselves.

Ridesharing

The Town should encourage business and industry to provide reserved parking spaces for carpools, vanpools, and bicycle racks at office and industrial sites to accommodate and encourage high occupancy vehicle (HOV) commuting.

Regulations

The following additional policies should be incorporated into the Subdivision Regulations and apply to street design in major and minor subdivisions:

Proposed roads shall be continuations of existing roads wherever appropriate, including undeveloped but platted roads; and provision shall be made for road connections at suitable points with future adjoining subdivisions. Such connections shall be free of any reserved strips and shall be provided with temporary turnarounds by means of easements, where a dead-end would otherwise exist.

Proposed roads shall be continuations of existing roads wherever appropriate, including undeveloped but platted roads; and provision shall be made for road connections at suitable points with future adjoining subdivisions. Such connections shall be free of any reserved strips and shall be provided with temporary turnarounds by means of easements, where a dead-end would otherwise exist.

Land adjoining major roads or highways (as shown on the Transportation Plan maps) shall be served by a separate service road or by an interior street system. Such land shall have no direct access to major roads or highways. The arrangement shall be designed to minimize the impact of through traffic on residential lots and reduce accident hazards.

Along the designated collector roads and streets access points shall be limited to no more than one per property unless otherwise required by safety and/or other compelling conditions.

Building setbacks, and orientation, curb-cut locations, connections to streets, and internal vehicular circulation patterns should be designed with full consideration for future rights-of-way, future right-of-way widening, interchanges and intersections in accordance with the Comprehensive Plan and as specified by the Maryland State Highway Administration.

Strip development of all types should be avoided, as it leads to undesirable consequences relative to future development of interior land parcels, compromise of the traffic integrity of the

roads involved, and uneconomical extension of public and private services, and inefficient public transit.

All streets and circulation patterns will provide for the safe, efficient and convenient movement of vehicular and pedestrian traffic, which shall be functionally separate, whenever possible, and for adequate parking, as applicable. Patterns should be designed so as to limit the use of a street or circulation path to that use for which it is designated, also insofar as possible. Within the context of overall community development the internal circulation system should promote increased use of pedestrian and bicycle movement among residential, local shopping, schools, and other areas, as well as avoidance of external automobile trips, through the employment of connecting open-space, pedestrian-bicycle ways, and other design techniques.

Where not otherwise provided by interior pedestrian ways or similar means, sidewalks shall be provided by the subdivider when, in the opinion of the Planning Commission, sidewalks will promote and facilitate pedestrian access to existing and/or planned institutional, recreational or commercial uses. Where a development fronts on an existing Town Street and where a sidewalk terminates at the property line of the proposed development the sidewalk shall be extended along the entire road frontage of the proposed development. In the above cases, alternative means of pedestrian access, besides a sidewalk built to specification within the Town right-of-way (e.g., macadam trails), can be considered, provided that such pedestrian access renders the same or better access as sidewalks and provided that, if the pedestrian access is located outside a County right-of-way the developer provide proof of future maintenance.

Where appropriate, the design of major subdivisions and commercial and industrial site plans shall:

- Support bicyclists and pedestrians by providing safe, convenient and inviting routes and walkways between activity centers and in areas where the use of alternatives to driving alone for commuters is encouraged.
- Incorporate bike routes for commuters into street plans.
- Provide covered bike racks, lockers and showers at employment sites.

The Zoning Ordinance should be amended to encourage business and industry to provide reserved parking spaces for carpools, vanpools, and bicycle racks at office and industrial sites to accommodate and encourage high occupancy vehicles (HOV) commuting and require spaces for parking of bicycles in non-residential developments. The Zoning Ordinance should also be amended to permit the Planning Commission to allow an appropriate reduction in parking based on the availability of space for parking bicycles.

Bicycle Planning

Existing roads, together with new bikeways can serve as the system to provide bicyclist's travel needs, including recreation biking and commuter biking. Planning for bicycles should be

conducted in conjunction with planning for other transportation modes. A bikeway is any road, path or way which is designed to be open to bicycle travel, regardless of whether it is for the exclusive use of bicycles or shared with other transportation modes. A bike path is physically separated from motorized vehicular traffic by an open space or barrier either within the highway right-of-way or within an independent right-of-way. A bicycle lane is a portion of a roadway which has been designated for preferential use by bicycles and bicycle route is roadway designated for bicycles by signing only. These bike facilities are divided into three bicycle route classifications, namely:

Class I - routes are totally separated

Class II - routes are lanes along side roads but separated by curbs or painted lines

Class III - routes share the roadway with cars

Source: Federal Highway Administration's "Guide for Bicycle Facilities", 1981

Table 10.3 Bikeway Design Guidelines

Design	Auto Travel Speed	Vehicles per Day	Percent Trucks
Share roadway	<25 mph	2,000	
Stripped lane	<40 mph	1,000	<5%
Separate route	>40 mph	>1,000	>5%

Source: Accommodating the Pedestrian, Richard K. Untermann, 1984

Future widening plans for planned bicycle routes should include right-of-way for bicycle lanes to provide for a paved lane of six (minimum) to eight (desirable) feet in width separated by a minimum six foot shoulder wherever possible. Potential bike corridors that should be considered by the County are shown on Map 5

Greenways and Pedestrian Trails

The following design guidelines are typical criteria for determining the appropriate type of bike facility for a given county road corridor. Future widening plans for planned bicycle routes should include right-of-way for bicycle lanes to provide for a paved lane of six (minimum) to eight (desirable) feet in width separated by a minimum six foot shoulder wherever possible. Potential bike corridors that should be considered by the County are shown on Graphic 5.

Greenways or pedestrian trails are protected corridors of open space, maintained in a largely natural state for a variety of purposes, including water quality protection, wildlife habitat enhancement, aesthetic relief, recreation, non-motorized transportation and environmental education. All greenways serve at least one of these primary functions, and most offer some combination. Greenways are often associated with a linear natural feature like a stream, a coast or the ridge of a mountain. Ideally, they incorporate or link large open space. (Maryland Greenway Atlas, Introduction).

The Town should recognize the benefit and importance of Greenways and Pedestrian Trails by adopting the Greenways and Pedestrian Trails as part of the Transportation element of the

Comprehensive Plan. Where these paths are located along streams, the Town should investigate the implications of public dedication of the 110-foot perennial stream buffer during the subdivision process. If it is determined that fee-simple dedication to the Town is not in the best interest of the Town, public access easements should be investigated as an alternative. At a minimum, the 110-foot perennial stream buffers should be targeted as common open space areas during the subdivision process.

CHAPTER 11 Housing

INTRODUCTION

The quality of Rising Sun's neighborhoods is determined by the cumulative impact of the Town's housing supply and living environment. Since major community goals are to improve the quality of life and to promote the availability and affordability of decent, safe, and sanitary housing for all Town residents, housing ranks as an important local concern. Important factors to be considered in forming Town policy toward the public function of housing in the Comprehensive Plan are:

POLICIES

The following are the Town's policies for housing planning.

- A variety of housing types should be provided for within the Town's land use controls.
- The Town will encourage the use of innovative programs to provide a suitable mix of housing types in affordable price ranges.
- The purpose of Town housing and building codes is to insure high standards of quality in new construction, but with sensitivity to housing affordability.

OBJECTIVES

- Preserve housing in good condition from replacement by other uses or public facilities unless a greater public need would be served by such action.
- Encourage continued maintenance and upkeep of existing housing and stimulate the replacement of housing that becomes unfit for human habitation.
- Protect residential zones from incompatible activities and land uses to create comfortable and safe living environments.
- Provide a balanced housing stock with housing opportunities for all Town residents.
- Improve housing conditions for all the Town's residents, especially the disadvantaged population.

HOUSING PROGRAMS

As federal housing and other related programs have disappeared, cities and counties have sought to aid the would-be homeowner. Maryland has mounted an ambitious housing program in 1986 in response to federal cutbacks. Most of the state housing programs are administered by the State of Maryland's Community Development Administration which offers a variety of

housing programs that fall under the general categories of home ownership, rental housing, special loans and housing subsidy programs. The current programs are briefly described below:

Home Ownership Programs - Maryland Mortgage Program (MMP) - The purpose of the MMP is to enable low- and moderate-income households to purchase homes by providing below-market interest rate mortgage financing through private lending institutions. The MMP, which targets first-time home buyers, is available to individuals and households with incomes at or below 85 percent of the State median income.

Maryland Home Financing Program - Home Purchase (MNFP- PIRL) - The purpose of MNFP is to provide low-interest rate mortgages for lower-income households. The MMFP, which targets first-time home buyers, is available to individuals and households with incomes at or below 55 percent of the State median income.

Maryland Home Financing Program - Reverse Equity (MHFP-REMP) -The purpose of the MHFP-REMP is to enable elderly families of limited income to access part of their accumulated equity in order to pay for housing and other personal expenses to continue to occupy the home. For eligible applicants and properties, the Community Development Administration (CDA) will establish a line of credit up to a program maximum of \$50,000 from which funds may be requested on a monthly basis. No repayment of loans is required until the death of the last surviving borrower, after the borrower voluntarily moves out, or after the sale or transfer of the property.

Settlement Expenses Loan Program (SELP) - SELP provides financial assistance in the form of low interest loans to pay settlement expenses.

Rental Housing Programs

Multi-Family Bond Program (MBP) - This program is designed to increase the construction and rehabilitation of multi-family rental housing for families with limited incomes. Tax exempt bonds and notes provide below-market rate construction and permanent financing to profit and nonprofit developers. A certain percentage of units in the project must be made available to low-income persons and households.

Rental Housing Production Program (RHPP) - The purpose of the RHPP is to increase the supply of rental housing for low-income families by providing below-market rate and deferred payment loans to developers. The program is designed to be used in conjunction with tax-exempt, private, local and federal loans.

Elderly Rental Housing Program (ERHP) - The purpose of the ERHP is to increase the supply of rental housing for low-income elderly households by providing below-market rate and deferred payment loans to developers. The program is designed to be used in conjunction with tax-exempt, private, local and federal loans.

Nonprofit Rehabilitation Program (NRP) - The purpose of the NRP is to provide low-interest mortgage loans to nonprofit organizations and local governments to rehabilitate housing for low-income households.

Partnership Rental Housing Program (PRHP) - The PRHP is intended to expand the supply of affordable housing for poor families through State and local government partnerships. Eligible projects include new construction and acquisition or rehabilitation of rental housing.

Maryland Housing Rehabilitation Program - Multi-Family (MHRP-MF) - The purpose of the Multi-Family Program is to provide loans to assist owners in bringing their multi-family units up to applicable building codes and standards

Multi-family Home and Energy Loan Program (HELP-MF) - The purpose of the HELP is to finance rehabilitation and energy conservation of existing multi-family properties using the proceeds of tax-exempt bonds.

Construction Loan Program (CLP) - The CLP provides low-interest, construction financing loans to nonprofit and local governments to acquire, rehabilitate, or construct certain types of housing and for bridge loans to profit motivated developers.

Transitional Housing and Emergency Shelter Program - The THESP provides grants to improve or create transitional housing and emergency shelters for the purpose of reducing homelessness in the State.

Special Loan Programs

Maryland Housing Rehabilitation Program - Single Family (MHRP SF) - The purpose of the program is to preserve and improve existing small residential properties by bringing the properties up to applicable codes and standards. In 1990 this program was merged with the Liveability Code Rehabilitation Program.

Accessory, Shared and Sheltered Housing Program (ACCESS) - The purpose of ACCESS is to expand low cost housing opportunities for low-income households and low-income elderly, handicapped or disabled persons by financing the creation of accessory, shared, and sheltered housing facilities.

Indoor Plumbing Program (IPP) - The purpose of the IIP is to provide indoor plumbing in residential properties. Loans are made to income eligible households in owner-occupied single family units.

Residential Lead Paint Abatement Program (RELAP) - Loans are provided through the RELAP to reduce instances of lead poisoning of children by financing the abatement of lead paint in residential buildings.

Group Home Financing Program (GHFP) - The purpose of this loan program is to assist individuals and nonprofit organizations to construct or acquire and modify existing housing to

serve as group homes or temporary and emergency shelter for income-eligible persons and households with special housing needs.

Special Housing Opportunities Program (SHOP) - The purpose of the Special Housing Opportunities Program (SHOP) is to assist non-profit organizations and local development agencies construct and acquire and modify existing housing to provide shelter and service individuals with special housing needs.

Special Targeted Area Rehabilitation Program (STAR) - The purpose of the STAR program is to preserve and improve single family properties. STAR was designed to bring properties up to applicable building codes and standards or a minimum housing quality standard.

Housing Subsidy Programs

Rental Allowance Program (RAP) - This program provides grants to local governments to provide flat rent subsidies to low-income families who are homeless or have emergency housing needs. The purpose of the program is to help these families to move from temporary housing to permanent housing and self sufficiency.

Section 8 Existing Certificate/Voucher Program - A U.S. Department of Housing and Urban Development Program (HUD), Section 8 Existing is a rental assistance program which subsidizes the rent of low income families through the use of federal grants. This program is administered through the Maryland CDA.

Low Income Housing Tax Credit Program

The Federal Low-Income Housing Tax Credit, created by the Tax Reform Act of 1986 and extended by the Revenue Reconciliation Act of 1989, is designed to encourage private sector investment in the construction and rehabilitation of housing for low- and moderate-income families. The law gives states annual tax credit allocation based on population. CDA is the agency which allocates the state's tax credits on a competitive basis. Infrastructure Program.

The purpose of this program is to provide an efficient and economical means of access to capital markets in order to finance infrastructure projects to local governments. This program is administered through the Maryland CDA.

IMPLEMENTATION STRATEGIES

There are several implementation alternatives available to local governments for the provision of affordable housing. The extent to which these alternatives are used, either singularly or in combination, depends on the particular needs of the community. Each approach to providing affordable housing has varying degrees of success.

Accessory Apartments

Accessory apartments may be permitted under certain conditions with adequate safeguards to protect the character of the existing residential neighborhoods. Both the homeowner and the community can benefit from the presence of accessory apartments, if they are carefully managed. The most obvious public benefit of accessory apartments is that they offer a source of inexpensive housing units in the community with virtually no conversion of land use to produce them. Accessory apartments are moderate-cost housing and can reduce the need for some new development.

The following guidelines should be used to address some of the concerns about the impacts that single family housing conversion to accessory apartments may have on the character of a neighborhood:

- 1 **Require Owner Occupancy**—require that the owner of the home continue to reside in one of the units to ensure that the appearance of the structure will be maintained.
- 2 **Restrict the Age of Homes to Be Converted**—These provisions will discourage builders from taking advantage of an accessory apartment provision as a backdoor route to two-family development and limit conversion to existing structures.
- 3 **Provide for Parking and Traffic** — These provisions will mandate that the existing parking pattern not be altered and that off street parking be provided.
- 4 **Guarding Against Visual Change in the Neighborhood**—These provisions will generally restrict the owner from making external alterations to the structure such as adding a second entrance on the front of the house.
- 5 **Specifying Minimum Apartment Sizes**—These provisions should limit the size of the accessory apartment as it relates to the main unit to ensure that the accessory unit is clearly secondary. Minimum size of apartments will be designated in the Housing Code ordinance.
- 6 **Providing Opportunities to Control the Scale of Change**—These provisions should allow conversions under a special exception rather than as a “by right” in any zone thereby allowing neighborhood residents a chance to respond.

CHAPTER 12 Historic And Cultural Resources

INTRODUCTION

History can be kept alive through education and preservation, both of which can take many forms and vary in intensity. History is something one lives in daily and is not only a “do not touch” museum. Old homes can be restored such that they are comfortable homes of today or they could be refurbished as an office. Historic sites can honor the past while providing a place for leisure activities. An old church can still hold worship services similar to those held one hundred years ago. A number of programs exist to help individuals and groups temporarily or permanently protect sites and structures considered of significance. The past is a building block for the future and, if a plan is to be comprehensive, it must incorporate that past as a key element of planning for the future.

Historic preservation is a program which involves the inventorying, researching, restoration, and ongoing protection of sites and structures having a significant local or national historic interest. Continued historic and cultural resource preservation and enhancement through sensitive land use planning and other administrative means would provide Rising Sun with a number of benefits including:

POLICIES

The following are the Town’s policies for cultural and historic preservation:

The Town supports promotion of historic sites through tourism efforts and business services that are complementary to historic areas.

The Town Commissioners support efforts of preservation and cultural organizations in the Town and encourage open communications between those same organizations.

The Town encourages school and community participation in historical resource management programs through education and public awareness.

The Town government and local citizens should work jointly to develop mutually acceptable mechanisms for protecting places of historic interest.

OBJECTIVES

The Town’s objectives for cultural and historic preservation are:

IMPLEMENTATION RECOMMENDATIONS

The following programs and strategies are designed to facilitate achieving this Plan's goal of preserving and enhancing the Town's rich cultural and historic heritage.

Protection and Preservation Programs

A number of existing programs provide assistance in protection or preservation, offer tax benefits, provide professional historical/architectural consulting, and so forth. More detailed information on programs including the National Historic Landmark, National Register of Historic Places, Conservation and Preservation Easements, and Historic Overlay Districts can be found from various historic preservation organizations such as the Historical Society of Cecil County or the Maryland Historical Trust.

National Register of Historic Places

In 1966, Congress established the National Register of Historic Places as the Federal Government's official list of properties, including districts, significant in American history and culture. In Maryland, the Register is administered by the Maryland Historical Trust. Some benefits resulting from a listing in the National Register include the following:

- National recognition of the value of historic properties individually and collectively to the Nation.
 - Eligibility for Federal tax incentives and other preservation assistance.
 - Eligibility for a Maryland income tax benefit for the approved rehabilitation of owner-occupied residential buildings.
 - Consideration in the planning for federally and state assisted projects.
- Listing does not interfere with a private property owner's right to alter, manage or dispose of property.

Maryland Historical Trust

The Maryland Historical Trust (MHT) surveys historic buildings, structures and archaeological sites to determine eligibility of being listed on the state register. As with being on the National Register of Historic Places, listing does not limit or regulate the property owner in what can or cannot be done with the property. In order to be considered for listing on the National Register or having an easement on the property to be accepted by the MHT, the site usually must first be listed on the Maryland Historical Trust Register.

Maryland Historic Preservation Easement

A state-held historic preservation easement monitored by the MHT is an excellent means of perpetually preserving a historical structure and property for future generations. Regulations state that easements may be assignable to other parties or run with the land. The benefits for a property owner to donate his land to the MHT include income, estate, inheritance, gift and property tax benefits. In exchange, the owner gives the MHT the final word regarding proposed alterations. However, for properties whose fair market value is largely based on the value of

development rights, this method of preservation may not be the most financially expedient for the property owner or for the MHT.

Local Historic Overlay Zone

A third, but separate, type of designation is the locally-zoned historic district which is an overlay on the existing zoning ordinance of a specified area. This district, legally allowed by Section 8.01 of Article 66B in the Annotated Code of Maryland is designed in order to maintain the visual character of the community. It may allow an appointed Commission to monitor changes, alterations and demolition of buildings and structures of architectural or historic significance. The main purposes of such zoning are:

to safeguard the heritage ... by preserving the District therein which reflect elements of its cultural, social, economic, political or architectural history;

to stabilize or improve property values in such a District;

to foster civic beauty;

to strengthen the local economy; and

to use and preservation of Historic Districts for the education, welfare and pleasure of the residents of the county or municipal corporation.

Inventory

The Town should establish and maintain a comprehensive listing of historical districts and sites in Rising Sun which includes discussion of significant sites. Such a listing with an accompanying map should be readily accessible in the Town's Planning Commission to alert them of historic sites in or near proposed developments.

Adaptive Re-Use

The Town should adopt zoning provisions that promote the adaptive reuse of historic structures for public and private uses including, but not limited to, Bed and Breakfast establishments, craft/gift shops, museums, and studio space for artisans, when such uses minimize exterior structural alteration.

Support Owners

The Town should encourage, through the use of various incentives, the preservation of historic structures. Include tax incentives for major structural or exterior renovation or the donation of protective historic easements.

Local Historic Districts

The Town may, through the use of various incentives, encourage the establishment of local historic districts in the Town. Incentives may include tax incentives and recognition through the awarding of plaques.

Development Proposal Review

The Zoning and Subdivision regulations of the Town should require developers to identify cemeteries/burial grounds/archaeological sites/historical structures on a property prior to any disturbance of the site and support archaeological and historical research through preservation of significant sites.

CHAPTER 13 Implementation

The Comprehensive Plan is intended to capture a vision of the future Rising Sun. As such it provides a basis for a wide variety of public and private actions and development decisions which will be undertaken in the town over time. It is not a static document because a community is not static, but one which provides general guidelines to the local community in order that piecemeal improvements or day to day decisions can be properly evaluated against their long-range impact upon the community and their relationship to existing settlement patterns.

The Plan and, in particular, the Land Use element indicates the proposed general or conceptual development pattern of the town projected to the year 2010. However it is not a detailed blueprint. Local conditions, values, and philosophies change as a result of economic and political pressures and realities and regulatory changes at the county, state, and federal level and the Plan must subsequently be responsive to these changes. The Plan is not a document which encourages regimentation. It is, however, a guide which encourages patterns of development which permit orderly and economical growth of the community in a manner which can be more efficiently served with a variety of governmental services and facilities.

Sections which follow identify methods to implement plan proposals. Implementation involves the concerted actions of both town elected officials and certain appointed boards.

DEVELOPMENT FORM

The following discussion outlines the context in which the Town should review the zoning ordinance and other techniques that will be employed to implement the Plan. This context is particularly important in that the goals, objectives and recommendations of the Town's plan encompass areas beyond the corporate limits. The way in which the Rising Sun area grows is important to the future of the Town and planning for the manner in which it will develop now is also important, jurisdictional issues notwithstanding.

Although it may be appropriate for the zoning ordinance to provide for open space development forms (cluster and planned) of development that are useful for protecting sensitive natural resources and providing open space, it is also important to provide for traditional neighborhood design. There are areas within the corporate limits and immediately adjacent to the Town where traditional develop may be more appropriate.

Important concepts that should be kept in mind as the Town develops their zoning ordinance, subdivision regulations, street standards, and other related implementation techniques are discussed below. Quality considerations and creating pedestrian friendly streets should be a universal vision that bridge all development types. Traditional neighborhood development concepts are particularly relevant to vacant in-town parcels and areas immediately adjacent to the Town.

Quality

The Rising Sun Comprehensive Plan and its implementation should set the basis for development of a “quality community”. This will not only benefit the residents of the Town, but will also help make Rising Sun a desirable growth center within the overall Growth Management scheme of the County, a preferred living environment.

A quality community is one that offers a unique sense of place. Having clearly defined boundaries (a town center, connected neighborhoods, surrounded by open space) is a major part of this objective giving one a sense of arrival upon entering the community.

Maintaining human scale when planning for new neighborhoods, civic improvements, employment and shopping centers will help insure a community for people. The elements of the Plan should place emphasis on people not the automobile. This includes providing for pedestrians (with sidewalks and trails), ensuring lots of trees grow in the community, and encouraging human interaction by allowing houses and stores to locate close together and within walking distance (See Illustration 1). In addition, the Town should take the long view and plan for transportation alternatives. This means encouraging development design that will not preclude transit in the future.

New and old neighborhoods should be self-contained to the extent possible. Offices, stores, restaurants, schools and even light manufacturing can be compatible with residential neighborhoods. Offices, homes, stores, schools and parks should be permitted close together. This way the zoning helps provide for pedestrian communities.

Quality communities are places of diversity and home for people of all ages, incomes, race and ethnic background. Neighborhoods offering a wide range and mix of housing types, including small apartment buildings, row houses, accessory living quarters and small homes on small lots situated among large homes can help achieve this objective.

Quality communities include trees; lots of shade trees. Trees offer many positive environmental benefits. This is particularly true along sidewalks and in parking lots where there should be at least one tree for every five parking spaces

In the developing street standards for new development the Town should not ignore the benefits of alleys and requiring parking lots be located to the rear of buildings. Alleys and rear parking lots maintain attractive streets and sidewalks and move things not particularly attractive, e.g., trash, utility poles, parking spaces, compost piles, and parking to the rear of buildings, thus allowing the buildings and structures to provide a greater sense of enclosure and security.

The Town should also be cognizant of the role of architecture in creating quality. People enjoy living among buildings that are beautiful and hospitable and that harmonize with the surroundings. Builders and developers should be encouraged to use materials and designs people have found attractive for decades. Historic building and structures can serve as architectural models for new buildings and structures. At the same time, preserving historic buildings preserves our sense of history and reflects our roots.

All our citizens, young and old, should be able to see the reminders of our community's heritage, and take pride in it. Preserving historic buildings preserves our sense of history and reflects our roots. Historic resources should be valued and preserved and worthy historic buildings should be adapted to new uses, rather than destroyed. New developments should be designed to complement historic buildings, rather than clash with them.

Design, both site and architecture should strive to create pleasant outdoor spaces. It is a basic human desire to feel a sense of enclosure. Outdoor spaces convey a sense of enclosure as well. By contrast we note that in suburban areas the design is wide open, with houses plunked in the middle of large lots. These settings provide little or no outside privacy and lack sense of community. Outdoor spaces, such as public squares and small parks, act as centers of communities. As an example, places like Annapolis create outdoor space by setting houses close together to make streets outdoor rooms. Buildings form the walls, street trees form ceiling, and private spaces are located in the rear yards

Although we are planning for concentrated growth in the area, we need to respect nature. Not every corner of the area can support development. Places with critical environmental limitations and sensitive areas — such as wetlands, floodplain and steep slopes — should be off-limits to development. All development should be required to incorporate appropriate measures to minimize environmental impacts.

The most important wildlife habitat areas should be preserved to maintain a biologically healthy diversity of species. Children should be able to find quiet places to hear frogs around a pond at dusk, the rustle of the leaves of fall, and the humming of insects' wings.

Providing parks in neighborhoods will help to awaken a new neighborhood spirit in the town. These parks should provide for both active and passive recreational pursuits, with playground equipment, basketball hoops, tennis courts, play areas, horseshoe pits, picnic tables, and

shelters. There should be places for children and adults to play, and quiet places to just relax on a sunny day. Parks can become the focal point of the neighborhoods. Community parks should also be enhanced to meet the recreational needs of a growing population and the County and town must work together to develop new ballfields, soccer fields and athletic practice fields.

Finally, quality communities are well maintained and safe. Maintenance is often the chief difference that distinguishes communities of character from slums. Rigorous attention to maintenance is necessary. Policing that emphasizes public order helps maintain the social environment in quality communities.

The Plan and implementing ordinances and regulations must be developed with these quality considerations in mind and each new project (public or private) must be rooted in the vision they connote. Each new development should be viewed as a part of an incremental growth process, creating an identity of its own, but at the same time fulfilling a role as a piece of the Town. Development projects must reflect a unity and positive relationship to the overall plan for the Town. In this way new developments can enhance the order and richness of the community.

Transportation Concepts

Among other things, new development (and minimum development standards) should reflect an awareness of the importance of streets to the quality of life. The Rising Sun Comprehensive Plan calls for streets and pedestrian trails that are pleasant to walk along.

Since building and especially maintaining roads is one of the most costly responsibilities of the government, it is important to fully use the transportation system that we have in place. In some areas, Town-owned and maintained unconnected streets do not contribute to increased route options and the shorter trips for pedestrians, bike riders, or autos. New streets must be designed so as to provide for the logical extension of the Town's existing grid pattern and reflect the areas' functional hierarchy.

A road system with many two lane roads works more efficiently than one with a few four and six lane roads. The system with more, but smaller roads, provides more options for getting around for all travelers. The ability of pedestrians to cross lanes or vehicles to make left hand turns is also less complicated and takes less time on roads with fewer lanes. More road connections allow fewer miles to be traveled saving fuel and reducing pollution. It is in all of the citizen's best interest to add to the road system as needed to maintain straightforward connections for all travelers. These means that the street should be laid-out with consideration for extending the Town's grid system to the throughout the planning area, as appropriate (See Illustration 2).

Bike riders need to be encouraged with good bike routes, bike racks at destinations, and showers and lockers at work and school. To encourage people to walk, streets, homes and businesses need to be built in a way that makes streets inviting. The network of pedestrian trails and greenway shown on the Plan specifically for the use of pedestrians and bicyclists should be implemented. This way people will be able to travel safely throughout the town and adjoining areas without relying on the automobile. These trails should link the neighborhoods with key

destinations such as schools, parks, commercial areas, and centers of employment. This will contribute to reducing our dependence on the automobile.

Traditional Development Forms

In all cases, development can and should help create an exciting, attractive and vibrant community in the Rising Sun area. New concepts — using the historic development forms of the Town, e.g., grid streets, alley, narrow lots, and shallow front yard setbacks — should be permitted, encouraged and, in some areas, preferred. Traditional neighborhood design exhibits characteristics that are compatible with the vision of a quality community discussed above. These characteristics are:

Neighborhood size is limited to an area that can be physically articulated with clear edges and a focused center; Shops, workplaces and residences for all income groups are in close proximity;

ZONING ORDINANCE

Zoning is one of the more important means of implementing a Comprehensive Plan. An effective Zoning Ordinance based on Comprehensive Planning enables the orderly, compatible, and desirable development of a community. Based on the Comprehensive Plan and in accordance with the Maryland Planning and Zoning Enabling Act (Article 66B) and the Zoning Ordinance of Cecil County, Maryland the following recommendations are made as a basis for zoning in the Rising Sun area.

It is proposed that the Zoning Ordinance of Rising Sun follow the Cecil County Zoning Ordinance in format for the sake of consistency and development patterns and ease in coordinating reviews between the County and Rising Sun. The various sections and regulations of the Ordinance should be similar to those of the County Ordinance.

Outlined below are the particular districts and suggested regulations that should be considered based on the Comprehensive Land Use Plan discussed in the previous sub-section. These districts add regulations correspond in most instances to the Cecil County Regulations.

Residential

It is proposed that the residential land use regulations include the cluster zoning concept discussed in the Land Use Section of this report. It would be desirable that residential districts be developed under this concept where such factors as location, natural features, existing and planned transportation facilities, and recreation and open space objectives of the Comprehensive Plan indicate. Basically, the following residential districts should be permitted:

Low-Medium Residential Zone: This residential area is meant to encourage a quiet and hazard-free living environment of semirural character and contains residences and other uses related to them. The following uses could be permitted in these areas:

A. One-family detached dwellings;

- B. Farms;
- C. Recreation areas or buildings;
- D. Educational facilities, religious, medical and community facilities;
- E. Neighborhood commercial centers.

Medium-High Residential Zone: This residential area permits a wider variety of dwelling types needed to meet today's housing needs. The uses that could be permitted in this area are:

- A. Multiple dwellings;
- B. Townhouses;
- C. Neighborhood commercial areas
- D. Various recreational facilities;
- E. Educational, religious or medical and community facilities.

Planned Unit Development Zone:

The basic premise underlying the planned development concept is that a neighborhood, instead of the individual lot becomes the unit for planning. The planned unit concept includes single-family homes, multi-family dwellings, and shopping facilities as part of a unified development scheme, together with needed school and recreation facilities. The general objectives of a planned residential development is to provide flexibility in site design, producing variety in the physical development pattern of a community and a more desirable living environment than would otherwise be possible under strict interpretation of zoning ordinance requirements. It is also the objective of this zone to encouragement more efficient and desirable use of open land. It basically differs from the cluster concept in that it allows for a greater variety of land uses and housing types in a particular development. Clustering is basically concerned with allowing site design flexibility with one housing type. For the most part, Planned Unit Development embodies the following basic principles:

- 1 The gross population density and building intensity remain unchanged and conform with the basic over all density requirements of zoning district. However, lot dimensions and areas need not meet specific ordinances requirements.
- 2 Residential lot sizes related to single-family units may be reduced producing common open space areas and pedestrian walkways.

- 3 A variety of housing types, ranging from single-family residences, through townhouses and garden apartments is encouraged.
- 4 Supportive ancillary uses such as schools, recreational areas, shopping and employment facilities is also encouraged.

It can be seen that the Planned Unit Development concept attempts to develop a totally integrated development containing all the uses and facilities that one normally associates with a well developed neighborhood.

The advantages of a Planned Unit Development as a community development pattern is obvious. Variety in housing type and land use, flexibility in site design allowing adequate separation of vehicular and pedestrian traffic expanded open space/recreational areas, and decreased development as well as maintenance costs, can be achieved.

Commercial-Industrial Zones: The following commercial and industrial zone districts should be permitted and, furthermore, under each commercial or industrial area specific regulations should be included as follows:

1. Clustering the uses;
2. Providing open space with integrated recreation areas, trees and sitting areas;
3. Regulation as to percentage of land and amount of landscaping required in each area;
4. Separation of pedestrian from vehicular traffic;
5. Amount and design of parking facilities as well as the amount of landscaping required in each parking facility.
6. Regulations on type and size of signs permitted;
7. Height and bulk of building;
8. Parking for commercial and industrial uses should be placed behind the principal structure to the extent possible;
9. Outdoor storage, except that associated with agricultural activities, should be screened from public ways and adjacent residential uses by vegetation or walls;
10. Nonresidential uses fronting on arterial or collector street segments should be subject to Street Buffer requirements.

11. Nonresidential uses should be required to landscape at least 25 percent of the site with plant species native to Cecil County. All site plans must conform to the Rising Sun Forestation Ordinance.
12. Commercial site design standards should either limit size coverage or set minimum open space requirements. Landscaping and screening of parking areas should also be required.
13. Commercial recreation and light industrial uses that can be blended into the rural countryside may be permitted in appropriate location provided they do not adversely impact the environment and rural character of the surrounding area.

Town Center Commercial Zone: This zone should permit shopping establishments necessary to serve the Town as well as surrounding area such as restaurants, banks, specialty shops, food stores, department stores, service stores, such as barbershops, bakery, delicatessen, drug store, dry cleaner, florist, etc.; as well as community facilities such as churches, fire stations, post office, library, etc.

Highway Commercial Zone: This zone should contain uses catering to highway travelers such as drive-in banks, bowling alleys, food shops, motels, professional offices, restaurants, personal service businesses, etc.

PUD Commercial Zone: This zone should contain uses which serve a larger area than a neighborhood and also may contain community facilities such as a post office branch, a library branch, etc. The main commercial uses in this area are service-oriented for daily convenience goods such as dry cleaners, food stores, barber shop, delicatessen, drug store, book, newspaper and magazine store, shoe repair, and similar uses. Also, community meeting areas and other cultural-oriented uses.

Neighborhood Commercial Zone: This zone should be geared to provide service and goods to a small population or neighborhood. It is limited to use such as a small food store or delicatessen, drug store or other type of similar uses on a smaller scale than the PUD Commercial Zone.

Light Industrial Zone: This zone is meant to contain industrial uses which are compatible with residential and commercial uses. The uses permitted in this zone have a relatively minor nuisance value. The uses permitted might include:

- 1 farms and other uses associated with agricultural activities;
- 2 wholesale businesses, warehouses;
- 3 manufacturing, compounding, processing or packaging of good products, pharmaceutical, ceramic products, musical instruments and other manufacturing that is void of fumes noise or other similar light manufacturing uses.

Agricultural Zone: In this zone, agricultural land will be protected from encroachment by other uses in order to encourage a stable agricultural economy for the area. Permitted uses this zone

may include farms and other uses associated with agricultural activities. The primary purpose of the Agricultural Zone is to maintain the existing rural character of the Rising Sun area by encouraging the continuation of agricultural and forestry uses and be requiring that the essential elements of the rural character be maintained in development. The elements of rural character include large rolling farm fields, tree lined stream valleys, and views from the roads of open space in natural vegetation.

Farmland is steadily being converted to residential and other non-agricultural uses. Development pressure on remaining farmland is reflected in current land values and ownership patterns.

The preservation of agriculture, forest cover, and large expanses of open space is essential to maintaining this existing rural character. The Town could make special provisions for the continuation of agriculture and forestry activities in the Agricultural Zone affording them protection as development occurs and be minimizing the loss of productive lands and natural vegetation to the extent possible.

To reduce conflict between incompatible uses the Zoning Ordinance should include performance provisions that establish minimum development standards including minimum open space requirements, landscaping, forestation, and bufferyard standards. Performance standards that address environmental concerns should also be included in Zoning and Subdivision regulations.

DEVELOPMENT DESIGN AND COMMUNITY CHARACTER

This chapter addresses the many aspects of development design in Rising Sun. Development design can be generally defined as the management of the visual and physical development of the built environment. Primary emphasis is placed on the preservation of the town's character. The intention is to respond to growing public concern about the increasing transformation of the town's traditional rural landscape to sprawling suburban residential and strip commercial development ownerships and communities through the nation. Managing development design to maintain and enhance the character and aesthetics of the town is an important component of the Comprehensive Plan. Application of development design standards is appropriate anywhere human features are present, and where the physical and visual properties of development can significantly influence the character of the town. Development design guidance, or the lack thereof, significantly affects real estate values, community pride, a sense of obligation to private property, personal enjoyment and satisfaction, and the overall investment climate in the community.

Town Center

The Town Center has traditionally served as focal points for the surrounding rural community, providing some range of service and convenience to residents. They play an important functional role in providing homes, limited neighborhood-oriented commercial services and businesses, and civic buildings such as churches, post offices, fire stations, etc.

The Town Center has a unique character and “sense of place” with which local residents easily identify. Development design standards for the Town Center will help to preserve and enhance their image while still accommodating limited future growth in a responsible manner. It is ironic that the traditionally tightly-knit village pattern so typical in traditional villages in America is illegal to produce or emulate in many, if not most, communities today. Developers are required to rigorously separate different land uses and set each house on suburban size lots. Such regulations inadvertently destroy the character of villages and towns at a rapid pace and prohibit the development of new villages that foster a sense of place.

The following are recommended development design guidelines for the existing and future Town or neighborhood Centers:

Resource Protection Standards

It is intended that resource protection standards will apply in all planning districts. These will be designed to protect such resources as flood plains, wetlands, steep slopes, and forested areas. The protection standards will be consistent with those presented in the Natural Resources and Sensitive Areas element of this Plan.

The Rural Landscape

Within those areas designated as agriculture, the Plan recommends providing zoning ordinance and subdivision regulation incentives for cluster development. Through the clustering approach for rural subdivisions, the developer is able to modestly increase base densities and decrease lot sizes in return for setting aside 30 to 50 percent of the overall parcel as open space. The resultant open space would be permanently protected by conservation restrictions for future agricultural use, forestry, or simply community open space.

Buildings should either be located in a wooded fringe at the edge of fields, or screened and setback from the fields and public roadways by a landscaped buffer area. Buildings should be sited so that obstruction of views from public ways will be minimized. This can be achieved by taking advantage of topographic changes or existing vegetation. This design approach would preserve rural views and enhance the rural image of the town. Although individual septic systems could be built for each house, joint systems shared by several houses would become possible, allowing siting on the most suitable soils in the tract, and at the greatest distance from any wells. Subdivision lots should be accessed from a single private road instead of numerous driveways fronting on public routes.

When zoning highway commercial areas, the town should not succumb to the “broad brush” approach of designating all roadside areas for new commercial development, but should instead examine the rural landscape to identify the amenities and visual resources which are present. Rather than allowing linear developments, commercial zoning can break the standard pattern by designating commercial nodes in compact, centralized areas, with visually important landscapes protected in between. Commercial development, regardless of where it is located in the towns, should also be subject to development appearance standards which ensure compatibility to

surrounding land uses and promote a high quality built environment that compliments the community character of Rising Sun.

Bufferyard Performance Standards

One of zoning's most important functions is the division of land uses into districts that have similar character and contain compatible uses. All uses permitted in any district have generally similar nuisance characteristics. In theory, the location of districts is supposed to provide protection, but in Rising Sun this is not always the case because uses as diverse as single-family residential and commercial can occasionally be found adjacent to one another. Bufferyards will operate to minimize the negative impact of any redevelopment or future use of vacant land on neighboring uses.

The bufferyard is a combination of setback and a visual buffer or barrier and is a yard or area together with the planting required thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement of this Plan are designed to minimize nuisances between adjacent zoning districts to ensure the desired character along public streets and roads. The planting units required of bufferyards can be calculated to ensure that they do, in fact, function as "buffers".

Bufferyards should be required to separate different zoning districts from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

Development Appearance Standards

All future development in the town, except for single-family homes and farm buildings, should be subject to some level of design review for compliance with minimum development appearance standards. These minimum standards that should be achieved are performance standards rather than inflexible and stringent criteria. The intent of these performance standards is to promote quality development that will complement the community character of Rising Sun. One of the reasons for implementing these standards is, of course, to positively influence development aesthetics. However, this objective is justified by the greater goals of protecting and enhancing real estate values, fostering of civic pride, and improving the overall investment climate within the town.

These standards are not intended to restrict imagination or development creativity, but rather, to assist in focusing on development design principals which should result in enhancing the visual appearance of the built environment in the area. The development appearance standards relate to such factors as: relationship of buildings to the site; relationship of existing buildings and site to adjoining areas; landscape and site treatment; building design; signs; and, maintenance. These standards should not be considered cost prohibitive or overly restrictive since they embody common sense design principles which were traditionally employed throughout the country prior to the advent of post-war suburbanization.

The following are recommended development appearance standards for future multi-family, commercial and industrial development in all areas of Rising Sun:

Relationship of Buildings to Site

Place newly installed utility services and service revisions necessitated by exterior alterations underground wherever possible.

Relationship of Buildings and Site to Adjoining Area

Landscape and Site Treatment

Preserve and develop natural or existing topographic patterns where they contribute to beauty and utility of a development. Permit modification of topography where it contributes to good appearance, or where it is necessary.

Provide an inviting and stable appearance for the pedestrian through grades of walks, parking spaces, terraces, and other paved areas.

Provide landscape treatment to enhance architectural features, strengthen vistas and important axes, and provide shade.

Achieve unity of landscape design by repetition of certain plant varieties and other materials and by coordination with adjacent development.

Select plant material for interests in its structure, texture and color, and for its ultimate growth. Use plants that are indigenous to the area and others that will be hearty, harmonious to design, and of good appearance.

Protect plants by appropriate curbs, tree guards, or other devices in locations where they will be susceptible to injury by pedestrian or motor traffic.

Enhance parking areas and traffic ways with landscaped spaces containing trees or tree groupings.

Where building sites limit planting, require the placement of trees in parkways or paved areas.

Building Design

Do not restrict architectural style. Base the evaluation of the appearance of a project on the quality of its design and relationship to surroundings.

Buildings should be scaled and sized in harmonious conformance with permanent neighboring development.

Materials should have good architectural character and should be selected for harmony of the building with adjoining buildings. Materials should be of durable quality. Materials should be selected for suitability to the type of buildings and the design in which they are used. Buildings should have the same material, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways. In any design in which the structural frame is exposed to view, the structural materials should be compatible within themselves and harmonious with their surroundings.

Building components, such as windows, eaves, doors, parapets, should have good proportions and relationships to one another.

Colors should be harmonious and should use only compatible accents.

Mechanical equipment or other utility hardware on roof, ground, or buildings should be screened from public view with materials harmonious with the building, or they should be so located as not to be visible from public ways.

Exterior lighting should be part of the architectural concept. Fixtures, standards, and all exposed accessories should be harmonious with building design.

Refuse and waste removal areas, service yards, storage yards, and exterior work areas should be screened from view of public ways.

Monotony of design in single or multiple building projects should be avoided. Variation of detail, form, and siting should be used to provide visual interest. In multiple building projects, variable siting of individual projects should be used to prevent a monotonous appearance.

Signs

Every sign should have good scale and proportion in its design and in its visual relationship to buildings and surroundings.

Every sign should be designed as an integral architectural element of the building and site to which it principally relates.

The number of graphic elements on a sign should be held to the minimum needed to convey the sign's major message and should be composed in proportion to the area of the sign face. The colors, materials, and lighting of every sign should be restrained and harmonious with the building and site to which it principally relates.

Each sign should be compatible with signs on adjoining premises and should not compete for attention.

Maintenance -- Planning and Design Factors

Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures should be conducive to easy maintenance and upkeep.

Materials and finishes should be selected for their durability and wear as well as for their beauty. Proper measures and devices should be incorporated for protection against the elements, neglect, damage, and abuse.

Provisions for washing and cleaning of buildings and structures, and control of dirt and refuse should be incorporated in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish should be avoided.

Provisions for landscape maintenance and replacement (i.e. native species) should be added.

Summary

Essentially, the broad choice in future development patterns for Rising Sun is between a creative extension of the traditional rural character concept, and repetition of conventional suburban development practices, wherein 100 percent of the tract is covered by streets, houses, yards, and strip commercial development. The former enables a large proportion of new homes and businesses to be sited so as to command uninterrupted views across open fields, pastures, and woodlands permanently protected from future development.

When a subdivision, shopping center, or other large scale development is proposed in a rural setting, residents and town officials often have difficulty convincingly describing just what is at stake. Fortunately, or unfortunately, the quality of a rural landscape is not easily measured in dollars and cents. Lacking a direct market value, however, a rural landscape might wrongly be assumed to have no value. This is a very real dilemma in a society which knows the value of very few intangibles, such as rural character.

Application of the development design standards described in this chapter should help the next generation of development to be skillfully fitted into the town in a manner which preserves and enhances rural character and quality of life. Incorporation of these standards into town's development ordinances will help ensure that necessary discussion occurs and that development design choices are made consciously rather than by default. This development design program should address the loss of character due to the homogeneous visual appearance of suburban sprawl in Rising Sun.

PLAN ADMINISTRATION AND ENFORCEMENT

One of the most important, yet often neglected, issues to be considered in the formulation of the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations is administration and enforcement. Even the most well conceived plans and ordinances will lose effectiveness (and in some cases be invalidated) without consistent and equitable administration and enforcement. The responsibility for administering and enforcing the Comprehensive Plan and its associated ordinances and regulations rests primarily with the Town Council, Planning Commission, Board of Zoning Appeals and the town staff. Each group has a different role in administration and enforcement. Their roles need to be defined and understood in the context of the new plan. guidance in decision-making, and the size and cost of staff needed to effectively enforce regulations.

Once this plan is adopted, adherence to the comprehensive plan will result in more efficient and effective regulation, administration and enforcement, and eliminate many of the legal arguments for re-zoning based on "change". In order to fulfill this role, however, the plan must contain high quality standards that are easy to interpret and readily enforceable. Failure to make use of a comprehensive plan as a guide for future development, regardless of its merits, is bound to lead to inconsistent and ineffective enforcement of zoning regulations. For this reason, it is important that town officials make distinctions between decisions based on a plan and decisions based on concerns with the application of the plan. If decisions are not based on consistent application of plan policies, but rather as piecemeal reactions to zoning proposals, then the Community should direct the planners to revise the plan rather than attempt to formulate reactive policy at the zoning decision level.

A comprehensive plan and a zoning ordinance, by their very design, are intended to complement each other. Basically, a comprehensive plan is used to guide development, while a zoning ordinance is a legal document that regulates how and where it is done. A zoning ordinance serves as a set of standards against which site development is reviewed. For example, if a review of a proposed development is taking place and there is an existing policy regarding control of access to roads, then the adequacy of access control should be a critical aspect of the review. If a project will have adverse impacts on neighboring residents, then a determination needs to be made as to how the project can be revised to mitigate these impacts, if at all, in terms of landscaping, setbacks and other standards. If the ordinance is utilized throughout the review process, then officials need only determine whether the proposed development meets or fails to meet the standards set forth. If the proposal conforms to the Comprehensive Plan and Zoning Ordinance, then development can begin. Otherwise, the developer is faced with one of two options: amend the proposal or forego development. Another response, of course, is to challenge the regulation in the courts. Developers may simply challenge the appropriateness of certain regulations as applied to their particular development. A developer may also challenge the validity of the ordinance itself. If zoning ordinances are constantly and successfully challenged, then this will most certainly be reflected in the quality of regulation enforcement.

One of two courses of action can be taken in the event that a standard is challenged as inequitable: the law can be upheld, ensuring that the development remain in keeping with the Comprehensive plan and ordinance, or the validity and fairness of the plan itself can be reviewed. A review of the plan, including any revisions, however, should occur separately from any development review process. The Town Council and Planning Commission should establish a procedure for reviewing and updating the plan. When a concern arises during a development review, the Council and the Planning Commission should defer action until the planning staff have had an opportunity to review the concerns within the context of the Comprehensive Plan. Rather than grant a precedent setting variance, Town officials, if the issue warrants it, should amend the plan and then grant the development approval. Otherwise, individual cases are more likely to be treated on an individual basis, thereby undermining any attempts to improve the quality of zoning administration and enforcement. Unfortunately, the very nature of the development review process lends itself to this case-by-case approach. When reviewing the conformance of a development to the plan and ordinance, particular features of the plan are bound to be brought into question. The natural tendency is to become involved in the issue of inequity and the plight of the landowner, losing sight of the larger purpose of the plan. Questions of inequity cannot be permitted to overshadow the plan. The plan and ordinance, after all, are supposed to serve as a standard for regulation and should not be reviewed each time a development is proposed. If the town is concerned about an apparent inequity, it should have specific mechanisms to force a review of the policy. Often planning officials monitor alleged inequities or concerns about unfair ordinance provisions over a two or three year period. If the same complaints reoccur, then they responsibly recommend changes to the elected officials. This technique eliminates knee-jerk amendment reactions to isolated incidents of complaint regarding equity.

The purpose of a comprehensive plan is to provide a basis for consistent, high quality enforcement. To accomplish this, the plan and zoning ordinance must contain definitive and relevant policy statements that are readily achievable.

The quality of enforcement is not simply related to the quality of the plan. It is also jeopardized when confronted with poor technical support. Accurate assessment of site development problems and an ability to assist the developers in meeting the community's goals are essential functions regardless of the type of ordinances or plans a community has adopted. Inadequate staffing will also influence the quality of administration and regulation enforcement. Without proper staffing it becomes difficult, at best, to effectively administer and enforce zoning ordinances.

Inadequate funding often serves as a contributing factor to lack of proper enforcement. Adequate funding is essential for drawing high quality professionals with technical expertise. It is also necessary to keep staffing levels high enough to efficiently and effectively administer and enforce regulations.

Adequate funding is essential for proper enforcement of these documents. Increasing population and growth, and subsequent pressures for development, will directly affect costs relating to enforcement. New initiatives will require a high degree of administration and

enforcement effort. The increased interagency coordination required for plan review and the additional review of environmental impact assessments or transportation impacts of projects are just two examples of the increased demands which will be placed on the town staff in the future. Another factor that can contribute to lack of enforcement in the development plan review process is the lack of guidance for handling discretionary decisions. The effect is the same as approaching site development on a case-by-case basis. Without proper guidance, discretionary decisions are likely to result in varying degrees of enforcement of zoning ordinances.

Enforcing a comprehensive plan uniformly is difficult without set standards for handling discretionary cases. Proper guidance through development review process management will vastly improve the quality of enforcement and administration.

One enforcement issue that deserves special treatment is non-development review related. It is the monitoring of compliance with the regulations on a day-to-day basis after the development has been completed. Often, it is violations of this nature that are the most visible way for town residents to measure the success of the planning program. The accumulation of junk cars, illegal trailers, illegal home occupations, and illegal signs are typically frequent infractions.

Another difficult type of infraction to monitor is the continued compliance with site plan requirements. For example, landscaping or screening may be required as a condition of an approval; however, even if it is installed as per the plans, it is difficult to ensure that the plantings live and thrive and continue to function.

The process for actually forcing compliance with a regulation, that is getting corrective action or stopping an action, can be a cumbersome one. Even with the most blatant violations such as closing an illegal business, the legal and judicial process can be lengthy. This can be a costly and time consuming drain on the resources of the town.

Realistic penalties are a common problem in zoning enforcement. Zoning violations under the current Ordinance are established as a misdemeanor, a criminal offense, punishable by a fine or imprisonment. Meeting the test for a successful criminal prosecution may add more delay time and cost to the proceeding. Frequently, judges are reluctant to give an offender a criminal record for most zoning violations. Certain offenses such as sign and setback violations may be able to be handled by civil penalties which should be explored with the town attorney as the zoning ordinance is revised.

Alternative Policies

Several measures can be taken to insure higher quality regulation administration and enforcement. Some of these measures are administrative and budgetary. Others have to do with the structuring of the plan and ordinances. In many instances, the term "alternative" policies is misleading. Some of these policies are mandatory if the town is to have effective zoning administration. The following policies will be discussed:

Professional Staff

Funding Performance Standards

Staff Authority

Periodic Review and Plan Amendment

Uniformity in Administrative/Ministerial Functions

Information Management

In general, the administrative policies of professional staff and funding should be viewed as essentials of any planning program. Without these elements, good ordinance administration is, at best, problematic. The regulatory approaches do contain some choices that the town must address.

Professional Staff -- Developing a highly professional planning staff, which possess both planning and management skill, will greatly enhance the quality and level of administration and enforcement. First, and foremost, professional competence requires a commitment to seek and hire qualified personnel for all planning and administrative positions. Job descriptions should be prepared and only qualified people hired to fill the positions.

A second requirement is proper funding to ensure that qualified individuals are attracted to the town and retained long enough so that they can be effective. Adequate funding for all administrative tasks should also be provided. Inadequate funding for such tasks as zoning administration, regulating subdivisions, variance and conditional use processing, as well as issuing building permits, will result in poor and inconsistent enforcement. If there are insufficient personnel to inspect for compliance of both plans and actual construction, the best plans and regulations will be inadequate. Cross training of town personnel be knowledgeable about other ordinances and programs should help to identify violations.

Funding -- Inadequate funding should never serve as an excuse for low quality administration and enforcement. Funding can be provided one of two ways: through a General Revenue Fund or through a fee structure. Long range planning functions are a town effort that benefit the entire community. It is therefore logical that long range planning should be supported out of the town's General Revenue Fund. The short range planning activities such as subdivision review, zoning administration and building permits should be supported by fees for permits, inspections, or processing of zoning applications. Fees should be adequate enough to cover support provided by town departments and any planning costs that are directly related to these activities. These costs can be identified in the budgets of respective departments and are easily calculated. Short range planning and administration should not cost the town money. This is in keeping with the widely held view that developments should be responsible for paying their own way. There are existing fee structures that can be modified to implement this goal. Using General Revenue Funds to cover administrative costs is still an option. This, of course, is a political decision and should be made accordingly. Limited resources in the General Revenue

Fund, however, should not be used as an excuse for inadequate funding of administrative services, since other mechanisms for covering these costs are available.

Performance Standards -- The term performance standard implies the existence of a firm standard that can quantitatively be determined. Instead of seeking to protect the environment to the maximum extent possible, it sets a standard for protection (floodplains 100%, woodlands 70%). There is no room to debate the achievement of a standard. If 32% of a woodland is to be disturbed, then the standard has not been met. It is clear that this type of planning means more work in developing the ordinance. The standards have to be tested, and the equity issues over the impact of the standard have to be carefully weighed before the standards are adopted. Once in place, however, there is a much lower demand on staff, since each review is a question of checking to see if the plan conforms to measurable standards. Time consuming debates, position papers, and reports that characterize ad hoc reviews dependent on arm twisting can be eliminated. The major difficulty with adopting performance standards is that it requires solving problems up front rather than postponing them to a later date and not every potential issue can be anticipated and resolved with quantitative standards. However, a better effort to quantify standards than is presently in place is clearly possible.

Staff Authority -- Effective administration depends on the appropriate use of staff and an understanding of the different roles played by elected officials, appointed boards and commissions, and the professional staff. The primary job of elected officials and planning commissions is to make policy decisions. Once policy is made, the staff should be directed to implement the decisions. This is a critical distinction. Where possible, authority must be delegated to the staff and, where delegation is not feasible, the role of elected officials and/or appointed Commissioners should be sharply defined.

Periodic Plan Review & Amendment -- A comprehensive plan or ordinance is based on a whole series of goals and objectives. Because the elected officials hold the public hearings and adopt the ordinances, they clearly understand all of the details at the time of adoption. However, as memories begin to fade and different officials are elected, the level of understanding diminishes. Thus a series of standards and findings of fact required of the Town Council before making amendments is a very useful structure for decision-making.

The Comprehensive Plan will require periodic review evaluation and update to assure it serves the town's purposes. The Plan, at a minimum, should be reviewed and updated every four years. The actual form and scheduling of Plan review and update will be heavily dependent on town staff and planning commissions' capabilities and issues that arise as the Plan is implemented over time.

Uniformity in Administrative/Ministerial Functions -- Administrative decisions at first glance may not seem as weighty as a large rezoning matter; however, the cumulative effect of several plats of subdivisions invoking proposed lots as evidence in recent years represents incremental decisions which will most likely have a much more substantial impact on the community than a few larger legislative decisions may have. This is why it is important that all administrative

decisions, regardless of how minor, need to be considered uniformly in light of the Comprehensive Plan and its associated ordinances and regulations.

In both permitting and rezoning decisions, consistency and equity are mandatory. Each applicant must be afforded the same due process in administration and enforcement. Different rules cannot be applied on a case by case basis just as policy cannot be determined case by case. Discretionary decision making must be minimized to the extent possible. The Comprehensive Plan, after all, is supposed to serve as a standard for regulation and should not be reinterpreted each time a specific development is proposed. It is often difficult to overcome the natural tendency to become involved in the plight of the landowner, losing sight of the larger purpose and community objectives of the Plan.

Information Management -- The starting point for effective inspections and enforcement is a good set of records reflecting what regulations, plans, permits, and conditions affect a particular piece of property. Traditional zoning regulations were easy to administer and enforce because all that was necessary in the way of records for most situations were a zoning map, a copy of the zoning regulations, and a description of the property (to find it on the map).

Today, a particular property may be affected by not only the zoning map and applicable regulations but by a PUD plan or site plan, conditions imposed on a rezoning, restrictions contained on a plat such as easements and high water lines, terms of an annexation agreement, special conditions applicable to a particular use, and one or more sign permits including special conditions.

If an owner applies for a building permit, a new business license, or a permit for an additional sign, it is essential that the zoning administrator or building official be able to determine accurately what conditions and restrictions apply to the property.

With a sophisticated, computerized "geographic information system," it is possible to specify all of the conditions and restrictions applying to each part of a particular parcel. The only administrative requirement for record keeping on such a system is to ensure that every official action resulting in the imposition of restrictions are part of the record. All that is necessary is a file reference number or other piece of information to refer the user to the full site plan, conditional approval, or other document containing the conditions or restrictions.

Most communities like Rising Sun, however, do not have and will not soon have such sophisticated systems and must build records in another way. Making records of restrictions is essential to the entire administration of land-use regulations, not just to enforcement actions. Some communities have replaced a traditional zoning map with a map containing references to PUD and site plan approvals. While such a system is a satisfactory way to track large-scale approvals, it cannot realistically identify all individual site plans, conditional re-zonings, sign permits, or similar matters. The only effective way to track all conditions applicable to a particular parcel of ground is with a parcel-based filing system, whether it is on a computer or on paper.

Recommendations

Based on review of current town plans, ordinances, and processes for administration, as well as review of documented concerns regarding how well the system is working, the following administration and enforcement objectives are recommended to guide construction of plan implementation tools, particularly the zoning ordinance and related development regulations as well as operational features of future administrative structure:

1. Where possible, use clear measurable performance standards in ordinances to minimize interpretive confusion.
2. Where uses are subject to Board of Appeals approval, enumerate minimum standards by use and improve where possible the criteria or standards which the Board uses as a yardstick to determine the appropriateness of a given use in the respective zoning district.
3. Reduce the number of conditional uses where possible by establishing clear standards by which they may be permitted by right and subjected to established standards.
4. Maintain clear time frames for review of rezoning application, conditional uses, subdivisions, and uses subject to site plan review and approval.
5. Maintain clear administrative procedures documenting applicant, staff and approval authority responsibilities for processing rezonings, conditional uses, subdivisions, and uses subject to site plan review and approval.
6. Use standard forms and checklists for ministerial and administrative procedures which clarify for all parties various application submission requirements, improvement guarantees, and inspection procedures.
7. Review and refine rules of procedure for use by the Town Council, Board of Appeals and Planning Commission for all zoning forms of action which require public hearings.
8. Provide adequate budget and staff as well as training and support for administrative procedures and inspection functions, and attempt to coordinate and/or integrate inspection and administrative functions to the maximum extent possible.
9. Require approval Boards and Commissions to visit sites within thirty (30) days of hearings conducted vis a vis rezoning and conditional exception uses.
10. Consider revision of the penalty section of the Zoning Ordinance if consistent with state statutes to allow civil penalties for less serious violations to simplify administrative process.

11. Require the annual revision to the town's Capital Improvements Program to be coordinated with the Comprehensive Plan and any recommended amendments resulting from the annual review of the Plan and planning process.
12. Over time establish a parcel based record-keeping or tracking system often called a "geographic information system" that can specify all the conditions or restrictions which may apply to a particular parcel.

Conclusions

As implementation options for the new plan are continually sorted-out and decided upon, it becomes important to think ahead to administration and enforcement. Once the plan is completed, the job of putting it into action begins. Long established development review processes and practices may clearly need to be altered.

Not all of the changes forthcoming will be popular with everyone--few things in life are. It will require a strong commitment from all involved to eventually make this Plan work. In the end, the ability of the town to properly administer and enforce the Plan and its associated ordinances is the Plan's most accurate measure of achievement. No matter how good an idea or implementation option sounds on paper -- if the town cannot make it work or neglects to make it work -- that idea has done little more than stimulate the minds of those who shared it. If the Plan cannot effectively be administered and enforced, it will not have served its public purpose. The Comprehensive Plan must be administratively feasible and enforceable given the budget and staffing resources allocated by the town to do the job. Constant attention to management and re-evaluation of administrative processes and procedures should be considered equally important to initial structuring and staffing of administrative procedures. There is no perfect administrative system which can be initially structured and guaranteed to function equitably and efficiently. Sound administration derives from good management which is attentive to needs of re-evaluation and adjustment over time. A good starting point for structuring administrative process exists in the recent APA report #409 entitled Enforcing Zoning and Land Use Controls.

Appendix A

Strengths, Weaknesses, Opportunities and Threats

Rising Sun, Maryland August 2000

Members of the CAC developed the following statements of strengths, weaknesses, opportunities and threats. The three statements receiving the most votes are numbered at the beginning of each list. In two instances, two statements tied for the third priority spot.

STRENGTHS

- A lot of opportunity to grow smart and integrate into small town atmosphere.
- Proximity to major cities and access to metropolitan centers.
- Features of small town community -Neighborly; personal relationships-know everyone; good place to raise children/family;
- Traditional values; Town Square.
- Small Town Atmosphere.
- Rural Character (Hills, Open lands, Farms, etc.).
- Balance of housing types and people.
- Good socioeconomic balance.
- Clean appearance/look.
- Safe town.
- Everyone works towards for the "best interest" of town.
- Cohesiveness of community

WEAKNESSES

- Need better inspection and enforcement of all building activities and related construction activities such as roads, water lines, sewer lines, etc.
- Lack of Adequate Public Facilities Ordinance(APFO) -need to consider Town's future in relationship to Cecil County growth and the impact on Rising Sun's community facilities such as Fire service and emergency and medical service providers.
- Infrastructure lacking to attract Hi-Tech business/industry (T -II lines, optic fiber, etc.).
- Lack of activities and programs for youth.
- Highway and Street systems inadequate and congested.
- Parking problems in central business district.
- Limited market area for retail attraction.
- Sewer system capacity and fear of failure (breakdown, violations, etc.).
- No specific planning for quality growth.
- No theme for downtown -no unifying identity.
- Lacking in revitalization effort of central business district.
- Poor job-housing balance -need more employers business enterprises.

- Not prepared to adequately accept growth in Region
- Lack of smart planning.
- Traffic problems in-the-making.
- Building too fast ahead of infrastructure -"Horse too far ahead of cart."

OPPORTUNITIES

- For better site design -to build neighborhoods **not** subdivisions.
- For quality, positive job/economic attraction.
- To create useable open space paid for *by the developer*.
- Development of the adult community market -like Willow Valley.
- To set business and residential growth goals.
- This update.
- To not make mistakes of other jurisdictions (like Harford County). Learn from the mistakes of others.
- To be involved in neighborhood and community (civic involvement).
- For town to work with County (Town/County coordination).
- Location.
- To preserve open space, green spaces, rural setting.
- To control how "it" happens -the time is now.
- To build the tax bases.
- For public participation.
- Ways to make use of green/farming enterprises (in nontraditional ways).
- To create community buildings paid for *by the developer*.
- To create walking trails paid for *by the developer*.
- To fix perception that town has no Comprehensive Plan.
- To put in place regulatory and financial mechanisms to make development better.
- For townspeople to work together.

THREATS

- Deteriorating infrastructure.
- Inadequate staffing in local government administration.
- Lack of commercially zoned land.
- Can't depend on residential tax base to support town wide needs and services.
- Uncontrolled growth.
- Impact of stormwater/flooding/wastewater discharges on the only two creeks in town. The creeks combine downstream to create one stream.
- Open space being developed. Farms being developed.
- Concern about depleting water supply.
- Increase in crime, congestion and taxes.
- Absentee property owners of residential homes -older, bigger houses being converted into apartments.
- Loss of rural character to sprawl development.
- Inadequate facilities for young adults/older teens.

Comments of attending public

1. Need to consider the water quality and quantity impacts on the Octoraro Area watershed. Consideration needs to be given to surface and subsurface relationships and management. Use watershed as management tool and mapping tool.
2. Green infrastructure.
3. Utilize Cecil County's Economic Development Revolving Loan Fund as a model for establishing a Town business retention and attraction economic development program.
4. Reconciling small town atmosphere/desire with growth.

Appendix B

Population Growth Estimate

Rising Sun Comprehensive Plan Update 2005

The following population growth projections were developed through CAC work in meetings #3 and #5 referenced earlier in this document. Additionally, in planning for the major upgrades to the Rising Sun Wastewater Treatment Plant, sewer flow projections were formulated by Engineering and Planning consultants based upon an analysis of population growth, building permit activity, historical water and wastewater flows and the work of the CAC.

The information in Tables 01 through 04 documents population growth estimates for the planning period, namely 2005 through 2025. Table 05 and 06 relate to population growth estimates beyond 2025 and the build-out of the growth areas recommended by the CAC and shown on recommended Land Use Plan map (Map 1).

2005 Population Estimate

According to the Census Bureau Rising Sun's 2005 population was 1,702. Since 2000, the Town has issued 310 building permits. Assuming that air units are or soon will be occupied and the average household size is 2.58 persons per household, the current population estimate of Rising Sun's population is approximately 2,502 (see Table 01). Our assumptions do not take into account population change as a function of natural increase (births versus deaths). However, it is noted that the Maryland Department of Planning estimated a net increase in population in Cecil County between July 2000 and July 2004 as a result of natural increase (Source: *Maryland 2005 Statistical Handbook*, Maryland Department of Planning)¹.

¹2025 Population Estimate

The several assumptions underlying estimates of population growth between 2005 and 2025 are as follows:

- 1 All of the 310 building permits issued in the period 2000 to 2005 were for approved projects in Table 01.
- 2 The pending projects will be approved for approximately the number of units indicated in Table 02 and the remaining units in approved or pending projects will be built and occupied within the next 20 years (see Map 1).
- 3 Household size during the next 20 years will average 2.58 persons per household.
- 4 All of the land included in Table 03 will be developed under the Town's development codes and the average gross residential density for these projects will be 3 dwelling

units per acre (See Map 2).

- 5 The Maryland Department of Planning estimated the population of Rising Sun in July 2003 to be 1,775.

Given these assumptions residential sewer demand estimates for Rising Sun should be based on a resident population of approximately 9,100 (see Table 1.4) by the year 2025. Sewer demand analysis should also take note of the potential for development of upwards of 1.3 million square feet of commercial, business or industrial floor area during the 20 year period. '

Other Considerations

In addition to local indicators of growth in the Town, e.g., building permit trends and pending development projects, regional factors support the notion that Rising Sun will experience growth rates consistent with our estimates. Recent growth trends indicate the region will continue to experience substantial growth. These include:

- Compared to the U.S. average, neighboring counties have experience above average growth rates through 2003.
- The adjoining counties in the region experienced significant growth in the period 1980 to 2000, with Cecil, Harford and Chester among the leading growth areas.

As the County has grown so has Rising Sun.

- According to 2003 population estimates, the Rising Sun Election District continued to grow at a faster rate than the County. .
- With the exception of the Port Deposit and Oakwood Election Districts, growth in western Cecil County has exceeded the County average.
- Historic population growth trends for Rising Sun have kept pace with that of the County and the Election District.

Added to these trend considerations is the recent announcement by the Base Realignment and Closure Commission (BRAC) that existing military facilities in other areas will be relocated to Aberdeen Proving Grounds. "The decision by a federal commission to close the Army base at Fort Monmouth, N.J., and relocate other military outfits to Aberdeen Proving Ground and Fort Meade could draw thousands of specialized government contractors into Maryland, fueling growth and bolstering the technology clusters already forming in pockets of the state.

Aberdeen Proving Ground, northeast of Baltimore, would gain 4,000 more government workers as a result of Fort Monmouth's closure, and perhaps twice that many privately employed engineers and software developers could follow Monmouth's specialized communications and engineering units to their new home. That growth, coupled with the expansion of Fort Meade,

which is already home to the National Security Agency and is expected to gain 5,000 new workers, could add to the state's high-tech

Table 01
Estimated Population Increase 2000-2005
Based on Building Permit Records

Year	Building Permits	Population Estimates
2000	110	284
2001	28	72
2002	24	62
2003	25	65
2004	39	101
2005	84	217
Total	310	800

Building Permits, Town of Rising Sun

Table 02
Residential Unit and Population Estimates at Build-Out
Approved and Pending Projects
Rising sun, Maryland

Projects	Total Units	Built*	Remaining	Est. Pop.**
Maple Heights (phase 2 & 3)	110	47	63	163

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Maple Heights Apartments				
	78	0	78	201
Rising Hills	44	41	3	8
Bryans Grace	46	37	9	~ 23
Stephens Preserve	119	4 †	115	297
Colonial Way	32	0	32	83
Colonial Way Apartments	100	0	100	258
Wellington Manor	227	0	227	586
Knudsen Farm	381 †	0	381	983
TOTAL	NA	NA	1,800	 2,600

* Certificate of Occupancy issued

** Population based on remaining units to be built

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Table 03
Residential Unit and Population Estimates at Buildout
Planned Growth Areas, Rising Sun, Maryland

Name	Parcel	Map	Acres	Residential Unit	Estimated Population
Phase 01					
Meadows Farm	51	11	125	375	968
Meadows Farm	13	11	118	354	913
Meadows Farm	12	11	77	232	597
Meadows Farm	13	10	101	303	782
Charles Johnson	315	10	8	23	59
J. Vandyke	202	3	34	na	0
C. Vandyke	11	3	125	na	0
C. Vandyke	359	10	94	283	731
Moore	201	3	11	na	0
Benham	193	3	20	na	0
V. Fox	5	3	10	na	0
Total			723	1,570	4,050

Table 04
Population Projections 2000-2005
Rising Sun, Maryland

Assumption Source	Year	Population Estimate
Census Count	2000	1,702
Building Permits	2005	2,502
Current population (2,502) plus Phase I buildout (4,050) plus approved and pending projects less building permits already issued (2,600)	2025	9,152

Table 06
Buildout Population Growth Estimates
Rising Sun Comprehensive Plan

Assumption Source:	Year	Population Estimate
Census Count	2000	1,702
Building permits	2005	2,502
Pending projects less building permits and Phase I buildout	2025	8,256
Buildout rising Sun Growth Area	After 2025	18,937

Table 05

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Buildout Population Growth Estimates Rising Sun Growth Area

Phase II	Parcel	Map	Acres	Residential Units	Estimated Population
J. Macdonald	32	10	94	283	730
D. Vadala	494	10	47	141	363
J. Ruello	680	10	48	144	372
L. Rando	681	10	45	134	345
McCoy enterprises, Inc.	35	10	86	257	663
Ponderosa Farms, Inc.	34	10	56	167	430
Ponderosa Farms, Inc.	203	10	18	54	140
Ponderosa Farms, Inc.	304	10	17	51	132
Ponderosa Farms, Inc.	36	10	150	451	1,163
Total			561	1,682	4,338
Phase III					
Kilby's Inc.	33	10	179	536	1,384
Vadala Rentals Limited Ptnrshp	695	10	6	18	47
Lankford, Hazel R.	390	10	6	18	48
Forwood, Kathrynne, co-trustee	25	10	7	21	53
Vadala Rentals Limited Ptnrshp	409	10	8	23	59
Graybeal, Ernest & Margaretha	273	10	8	24	61
Madron, John & Elizabeth	427	10	9	27	70
Graybel, Ernest & Margaretha	27	10	10	29	76
Forwood, Kthryne, co-trustee	672	10	10	30	77
Vadala, Domenic & Angelina	571	10	12	37	95
Rando, Russell & Lillian	31	10	13	40	102
Webb, Hubert & Ruth	23	10	14	41	105
Bogus, David	601	10	16	48	125
Rando, Russell & Lillian	694	10	16	49	127
Forwood, Kathrynne, co-trustee	565	10	23	69	178
Vandyke, Kenneth jr.	190	10	24	71	183
Tosh, John S. and Joanne T.	363	10	25	75	194
Tosh, Johns s., jr.	22	10	25	75	194
Tosh, John S. and Joanne T.	83	10	45	136	350
Tosh, John S., jr. & Kathy	271	10	47	141	363
Tosh, John S., sr. & Joanne	7	10	97	292	752
Total				1,799	4,641
Total Phases II and III				5,050	8,979

²Army Base Closings Could Attract Contractors to Maryland, By Ellen McCarthy and Dina Boghdady, Washington Post Staff Writer Friday, August 26, 2005; page D 01

Appendix C

Draft Planned Neighborhood Floating Zone District

Rising Sun, Maryland August 2005

"PN" Planned Neighborhood Floating Zone District

- A. Purpose. The Planned Neighborhood ("PN") District is a floating zone. That means that while provisions and regulations are made to govern any development within a PN District, no such district will be pre-mapped on the Zoning Map. The PN District is intended to permit master planned, mixed-use developments of large tracts of lands. The PN District permits development and land use pursuant to an approved Master Development Plan that meets the requirements of this Code and that is approved by the Mayor and Council of Rising Sun at the time the PN zoning is applied to specific land(s).

The purpose of the "PN" Planned Neighborhood District is to provide for the development of well-planned, mixed-use neighborhoods that exhibit the following characteristics:

- (1) integrated mix of uses, including residential, commercial, employment/office, civic, and open space;
- (2) a range of housing types and densities to accommodate a diverse population of age groups and income levels;
- (3) compact design;
- (4) interconnected streets designed to balance the needs of all users, with sidewalks and on-street parking;
- (5) open spaces integral to the community; and
- (6) location adjacent to and extending the fabric of existing development.

- B. Applicability. The PN District is intended to apply to large tracts of land of at least 25 acres. Smaller tracts may be considered when the development of such land is found to be compatible with an adjacent, existing or proposed PN Development and or adjacent Town land uses.

- C. Intent. The PN Planned Neighborhood District is intended to promote the following:

- (1) Implement the recommendations of the Comprehensive Plan;

- (2) Develop neighborhoods that accommodate and promote pedestrian travel equally as much as motor vehicle trips;
- (3) Promote design that results in residential scaled buildings fronting on, and generally aligned with, streets;
- (4) Encourage the inclusion of a diversity of household types, age groups, and income levels;
- (5) Promote traditional town building and site development patterns with an interconnected and broadly rectilinear pattern of streets, alleys, and blocks, providing for a balanced mix of pedestrians and automobiles;
- (6) Encourage creation of a functionally diverse, but visually unified, communities focused on central squares;
- (7) Promote use of neighborhood greens, landscaped streets, boulevards, and "single-loaded" parkways woven into street and block patterns to provide space for social activity, parks, and visual enjoyment;
- (8) Provide buildings for civic or religious assembly or for other common or institutional purposes that act as visual landmarks and symbols of identity;
- (9) Promote the location of dwellings, shops, and workplaces in close proximity to each other, the scale of which accommodate and promote pedestrian travel for trips within the community;
- (10) Preserve open space, scenic vistas, agricultural lands, and natural areas;
- (11) Permit design flexibility in order to achieve an appropriate mix of residential and non-residential building uses; and
- (12) Require efficient utilization of designated growth areas.

D. Land Uses in the PN District. The uses permitted within the PN District shall be as established by the land use table set forth in this Code, which shall prevail over conflicting requirements of this Code or the Town's Subdivision regulations.

E. Density Determination.

- (1) General. The total number of dwelling units permissible in the PN District shall be determined in accordance with the provisions of this section (as adjusted by density bonuses as set forth below) subject to the following:
 - (a) Areas used for nonresidential purposes shall be subtracted from the Adjusted Tract Acreage, as described in subsection (2) below before determining permissible residential density.
 - (b) All dwelling units constructed above commercial uses in a Neighborhood Center shall be permissible in addition to the number of dwelling units otherwise authorized under this Section. However, the total number of dwelling units in a development shall not be increased by more than 10 dwelling units or 10 percent, whichever is greater.
- (2) Base Density Calculation. Base density shall be determined by the land area yielded through calculations of the Adjusted Tract Acreage, as determined by

The minimum residential density for a proposed PN District shall be 3.5 dwelling units per adjusted tract acre.

Table C1
Density Factors for Calculating Adjusted Tract Acreage

	Density Factor	Description of Constraint
DF 1	0.00	Existing street right-of-way, Floodways within 100-year floodplain
DF 2	0.05	Tidal and nontidal wetland. Utility easements for high tension electrical transmission lines (>69 kv)
DF 3	0.25	Steep slopes; that, those greater than 25 percent
DF 4	0.50	100-year floodplain (excluding floodways or wetlands within the floodplain)
DF 5	0.75	Slopes between 15 percent and 25 percent
DF 6	1.00	Unconstrained land

F. General Design Requirements

- (1) Design standards referenced in this section shall be considered as minimum performance standards for the PN District.
- (2) Planned neighborhoods are intended to provide for a range of complementary uses and may consist of up to four use areas: Single-Family Residential (SRA) Areas, Central Residential (CRA) Areas, Neighborhood Centers (NC), and Conservation (CA) Areas. At a minimum, they must contain both a SRA and a CA. These areas are intended to provide for the diversity necessary for traditional town life, while maximizing the interactions among related uses and minimizing the adverse impacts of different uses upon each other.
 - (a) Single-Family Residential Areas (SRA) provide locations for a broad range of housing types, including single-family detached, semi-detached, and attached.
 - (b) Conservation Areas (CA) are permanently protected open spaces, including greens, commons, habitat protection areas and private noncommon acreage.
 - (c) The Central Residential Area (CRA) is intended to contain a variety of housing options and related uses.
 - (d) The Neighborhood Center Area (NC) is the identifiable focal point of each neighborhood and is intended to serve primarily to provide uses that meet the retail and service needs of a traditional community center and its vicinity within one-and two-story buildings, and may contain other compatible uses, such as civic and institutional uses of community wide importance, specifically including second-floor residential uses.

G. Development Standards

- (1) The following development standards shall apply to the PN District:

- (a) The setback, lot size, lot dimensions, lot coverage, height, and yard requirements in the PN shall be established for each individual project by the Planning Commission in accordance with the *PN Design Guidelines*. In establishing these requirements the Planning Commission shall consider such factors as the proposed development intensity and the existing character of adjacent neighborhoods.
- (b) Land Coverage. The maximum amount of land that may be built over (covered) by parking lots, roads, sidewalks, or plazas, buildings, or other structures shall be sixty (60) percent of the gross land area of the PN property(ies).
- (c) Minimum Required Open Space
 - (i) A minimum of twenty (20) percent of the adjusted tract acreage shall be open space including parks, recreational, habitat, forest, agriculture, stream and wetland preservation areas. Not less than fifteen (15) percent of the minimum required open space shall be in a form usable to and accessible by the residents, such as a central green, neighborhood squares or commons, recreational playing fields, woodland walking trails, other kinds of footpaths, a community park, or any combination of the above. In addition, no more than fifty (50) percent of the minimum required open space may be comprised of active recreation facilities, such as playing fields, golf courses, tennis courts, etc.
 - (ii) Open space land shall be permanently protected through conservation easements, and may be developed for uses consisting of the following:
 - 1 Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same;
 - 2 Equestrian facilities, including related stables and pastures;
 - 3 Woodlots, arboreta, and other similar silvicultural uses;
 - 4 Woodland preserve, game preserve, wildlife sanctuary, conservation meadows, or other similar conservation uses;
 - 5 Municipal or public uses, public park or recreation area owned and operated by a public or private nonprofit agency, or governmental or public utility buildings or uses, not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, or private or municipal sanitary landfills; and
 - 6 Active recreation, if it is noncommercial in nature and provided that no more than fifty (50) percent of the minimum required open space is so used.

Parking areas and any roofed structures associated with the active recreation may not be included within the fifty (50) percent minimum.

- (iii) The required open space shall be located and designed to add to the visual amenities of neighborhoods and to the surrounding area by maximizing the visibility of internal open space as "terminal vistas" (the building or landscape seen at the end of a street, or along the outside edges of street curves) and by maximizing the visibility of external open space as perimeter greenbelt land (the undeveloped and permanently protected acreage around a community). Such greenbelt open space shall be designated to provide buffers and to protect scenic views as seen from existing roadways and from public parks.
- (iv) PN developments shall include multiple greens, commons, or passive parks measuring a total of at least 1,500 square feet for each dwelling unit, plus five hundred (500) square feet of land for active recreation per dwelling unit.
- (v) Civic greens or squares shall be distributed throughout the neighborhood so as to be located within 1,500 feet of ninety (90) percent of all residential units in the SRA and CRA areas.

Table C2
Residential Unit Mix

Unit Type	Minimum Percentage	Maximum Percentage
Detached single family	50	80
Two family dwelling	10	40
Townhouse	5	40
Multi-family	5	40
Apartment	5	20

- (a) At a minimum each PN development shall have at least three (3) of the five unit types. Each phase of a proposed PN shall have at least three of the five unit types. The Planning Commission may vary this phase requirement if satisfied that at build-out three of five unit types are included in the overall PN development. Each phase of a proposed PN development shall provide housing opportunities for a diverse population mix of age groups and income levels.

H. Small PN Projects.

The Mayor and Council may modify the minimum standards established in subsection F above for a PN development of less than twenty-five acres (25) acres provided:

- (1) The proposed PN development is shown as part of and integrated into a Master Development Plan for an adjacent (larger) PN project, the applicant demonstrates that the proposed development could be integrated into an adjacent development(s) or neighborhoods

by such features as street extensions, the location of its SA, and the location of common areas and it is determined by the Mayor and Council that the proposed design meets the goals and objectives of the comprehensive plan, and the intent of this section, or

(2) The Mayor and Council find that the proposed PN is an infill or transition project between existing developments and/or adjacent to a proposed or planned large scale PN project and that the proposed design of the PN project is consistent with the goals and objectives of the comprehensive plan and the intent of this section.

(3) All PN projects shall be consistent with the *PN Design Guidelines*.

1.2. Procedure for Approval of a PN District Floating Zone Amendment and Master Development Plan Approval

A. Purpose. The purpose and intent of the PN District floating zone amendment process is to permit specific and detailed mapping of areas and to provide for the creation of a Master Planned Community that includes carefully planned, well-designed residential, commercial and/or mixed use communities at appropriate locations.

B. PN District Design Standards. Applicants shall be guided throughout the review process by the *PN Design Guidelines*. Because it is recognized that design professionals, including architects, landscape architects, and land planners, are trained to strive for creative excellence, the design standards and criteria are not intended to restrict creative solutions or to dictate all design details. The *PN Design Guidelines* serve as a tool for the Town planning staff by providing a checklist of elements to be considered. The Standards also inform the design professionals of items that should be considered or included from the outset of the design process.

C. Preliminary Application. Preliminary application for a floating zone amendment for a PN Planned Neighborhood District and Master Development Plan approval shall be made to the Mayor and Council. Preliminary applications shall include:

(1) A written petition for location of a PN Planned Neighborhood District and approval of a Master Development Plan, signed by the owners, and contract purchasers, if any, of the property that is the subject of the petition.

(2) A narrative describing the following:

(a) Statement of present and proposed ownership of all land within the development;

(b) Overall objectives of the proposed Master Development Plan and a statement of how the proposed development concept corresponds to and complies with the goals and objectives of the Zoning Code, the proposed PN District, and the Comprehensive Plan;

(c) Method of providing sewer and water service and other utilities, such as, but not limited to, telephone, gas, and electric services;

(d) Storm drainage areas and description of stormwater management concepts to be applied;

(e) Method of and responsibility for maintenance of open areas, private streets, recreational amenities, and parking areas;

(f) School availability and school population impact analysis;

(g) General description of architectural and landscape elements, including graphic representations; and

(h) If petitioner desires to develop the property in phases, a preliminary phasing plan, indicating:

(i) The phase(s) in which the project will be developed, indicating the approximate land area, uses, densities, and public facilities to be developed during each phase.

(ii) If different land use types are to be included within the Master Development Plan, the plan should include the mix of uses anticipated to be built in each phase.

(3) A Concept Master Development Plan, which includes:

C. Preliminary Application. Preliminary application for a floating zone amendment for a PN Planned Neighborhood District and Master Development Plan approval shall be made to the Mayor and Council. Preliminary applications shall include:

(l) A written petition for location of a PN Planned Neighborhood District and approval of a Master Development Plan, signed by the owners, and contract purchasers, if any, of the property that is the subject of the petition.

(2) A narrative describing the following:

(a) Statement of present and proposed ownership of all land within the development;

(b) Overall objectives of the proposed Master Development Plan and a statement of how the proposed development concept corresponds to and complies with the goals and objectives of the Zoning Code, the proposed PN District, and the Comprehensive Plan;

(c) Method of providing sewer and water service and other utilities, such as, but not limited to, telephone, gas, and electric services;

(d) Storm drainage areas and description of stormwater management concepts to be applied;

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- (h) If petitioner desires to develop the property in phases, a preliminary phasing plan, indicating:
 - (i) The phase(s) in which the project will be developed, indicating the approximate land area, uses, densities, and public facilities to be developed during each phase.

- (k) If different land use types are to be included within the Master Development Plan, the plan should include the mix of uses anticipated to be built in each phase.

(3) A Concept Master Development Plan, which includes:

- (a) Boundary survey of the area subject to the application;
- (b) Graphic and tabular presentation of proposed site development information that clearly depicts the following:
 - (i) Total acreage of subject property and identification of all adjoining landowners;
 - (ii) Description of proposed land uses, including residential, commercial, institutional, and recreational;
 - (iii) Maximum number of dwelling units, approximate densities of residential areas and anticipated population;
 - (iv) Land area and locations generally allocated to each proposed use; and
 - (v) Location of proposed roads, public open space, any sensitive resource areas (environmental or cultural), and public facilities.

D. Referral of Preliminary Application to Planning Commission. If the Mayor and Council finds that the Preliminary Application for a PN District map amendment and Master Development Plan approval is generally consistent with the Comprehensive Plan and the standards of the PN District, the Preliminary Application shall be "conditionally approved" and referred to the Planning Commission for review in accordance with paragraph E below. "Conditional approval" as used herein means only that the Mayor and Council have made a preliminary finding that the proposal is generally consistent with the Comprehensive Plan and this Zoning Code. "Conditional approval" shall authorize the Planning Commission and Town staff to continue to analyze the proposal subject to all applicable review processes and procedures. No development may occur until:

- (1) a floating zone has been applied to the property by legislative action of the Mayor and Council;
- (2) a Master Development Plan is approved for the floating zone by the Mayor and Council

- (3) a building permit has been issued, following, if applicable, final subdivision

plat and/or site plan approval by all agencies with jurisdiction.

E. Master Development Plan Submittal to the Planning Commission. After the Mayor and Council conditionally approves the preliminary application and Concept Master Development Plan, the petitioner shall submit the following to the Planning Commission for review and recommendations to the Mayor and Council:

(1) Graphic Master Development Plan Requirements:

(a) Master Development Plan that includes the following individual sheets: Single sheets shall not exceed 36" x 48". Plans should be presented at a scale no smaller than 1" = 400' such that the entire site may be shown on a single sheet.

(i) Conditionally approved Concept Master Development Plan;

(ii) Boundary Survey, including identification of adjacent property owners;

(iii) Existing condition information, including (information may be displayed on more than one sheet for clarity):

[1] Topographic survey (minimum 1' contour interval);

[2] Soils;

[3] Forested areas and tree lines;

[4] Wetlands, hydric soils, streams and water features;

[5] Steep slopes;

[6] Easements and deed restrictions;

[7] Roads, driveways and right-of-ways;

[8] Existing buildings; and

[9] Existing land uses

(iv) Proposed open space, protected areas, public and private parks;

(v) Pedestrian and vehicular master plan showing dominant street configuration and pedestrian walking and biking alignments;

(vi) Detailed plan of at least one (1) phase, showing:

[1] Road alignments;

[2] Lot configuration;

[3] Commercial area plan, if applicable;

[4] Public and private open space(s);

[5] Perspective streetscape (typical for represented phase);

[6] Examples of proposed residential and commercial architecture;

[7] Plan view, perspective and elevations of private and/or public community facilities; and

[8] Plan view, perspective and elevations of entrances including gateway improvements, if

applicable.

(vii) Phasing plan, including:

[1] The general boundaries or location of each phase. Although the Phasing Plan shall include the information required by [2] and [3] below (in narrative, tabular or graphical form), it is not required to depict the location of the land uses, densities or public facilities within each phase.

[2] The phase(s) in which the project will be developed, indicating the approximate land area, uses, densities, and public facilities to be developed during each phase.

[3] If different land use types are to be included, the Master Development Plan should include the approximate mix of uses anticipated to be built in each phase.

(b) Studies and reports by qualified professionals:

- (i) Traffic study that evaluates traffic impacts on proposed entrances on existing public (state, county and town) roads and major existing intersections within one (1) mile of the project that may be impacted by traffic generated by the proposed project;
- (ii) Nontidal wetlands delineation;
- (iii) Endangered species study prepared by qualified professionals; and
- (iv) Historical and archeological survey.

(c) Master Development Plan Design Standards, which shall generally conform to the elements of the *PN Design Guidelines*. The Master Development Plan Design Standards should provide specific detail regarding:

- (i) Site design standards in designated neighborhood and/or commercial areas, including: permitted uses, building types, frontage, setbacks and lot sizes, building heights, parking, street widths and cross-sections, sidewalks, lighting, and road geometry.
- (ii) Building standards for designated neighborhood and/or commercial areas, including: size and orientation, building facades, regulated architectural elements (windows, trim, etc.), rooflines, architectural styles, fencing, parking, and signage.
- (iii) Landscape, buffer and environmental standards, including: location and scope, materials, and scheduling.

(d) Project Scheduling Information, including: anticipated permitting

hearings, approvals, construction start, phasing, anticipated absorption, and completion of key site elements. (Note: This information is understood to be representative of a best estimate and will be used by the Town planning agencies as a tool for long-range planning activities, but shall not be binding.)

- (e) The Master Development Plan shall also include a management statement regarding the anticipated ownership, construction, operation, and maintenance of:
 - (i) Sanitary and storm sewers, water mains, culverts, and other underground structures;
 - (ii) Streets, road, alleys, driveways, curb cuts, entrances and exits, parking and loading areas, and outdoor lighting systems; and
 - (iii) Parks, parkways, walking paths, cycleways, playgrounds, and open spaces.

- (2) The Master Development Plan shall comply with requirements of this section and the requested floating zone and may be accompanied by such other written or graphic material that may aid the decisions of the Planning Commission and Mayor and Council.
- (3) The Mayor and Council may establish additional and supplemental requirements for the Master Development Plan during its consideration of the Preliminary Application, if the Mayor and Council determine such requirements are necessary to enable the Mayor and Council to evaluate the particular floating zone amendment request.

F. Planning Commission Review and Recommendation -Floating Zone Amendment and Master Development Plan.

- (1) The Planning Commission shall review the floating zone amendment request and Master Development Plan for compliance with the requirements of this Code and consistency with the Comprehensive Plan and the *PN Design Guidelines*.
- (2) The Planning Commission shall evaluate the degree to which the floating zone request and Master Development Plan incorporates and/or addresses the *PN Design Guidelines* and furthers the goals and objectives of the Comprehensive Plan.
- (3) The Planning Commission may make reasonable recommendations to the petitioner regarding changes to the Master Development Plan proposal, which, in the judgment of the Commission, shall cause the proposal to better conform to the requirements of the Comprehensive Plan, the *PN Design Guidelines* and the goals and objectives of this Code. The petitioner may resubmit the Master Development Plan to the Planning Commission in consideration of the Commission's comments.

- (4) If after four (4) Master Development Plan submissions, the Master Development Plan has not received a favorable recommendation from the Planning Commission, the Commission shall make a negative recommendation to the Mayor and Council setting forth its reasons as to why the Master Development Plan should not be approved.
- (5) The Planning Commission shall consider and comment on the findings required of the Mayor and Council by paragraph 0(2) and shall make a favorable or negative recommendation to the Mayor and Council.
- (6) The Planning Commission shall return the Master Development Plan, with any revisions, together with written comments and recommendations, and its floating zone comments, to the Mayor and Council for action pursuant to the floating zone and Master Development Plan approval process.

G. Mayor and Council Approval of Floating Zone and Master Development Plan.

- (1) The Mayor and Council shall review the Master Development Plan and other documents, together with such comments and recommendations as may have been offered by the Planning Commission.
- (2) The Mayor and Council may approve or disapprove the proposed floating zone map amendment and associated Master Development Plan, and shall follow the procedures for approval of floating zones. Concurrently with the location of a floating zone, the Mayor and Council may approve the Master Development Plan, which, in addition to the provisions of PN District, shall govern the subdivision and/or development of the property. In approving the PN District floating zone map amendment, the Mayor and Council shall make findings of fact, including, but not limited to the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the areas, and the relationship of the proposed amendment to the Comprehensive Plan. The Mayor and Council may approve the PN District map amendment if it finds that the proposed floating zone amendment is:
 - (i) consistent with the Comprehensive Plan;
 - (ii) consistent with the stated purposes and intent of the PN District;
 - (iii) complies with the requirements of this Code; and
 - (iv) is compatible with adjoining land uses.
- (3) After approval of a floating zone amendment by the Mayor and Council, two (2) complete copies of the approved Master Development Plan shall be filed with the Town Clerk. One (1) additional complete copy of the approved Master Development Plan shall be filed with the Planning Commission for reference during its subsequent review and approval of subdivision plats and/or site plans.
- (4) When a Planned Neighborhood is to be constructed in phases, final

subdivision plat(s) shall not be required for a phase until such time as applications are filed for a federal, state, or local permit for construction of that particular phase.

- (5) As part of the final Master Development Plan approval, the Mayor and Council shall approve a date for initiation of the proposed development.
- (6) In the event that a floating zone amendment is approved by the Mayor and Council without subdivision and approval of an associated Master Development Plan, the subject property may not be subdivided until the owner complies with the Master Development review and approval provisions of this Code, and may not be developed except in conformance with a site plan as required by and in conformance with this Code.

H. Additional Required Procedures.

- (1) The administrative procedures for approval of a site plan for property located within the PN District are set forth in Rising Sun Zoning Code. Site plans shall conform to the approved Master Development Plan, including the Master Development design standards.
- (2) The administrative procedures for approval of a subdivision located within the PN District shall be those of the Town's Subdivision Regulations, set forth in the Town Code. Final subdivision plats shall conform to the approved Master Development Plan.
- (3) Any development, site plan or subdivision approval for land in a PN District shall be consistent with the provisions of the PN District, and the specific Master Development plan applicable to the property, as approved or amended by the Mayor and Council.

I. Amendment of Master Development Plan.

The procedure for amendment of an approved Master Development Plan shall be the same as for a new application, except that minor amendments of a Master Development Plan may be approved by the Planning Commission at a regular meeting.

Using the guidelines set forth below, the Planning Commission shall determine whether the proposed amendment is a "minor amendment". An amendment shall be deemed a "minor amendment", provided that such amendment:

- (1) Does not conflict with the applicable purposes and land use standards of this Code;
- (2) Does not prevent reasonable access of emergency vehicle access or deprive adjacent properties of adequate light and air flow;
- (3) Does not significantly change the general character of the land uses of the

- approved Master Development Plan;
- (4) Does not result in any substantial change of major external access points;
 - (5) Does not increase the total approved number of dwelling units or height of buildings; and
 - (6) Does not decrease the minimum specified setbacks, open space area, or minimum or maximum specified parking and loading spaces.

The phrase "minor amendments" includes, but is not limited to, changes to: the location, number or types of uses within the Planned Unit Development or any phase(s) thereof, subject to 3, above; internal road locations or configurations; the number, type or location of dwelling units, subject to 5, above; and the location of public amenities, services or utilities.

The Planning Commission may only approve minor amendments that increase residential density or intensify nonresidential uses if the amendments provide for enhancement of the architectural design and landscaping of the area subject to the amendment.

Any amendment of a Master Development Plan that adversely impacts upon the delivery or the Town's cost of public utilities, public services, public infrastructure, or otherwise adversely affects amenities available to the public or the public health and safety shall not be considered a minor amendment.

J. Conflict with other Articles

Provisions of the PN Floating zone when found to be in conflict with other provisions of the Rising Sun Zoning Code shall supersede those other provisions with which they conflict.

Provisions of the PN Floating zone when found to be in conflict with other provisions of the Rising Sun Subdivision Code shall supersede those other provisions with which they conflict.