

ORDINANCE NO. 2024-01

Town of Rising Sun
Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, ADDING LANGUAGE TO THE TOWN'S ZONING CODE TO ADDRESS RECOMMENDED CHANGES AND UPDATES TO ARTICLE 7 TITLED OFF-STREET PARKING AND LOADING AND UNLOADING; AND TO REPEAL ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

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

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

WHEREAS as provided for in the LAND USE Article of the Annotated Code of Maryland, Division 1 titled SINGLE-JURISDICTION PLANNING AND ZONING [Titles 1-13], Title 4 titled ZONING, Subtitle 1 titled POWERS, §4-101 titled STATEMENT OF POLICY establishes as a statement of policy that that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning controls and that those controls shall be implemented by local government; and

WHEREAS in addition to the above, §4-202 titled ZONING REGULATIONS - ADOPTION; PURPOSES, provides the Mayor and Commissioners with the authority to adopt zoning regulations in accordance with the Town's Comprehensive Plan and with reasonable considerations for, among other things, the character of the district or zone and its suitability for particular uses and with a view to conserving the value of property and encouraging orderly development and the most appropriate use of land; and

WHEREAS, the Code of Ordinances of the Town, contains Chapters 12, titled TOWN OF RISING SUN ZONING ORDINANCE which establishes the intent and authority of the zoning ordinance to promote the orderly development of the Town of Rising Sun, Maryland, in accordance with the Rising Sun Comprehensive Plan; and

WHEREAS, the Town of Rising Sun has been actively engaged in a meticulous process to modernize and refine its zoning code, a key component of the town's Code of Ordinances. This initiative is rooted in the town's commitment to fostering structured and harmonious development, as outlined in the chapters dedicated to the Town of Rising Sun Zoning Code. These chapters not only establish the foundational intent and authority behind the zoning regulations but also align closely with the strategic vision set forth in the Rising Sun Comprehensive Plan; and

WHEREAS, in pursuit of this goal, the town has embarked on a phased approach to enhance its code. This effort aims to address and rectify inconsistencies in the language used, provide clearer explanations of the Zoning Code's objectives, and introduce updated provisions that better accommodate the evolving landscape of land development processes. Such revisions

are crucial for ensuring that the zoning code remains relevant and effective in guiding the town's growth in a manner that is both orderly and beneficial to the community; and

WHEREAS, central to this endeavor is the diligent work undertaken by the Planning Commission, that has been instrumental in proposing amendments to the zoning code, a task that includes the creation of new zoning districts and the comprehensive update of definitions and tables. These proposed changes are reflective of the commission's recommendations and are designed to incorporate contemporary planning practices and principles into the town's zoning framework and are modeled after the Town's Comprehensive Plan; and

WHEREAS, through these concerted efforts, the Town of Rising Sun is not only reaffirming its dedication to strategic, well-organized development but also reinforcing its commitment to adapting its regulatory environment to meet the current and future needs of its residents and stakeholders. This ongoing process of updating the zoning code, guided by the insights and expertise of the Planning Commission, underscores the town's proactive stance in shaping a vibrant and sustainable future for all who call it home; and

WHEREAS it has been recognized that Article 7, titled "Off-Street Parking and Loading and Unloading," requires comprehensive revisions to eliminate ambiguities and enhance clarity concerning the regulations for both on-street and off-street parking. These modifications are crucial not only to ensure that current parking standards are updated to accommodate today's larger vehicle sizes but also to address the evolving parking requirements of residential developments and commercial entities alike. There is a pressing need to revise our parking regulations to include standards that cater to the unique demands of commercial parking lots and businesses, particularly during holidays and special events when parking demand surges. This proposal aims to ensure that our parking regulations are fully responsive to the dynamic needs of our communities, providing adequate, accessible, and efficient parking solutions for all residents, visitors, and commercial entities; and

WHEREAS the Mayor and Commissioners instructed the staff to incorporate these recommendations as part of a change to the Town's Zoning Code and has submitted the proposed ordinance to the Planning Commission for their review and consideration and a meeting of the Planning Commission was held to discuss these changes on March 4, 2024 and again on August 19, 2024;

WHEREAS the comments of the Rising Sun Planning Commission on these changes were given to the Mayor and Commissioners and incorporated into this final document for their review and consideration; and

WHEREAS the Mayor and Commissioners gave public notice as required by law and held a public hearing on August 22, 2024, to receive public input and comment.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the authority of the Mayor and Commissioners of the Town of Rising Sun, Cecil County, Maryland, that Chapter 12 of the Codified Ordinance of the Town of Rising Sun, titled TOWN OF RISING SUN ZONING ORDINANCE shall be modified as follows:

SECTION 1

This ordinance contains an attached document titled Article 7 – *Parking Standards, Off-Street /On-Street Parking, Loading and Unloading*, which depicts both the existing code language and proposed new code language with new text language highlighted in red with underline. Words or text that have been deleted are indicated with a strikethrough line.

SECTION 2

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

NOW THEREFORE BE IT RESOLVED that this ordinance was introduced on the 27th Day of February 2024 and later reintroduced on this 9th day of July 2024.

SECTION 8.

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

AYES:

NAYES:

ABSTAIN:

PROPOSED

THE MAYOR AND COMMISSIONERS OF
THE TOWN OF RISING SUN

BY: _____
Travis Marion, Mayor

ATTEST:

Judy C Melton
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS 16th DAY OF AUGUST 2024

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

Article 7. Parking Standards, Off-Street/On-Street Parking ~~and~~ Loading and Unloading

Part I Parking

Section 12-701. Definitions

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this section.

Circulation Area. That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles and parking spaces) comprise the circulation area.

Compact Vehicles. Compact vehicles are smaller passenger cars designed for urban driving and fuel efficiency. They are easier to park and maneuver in tight spaces compared to larger vehicles. Compact vehicles typically include hatchbacks, small sedans, and some smaller SUVs. They are generally designed to seat four to five passengers, though with less interior and cargo space compared to mid-size and full-size vehicle. The EPA defines a compact vehicle as having a combined passenger and cargo volume between 100 and 109.9 cubic feet for sedans and between 110 and 129.9 cubic feet for small pickup trucks and SUVs. These vehicles typically range from 13 to 14.5 feet in length.

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

Driveway. Is a private road providing access from a public way to a building or group of buildings within a property, primarily designed to accommodate vehicular traffic to and from the property. It serves as a critical component of the site's infrastructure, facilitating safe and efficient ingress and egress for vehicles. Driveways are required to conform to established standards that specify their width, length, surface material, and alignment, as outlined in this code and the Town's Subdivision and Land Development Codes. These standards are in place to guarantee driveways are apt for their intended purpose, ensure unimpeded access for emergency vehicles, and reduce any adverse effects on traffic circulation and public safety. Furthermore, the design and construction of driveways must adhere to all applicable State, County and Town Codes. These regulations govern the details of their construction, positioning, and how they blend with the surrounding transportation infrastructure and landscape elements. The aim is to align with the broader goals of community planning and to contribute to the visual quality of the development. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Floor Level. The horizontal plane or surface within a building that constitutes the base of a room, story, or structure, typically measured from the top of the finished floor surface. It is the level at which

occupants stand, place furnishings or store items, and it serves as a reference point for the height and elevation of different parts of the building. Floor level is often used to differentiate between various stories or levels within a building, such as the ground floor, first floor, or basement level.

Full Size Vehicles. Full-size vehicles are the largest passenger cars commonly available. These vehicles often have a spacious interior, large trunk space, and are designed to comfortably accommodate five or more passengers. The EPA defines a full-size vehicle (also known as a "large car") as a car with a combined passenger and cargo volume of more than 120 cubic feet for sedans and more than 160 cubic feet for large pickup trucks and SUVs. Full-size vehicles include large sedans, SUVs, and trucks. These vehicles typically range from 16 to 20 feet in length.

Grass Paver System. A permeable paving solution consisting of interlocking grids or blocks designed to support vehicular traffic while allowing grass or other vegetation to grow through the open cells. This system provides a durable, load-bearing surface that blends with natural landscapes, offering an environmentally friendly alternative to traditional impervious surfaces by promoting water infiltration and reducing runoff.

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

Loading and Unloading Area. That portion of the vehicle accommodation area used to satisfy the requirements of Section 12-702.

Mid-Size Vehicles. Mid-size vehicles are a step down from full-size in terms of length and interior space. They provide a balance between the interior roominess of a full-size vehicle and the easier maneuverability of smaller cars. These vehicles are popular as family cars and include sedans, smaller SUVs, and crossovers. Mid-size vehicles are commonly designed to comfortably seat up to five passengers. The EPA defines a mid-size vehicle as having a combined passenger and cargo volume between 110 and 119.9 cubic feet for sedans and between 130 and 159.9 cubic feet for pickup trucks and SUVs. These vehicles typically range from 14.5 to 16 feet in length.

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

Parking Area-Aisles. A parking aisle is a designated pathway within a parking lot or parking facility that allows vehicles to access parking spaces. It is the driving lane that runs between rows of parking spots, enabling drivers to enter, circulate, and exit the parking area. Parking aisles are crucial for the organization and efficiency of a parking facility, as they guide vehicular movement and ensure safe and orderly access to parking spaces. The design and width of parking aisles vary depending on the type of parking (e.g., angled, perpendicular, or parallel) and the anticipated volume of traffic, with the aim of optimizing space usage while ensuring safety for both vehicles and pedestrians. ~~That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.~~

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

Parking Facility (Residential). These specialized parking areas are situated within or adjacent to residential neighborhoods, designed specifically to accommodate the temporary parking needs of guests and manage excess vehicle overflow. Distinct from commercial parking facilities, residential parking facilities are typically not enclosed within larger structures and are found at ground level and are properly landscaped, ensuring they blend seamlessly with the neighborhood's aesthetics. Their smaller scale and thoughtful integration into the neighborhood layout prioritize convenience, minimizing disruption to local traffic flow and resident parking. These facilities can include on-street parking spaces, designated lots, or shared spaces within multi-unit residential developments. When not located on a public road, their management and regulation may be overseen by a formally recognized homeowners association, aligning with community standards and ensuring their unobtrusive presence supports the overall harmony and functionality of the residential area.

Parking Space. A designated portion of a vehicle accommodation area specifically allocated for the parking of a single vehicle. This space is clearly marked and dimensioned to safely and efficiently accommodate the intended vehicle type, ensuring that the vehicle can be parked without obstructing adjacent spaces, pedestrian pathways, or circulation areas. The dimensions of a parking space are typically determined based on the size of the vehicles it is intended to serve, such as compact, mid-size, or full-size vehicles, and must comply with relevant town codes to include zoning, subdivision and land development codes, property maintenance codes and other recognized regulatory standards to ensure accessibility, safety, and functionality. ~~A portion of the vehicle accommodation area set for the parking of one vehicle.~~

Residential Villages. This term emphasizes a smaller, more intimate community feel within a larger development. It suggests each area has its own unique identity and characteristics, much like traditional villages that can differ in size and scale, architectural design and layout, functionality and target resident. The application to declare a residential area as a village must be approved by the Planning Commission and development plans must be marked accordingly.

Residential Garage Parking. Refers to a structure either integrated into a residential building or constructed as an accessory to it, specifically designed, built, and utilized for the parking of non-commercial or residential vehicles.

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

property must have access to at least five on-street parking spaces within 300 feet, ensuring convenient proximity.

Side Street Setback. The minimum required distance between a structure or feature, such as a driveway or building, and the property line adjacent to a side street. This setback ensures that buildings and other structures are adequately spaced from the side street to maintain visibility, safety, and the overall aesthetic of the neighborhood. The side street setback is typically applied to corner lots where one side of the property borders a street other than the front street.

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

Vehicle Accommodation Area. Designated spaces within a property, including driveways, parking lots, garages, and loading zones, intended for the parking, maneuvering, loading, unloading, and storage of vehicles. These areas are designed to safely and efficiently manage vehicular access, ensuring that vehicles can be parked or stored without obstructing traffic or pedestrian pathways. Vehicle accommodation areas must comply with specific surface, size, and maintenance requirements to meet zoning and safety standards. That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

Section 12-702. Number of Parking Spaces Required

1. All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question and in accordance to table 2 below.
2. The presumptions established by this article are that: (a) a development must comply with the parking standards set forth in Subsection 5. to satisfy the requirement stated in Subsection 1., and (b) any development that does meet these standards is in compliance. However, the Table of Parking Requirements is only intended to establish a presumption and should be flexibly administered, as provided herein.
3. All off-street parking spaces required to serve buildings or a use erected or established after the effective date of this Code shall be located on the same zoning lot as the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of a non-residential use or where spaces are provided collectively or used jointly by 2 or more non-residential buildings or establishments, the required spaces may be located and maintained as set forth herein.
4. The Town recognizes that the Tables of Parking Requirements set forth in Subsection 5. cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit-issuing authority is authorized to determine the parking requirements using this table as a guide.
5. The following Tables of Minimum Parking Requirements shall apply to all land development projects

TABLE 1**USE OFF-STREET PARKING REQUIREMENT**

Residential Spaces Required	
Single Family Detached Unit <u>Residential Dwelling Building Code Use Group:</u> <u>1 – 3 Bedroom Units</u> <u>4 or more Bedroom Units</u>	2.0 spaces <u>3.0 spaces</u>
Apartments 1 Bedroom Units 2 Bedroom Units 3+ Bedroom Units	1.8 spaces 2.0 spaces 2.5 spaces
<u>Townhouse:</u> 1 Bedroom Units 2 Bedroom Units 3+ Bedroom Units	2.0 spaces 2.5 spaces 3.0 spaces
Residence/Office (VC Zone)	1 space per 250 square feet of office plus 1 space per dwelling unit. In no case shall the number of parking spaces be less than 1 per employee and 1 per occupant
Non-Residential Spaces Required	
Assembly Hall	1.0 space per every 100 sq. ft. GFA
Appliance/Hardware Store	2.0 spaces per every 1,000 sq. ft. GFA, plus 1.0 space per every 300 sq. ft. GFA over 1,000 sq. ft. GFA.
Art Gallery	1.0 space per 500 sq. ft. GFA
Auditorium	1.0 space per 6 permanent seats
Bar, PUB, Tavern	1.0 space per 2 seats, plus 1.0 space per 3 employees
Beauty Parlor	3.0 spaces per operator chair
Bed and Breakfast	1.0 space per guest room plus 2.0 spaces per owner's unit
Bowling Alley	4.0 spaces per alley
Bank	4.0 spaces per every 1,000 sq. ft. GFA
Church/Synagogue	1.0 space per 3 seats
Convenience Store	1.0 spaces per every 250 sq. ft GFA
Day Care Center	1.0 space per 7 children, plus 1.0 space per staff person
Equipment Sales/Service Shop/Wholesale	2.0 spaces per every 1,000 sq. ft. GFA, plus 1.0 space per every 300 sq. ft. GFA over 1,000 sq. ft.
Fast Food Restaurant	1.0 space per 4 seats, plus 1.0 spaces per 2 employees on maximum shift.
With or Without Drive-Through Facilities	With drive-through facility, add 8 stacking spaces for the drive-through window
Fiduciary Institutions	1.0 space per 300 sq. ft. GFA
Funeral Homes	1.0 space per 4 permanent seats, or 1.0 space per 30 sq. ft. GFA
Furniture Stores	1.0 space per 500 sq. ft. GFA, plus 1.0 space per employee on maximum shift
Golf Course	6.0 per hole
Group Homes	1.0 space per staff person, plus 1.0 space per 2 occupants

Non-Residential (Cont.) Spaces Required	
Health Club	10 spaces per every 1,000 sq. ft. GFA, plus 1.0 space per every 2 employees.
Hospital	2.0 spaces per bed or 1.0 spaces 300 sq. ft. GFA, whichever is greater
Hotel/Motel	1.0 space per room, plus 1.0 space per employee on maximum work shift, plus 1.0 space per each 200 sq. ft. GFA of commercial floor area contained therein
Laundromat/Dry Cleaners	1.0 per machine, minimum of 5.0 spaces
Library	1.0 space per 300 sq. ft. GFA
Medical Center	1.0 space per 250 sq. ft. GFA
Miniature Golf	1.0 space per hole
Nightclub	1.0 space per 2 seats
Nursing Home	1.0 space per 2 beds
Assisted Living	1.0 space per 2 beds
Offices Spaces Required	
Under 49,999 sq. ft. GFA	4.5 spaces per 1,000 sq. ft. GFA
50,000 - 99,999 sq. ft. GFA	4.0 spaces per 1,000 sq. ft. GFA
100,000 + sq. ft. GFA	3.5 spaces per 1,000 sq. ft. GFA
Pool or Billiard Hall	4.0 spaces per 1,000 sq. ft. GFA
Post Office	1.0 space per 600 200 sq. ft. GFA, plus 1.0 space per employee
Racquetball Courts	2.0 spaces per court
Research Centers	1.0 space per 1,000 sq. ft. GFA
Restaurant	1.0 space per 3 seats, plus 1 space per employee on the maximum shift
Retail Store	1.0 space per 200 sq. ft. GFA
Schools Spaces Required	
Elementary	2.0 spaces per classroom, but not less than 1.0 per teacher and staff
Intermediate	1.5 spaces per classroom, but not less than 1.0 per teacher and staff
Secondary	5.0 spaces per classroom
Service Station	4.0 spaces per bay and work area
Shopping Center (GLA>200,000 sq. ft.)	4.5 space per 1,000 sq. ft. GFA
Grocery/Food Store (Super Market)	3.0 spaces per 1,000 sq. ft. GFA
Swimming Pool	1.0 space per 4 persons, up to capacity
Veterinary Offices	1.0 space per 400 sq. ft. floor space in office, with a 4 space minimum
VFW, American Legion, Etc.	1.0 space per 2 seats

Table Notes:

1. The following acronyms are defined as follows:

GFA = Gross Floor Area

GLA = Gross Leasable Area

2. When determination of the number of parking spaces required results in a requirement fractional space, any fraction shall be counted as one parking space.

TABLE 2
RESIDENTIAL ON STREET GUEST AND OVERFLOW PARKING

2 per dwelling unit for the 1st 50 dwelling units
1 per dwelling for units 51 to 100
.75 per dwelling for units 101 to 200
.50 per dwelling units 201 and above

Table Notes: The calculation is not a straightforward division across the total number of homes but rather a segmented calculation based on cumulative totals at specific intervals. Each segment (1-50, 51-100, 101-200) has its own distinct requirement that must be calculated separately and then added together to reach the final number of required parking spaces.

This segmented approach ensures accurate compliance with zoning requirements and prevents misunderstandings, such as incorrectly applying the lowest parking requirement to the total number of homes. For example, without this approach, someone building 50 homes would be required to install 100 parking spaces, while someone building 51 homes might think they only need to provide 51 spaces. The proper approach is designed to apply specific parking requirements at different thresholds, ensuring consistency. As an example, applying the lowest parking requirement per home for a 202-home subdivision would result in an incorrect total of 101 spaces, when the intended total is actually 226 spaces.

Section 12-703. Residential On Street, Guest and Overflow Parking shall be required in accordance with Table 2 above and can be provided by on street parking that complies with minimum street width requirements set forth in the Town's Subdivision and Land Development Code and Residential Parking Facilities as defined and meeting the minimum standards thereof.

12-703.1 If a residential development is divided into villages as defined in this code, then the Residential On-Street, Guest, and Overflow Parking for each village within the larger development will be individually assessed and parking provided as required in accordance with Table 2 above. The calculation of these parking requirements will be based on the aggregate of all homes within the individual village, ensuring tailored parking solutions that reflect the unique needs and characteristics of each village. Parking can be provided through on-street parking spaces that adhere to the minimum street width requirements as specified in the Town's Subdivision and Land Development Code, as well as through Residential Parking Facilities that are defined and conform to the minimum standards set forth. This approach allows for each village to maintain its distinctiveness within the broader development, with parking provisions designed to support the specific density, layout, and community dynamics of each village.

12-703.2 In any development or village, where the provision of off-street parking collectively exceeds the sum of individual requirements by 60%, the on-street guest and overflow parking requirements for the entire development or village may be reduced by 25%. This policy recognizes the aggregate contribution to parking capacity when the total off-street parking provided across all homes significantly surpasses the cumulative minimum mandated, thereby enhancing accessibility and reducing reliance on on-street parking solutions.

Section 12-704. Residential Garage Parking. While garages may be designed in various sizes to cater to diverse needs, a minimum dimension of 11 feet in width and 20 feet in depth per vehicle space is mandated to count towards the required off-street parking quota. This standard ensures sufficient room for not only parking and ancillary storage but also for safe and comfortable vehicle entry and exit. Importantly, any garage that does not meet these minimum size dimensions will only receive off-street parking credit for the spaces that do comply with these requirements. Permanent renovations or conversions that reduce a garage's ability to fulfill these off-street parking standards, with the exception of temporary storage solutions, are strictly prohibited. Such modifications are only permissible when alternative off-street parking provisions, compliant with this code's stipulations, are implemented.

Section 12-703705. Flexibility in Administration Required

1. The Town of Rising Sun recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth herein may result in a development either with inadequate parking space or parking space far in excess of its needs. Alternative off-street parking standards may be accepted if the applicant can demonstrate that such standards better reflect local conditions and needs.
2. Without limiting the generality of the foregoing, the Planning Commission may allow deviations from the parking requirements set forth herein when it finds that:
 - (a) A residential development is irrevocably oriented toward the elderly;
 - (b) A business is primarily oriented to walk-in trade.
 - (c) In the CC Central Commercial district of Town, the parking requirements may be waived or modified by the Planning and Zoning Commission for commercial businesses when it is determined that adequate public parking is available.
3. Whenever the permit-issuing authority allows or requires a deviation from the parking requirements set forth herein, it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.
4. If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established herein for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in this Code.

Section 12-704706. On-Street or Commercial Parking Space Dimensions

1. Subject to Subsections 2. and 3., each parking space required on a commercial lot shall contain a rectangular area of at least 18-20 feet long and 9 feet wide for full & mid-size vehicles. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section. Areas clearly designated with proper signage and properly regulated for compact vehicle parking can be reduced to 16 feet long by 8 feet wide by variance from the Board of Zoning Appeals.

2. Wherever Commercial parking areas consist of spaces set aside for parallel parking on the same lot, the dimensions of such parking spaces shall be not less than 23 feet by 9 feet for full & mid-sized vehicles. Areas clearly designated and properly regulated for compact vehicle parking can be reduced to 20 feet long by 9 feet wide by variance from the Board of Zoning Appeals.
3. Residential on-street parking and guest overflow parking, as required in Section 12-702, must have minimum dimensions of 20 feet by 8 feet. These spaces are only permitted if the roads comply with the minimum width requirements outlined in the Town’s Subdivision and Land Development Code. The dimensions must also account for driveways, cross streets, mailboxes, fire hydrants, or any other features that would prohibit parking in that location.
4. Handicap parking shall be provided for all of the above in accordance with the American Disabilities Act. Each handicapped parking space shall meet the requirements of the American Disabilities Act.

Section 12-705707. Required Widths of Parking area Aisles and Driveways

1. Commercial Parking area aisle widths shall conform to the following table 3 below, which varies the width requirement according to the angle of parking.

TABLE 3

<u>Angle of Parking (Degrees)</u>	<u>Aisle Type</u>	
	<u>One-Way Traffic Aisle Width (feet)</u>	<u>Two-Way Traffic Aisle Width (feet)</u>
<u>0 (Parallel)</u>	<u>15</u>	<u>22</u>
<u>30</u>	<u>15</u>	<u>22</u>
<u>45</u>	<u>16</u>	<u>22</u>
<u>60</u>	<u>18</u>	<u>23</u>
<u>90 (Perpendicular)</u>	<u>24</u>	<u>24</u>

Notes:

1. Parallel parking aisles refer to spaces where cars park parallel to the aisle.
2. Angled parking (30°, 45°, 60°) allows for easier maneuvering but requires more space for the aisles compared to parallel parking.
3. Perpendicular parking (90°) maximizes the number of parking spaces but requires the widest aisles to accommodate the turning radius of vehicles.
4. The minimum aisle width can vary significantly, as determined by the Town Engineer, based on the design and the expected vehicle size (compact cars vs. full-size vehicles).
5. Additional space may be required for fire lanes, pedestrian pathways, and accessibility considerations.

<u>Aisle Width—</u>	<u>Parking Angle</u>				
	<u>0°</u>	<u>30°</u>	<u>45°</u>	<u>60°</u>	<u>90°</u>

One-Way Traffic —	15	15	16	18	24
Two-Way Traffic —	22	22	22	23	24

2. Commercial Driveways Entrances/Exits. ~~shall~~ Shall be not less than 10 feet or exceed 15 feet in width for one-way traffic and less than 18 feet or exceed 30 feet in width for two-way traffic, except that 10-foot-wide driveways are permissible for two-way traffic when (a) the driveway is not longer than 50 feet, (b) it provides access to not more than 6 spaces, and (c) sufficient turning space is provided so that vehicles need not back into a public street.

3. Residential Dwelling Driveways and Parking Areas. For the purposes of satisfying off-street parking requirements in residential areas, driveways must be designed to fully accommodate vehicles within the property, ensuring that no part of any vehicle extends over sidewalks or into the street. Each parking space within the driveway must meet the minimum dimensions of 22 feet in length and 10 feet in width, measured from the edge of the structure (e.g., house or garage) to the property line at the street access point. The driveway access width from the public road must match the required width based on the number of required off-street parking spaces, but in no case shall it exceed 50% of the lot width. For driveways that provide parking for multiple vehicles, such as side-by-side parking, each individual parking space must comply with these dimensions. If the driveway accommodates vehicles parked one behind the other, the total length must be at least 44 feet to ensure that both vehicles can be parked entirely on the property without obstructing pedestrian pathways or streets, while also allowing passage between the front and back of the vehicles. This ensures safe and adequate parking for all vehicles within the designated driveway area. To meet these requirements, developers may choose to build multiple-car garages or set the house farther back from the road. Driveways may be constructed larger than the minimum required dimensions; however, any additional space beyond these dimensions will not be credited toward the off-street parking requirements unless it also meets the required dimensions for additional parking spaces. Additionally, all driveways and parking areas must comply with the front yard and side yard setback requirements as outlined in Section 708.

4. Construction of Driveways and Impacts on Sidewalks. Driveways and adjacent sidewalks shall be constructed and repaired in accordance with the requirements of the TDS Manual. The property owner is responsible for repairing any damage to roadways, drainage facilities, curbs, gutters, or sidewalks resulting from the construction, expansion, or use of driveways.

Section 12-706708. General Design Requirements

1. Safe Vehicle Egress Requirements. Unless no other practicable alternative is available vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.

2. Emergency, Public Works and Sanitation Vehicle Access and Egress. Vehicle accommodation areas of all development shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

3. Parking Area Boundary Controls. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
4. Design Standards for Safe Vehicle Circulation. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
5. Lighting Standards for Off-Street Parking Areas. Any lighting used to illuminate off-street parking areas shall be arranged so as to reflect away from any adjoining residential zone or uses and any public or private right-of-way.
6. Clear Sight at Intersections. A "clear sight triangle" shall be observed within a triangle formed by the intersection of the street lines and points on the street line 25 feet from the intersection at all street intersection or intersections of driveways with streets provided as defined in Article 2.
7. Drainage Requirements for Parking Areas. All parking areas shall be drained so as to dispose of all surface water within the parking area without carrying the said water accumulation over a public sidewalk. Piping the water to a suitable outfall may be required.
8. Stormwater Management for Off-Street Parking Areas. Permanent storm water retention shall be provided for all off-street parking areas as required by the Town of Rising Sun.
9. One- and Two-Family Dwelling Parking Setback Regulations. In any residential zone, required off-street parking spaces must not encroach upon any designated front yard setbacks, side yard setbacks or side street side yards. These areas are reserved for maintaining the aesthetic and residential character of the property. However, a driveway designed in accordance with these regulations is permitted to run perpendicular to the road and encroach in these areas if it complies with Subsection 10 below. Any additional portions of the driveway that angle or turn into the front yard to accommodate extra parking or a turnaround must meet the requirements of Subsections 10 and 11 below. ~~No required off-street parking space in any residential zone shall be located within any required front yard or side street side yard area except that parking in driveways for up to 2 spaces is permitted.~~
10. One – Two Family Dwelling Parking Expansion. Additional parking in residential zones (Single Family Detached only): Provided the above parking (Subsection 9) has been met, additional parking shall be permitted in the required front yards or side street side yard, provided the following setback requirements are met:

<u>Zone</u>	<u>Front Yard Setback</u>	<u>Side Street or Side Property line side setback</u>
<u>A-RR – RR</u>	20ft	8ft ¹
R-1	15ft	8ft ¹
R-2	15ft	8ft ¹
R-3	10ft	4ft ¹

PUD	10ft	4ft ¹
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Note 1: Require the installation of a landscape buffer to screen and mitigate the impact of a vehicle parking in close proximity to the neighboring property or side street. Evergreen a minimum of 2 foot high, or a fence that complies with the zoning regulations. Does not apply if distance is greater than the minimum permitted.

11. Residential Zone Lot Coverage for Vehicle Accommodation Areas. In any residential zone, the combined coverage of all permitted vehicle accommodation areas, including paved, concrete, stone, or grass surfaces used for these purposes, must not exceed 50 percent of the total area of the required front yard or 50 percent of the required side street side yard. This is to ensure that a significant portion of these yards remains open and not covered by parking surfaces and is reserved for maintaining the aesthetic and residential character of the property. Additionally, this coverage must be included in the overall lot coverage limits and accounted for in the Stormwater Management Calculations. Should the proposed expansion of a driveway result in the total lot coverage exceeding the allowable limits, the project will be deemed non-compliant and therefore not permitted. The access to any newly expanded driveway or parking area, shall not reduce the current number of on street parking in the area without a variance from the Board of Zoning Appeals. ~~The percentage of coverage of permitted parking areas and driveways in any residential zone shall not exceed 50 percent of the total required front yard or side street side yard.~~

12. Off-Street Parking Setbacks in Non-Residential Zones. Off-street parking facilities may be located within the required front yard of any ~~commercial, office, residential, or industrial zone.~~ Non- Residential Zone. But shall not be nearer than 50 feet to any residential district.

13. Special Requirements for Garages, Parking Lots, Service Stations, and Vehicle Sales Lots. Special access, surface, and location requirements for garages, parking lots, automobile service stations, and vehicle sales lots:
 - (a) No building, structure or premises shall be used, erected, or altered which is intended or designed to be used as a community garage, an automobile repair shop, a service station, or a parking lot or structure as the principal use on a property, which has an entrance or exit for vehicles in the same block front and within 200 feet of the property boundary of any school, public playground, church, hospital, public library, convalescent, nursing, or rest home, orphanage, and no such entrance or exit, except for a community garage, shall be located within 20 feet of any residential zone; nor shall any structure used for an automobile repair shop or service station or any part of a parking lot or structure be located within 100 feet of any property boundary line of any of the aforesaid public or institutional uses. "Parking lot" as used herein does not include off-street parking areas as otherwise required for the public or institutional uses listed above.

 - (b) No gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within 15 feet of any right-of-way or within 50 feet of a residential zone, except where such a pump, pit, or appliance is within a completely enclosed building and distant at least 15 feet from any vehicular entrance or exit of such building. Except for gasoline service stations, no gasoline pumps shall be permitted as an accessory use for another activity unless a site plan is submitted to and approved by the Planning Commission.

Section 12-707709. Vehicle Accommodation Area Surfaces

1. Commercial and Multi-Family Surfaces. All vehicle accommodation areas for commercial and non-one- and two-family dwellings, shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust as per applicable Town specifications.
2. One- and Two-Family Dwelling Surfaces. All vehicles parked on one and two dwelling properties must be situated on a properly constructed surface designed to support the vehicle's weight and to prevent the tracking of mud, debris, or other materials onto public streets. Acceptable surfaces for parking include blacktop, concrete, crushed stone or grass paver system. Parking surfaces consisting of crushed stone that opens directly onto a public street must have the first 25 feet paved, starting from the edge of the paved street. Parking on grass, dirt, or other non-suitable surfaces is strictly prohibited to prevent damage to the landscape and to maintain the aesthetic and environmental quality of the property. All parking areas must be maintained in a manner that prevents ruts, erosion, or other conditions that could lead to property damage or unsafe conditions.
 - (a) Temporary Parking Allowance: Temporary parking on grass or dirt surfaces is permitted for special events or circumstances, such as large gatherings, holidays, or visiting family members and guest, provided it does not exceed 48 hours in duration. To prevent repeated use of temporary parking for extended periods, once the 48-hour period has ended, the same vehicle or any other vehicle may not park on the grass or dirt surface again for at least 7 consecutive days. This provision is intended to accommodate occasional, short-term parking needs while ensuring that grass and dirt surfaces are not used as de facto parking areas, thereby preserving the landscape and the aesthetic and environmental quality of the property.
- 2-3. Commercial Overflow and Special Event Surfaces. A commercial developer installing additional overflow parking for anticipated special events or circumstances may request permission from the Planning Commission to utilize a grass paver system in lieu of a paved surface. The Grass Paver System as defined, allows grass to grow through the surface, enhancing the aesthetic appearance of the property and minimizing the environmental impacts of water runoff associated with impermeable pavement or concrete. Unprotected grass, lawn, crushed stone, gravel, or other similar surfaces are not permitted. These grass paver parking areas will not be counted toward the required parking requirements. Any overflow parking surface that opens directly onto a public street must have the first 25 feet paved, starting from the edge of the paved street. The perimeter of these areas shall be defined by a combination of evergreen and deciduous plantings. The property owner is responsible for the repair and maintenance of these systems, ensuring they are kept in accordance with their original design and intent, including the proper care and cutting of grass and other plantings, in compliance with town regulations. ~~intended use~~The Planning Commission may permit surfaces that are graded and surfaced with crushed stone, gravel, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion if the vehicle accommodation area contains less than 10 parking spaces and is not used regularly (e.g., temporary overflow parking). The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in

~~Subsection 1. for a distance of 15 feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences.~~

- ~~34. Demarcation of Parking Spaces. Parking spaces in areas surfaced in accordance with Subsection 1. shall be appropriately demarcated with painted lines or other markings, to include proper signage where required. Parking spaces in areas surfaced in accordance with Subsection 2 do not require demarcation. ~~Parking spaces in areas surfaced in accordance with Subsection 2. shall be demarcated whenever practicable.~~~~
45. Maintenance of Vehicle Accommodation Areas. Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, weeds, overgrowth, trash, clutter, etc.) and signage, parking space lines or markings shall be kept in good repair, clearly visible and distinct.

Section 12-708710. Commercial Joint Use of Required Parking Spaces (Shared Parking)

1. One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.
2. To the extent that commercial developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90 percent vacant on weekends, another development that operates only on weekends could be credited with 90 percent of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50 percent of capacity on days other than Sunday, another development could make use of 50 percent of the church lot's spaces on those other days.
3. If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 12-702 are also applicable.
4. In the case of mixed uses (with different parking requirements occupying the same building or premises) or in the case of a joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except that parking requirements for permitted accessory retail and service uses in a hotel, motel, or motor lodge that contains 50 or more dwelling units may be reduced by the following percentages:
 - (a) Retail sales, offices, service establishments, 50 percent
 - (b) Restaurants and dining rooms, 75 percent
 - (c) Ballrooms, banquet halls, meeting rooms, auditoriums, 80 percent.
5. Off-street parking areas required for residential use shall not be included in any joint parking arrangement.

Section 12-709711. Commercial Satellite Parking

1. If the number of off-street commercial parking spaces required by this Code cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.
2. All such satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of a public entrance of a principal building housing the use associated with such parking, or within 400 feet of the lot on which the use associated with such parking is located if the use not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance. No more than 40 percent of the total required spaces are to be located in satellite parking spaces.
3. The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgment that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces.
4. All satellite parking spaces shall be located in the same zoning district as the structures or uses served or shall abut at least 50 feet, either directly or across an alley, from the structure or uses served.
5. Satellite parking spaces shall be used solely for the parking of passenger automobiles. No commercial repair work or service of any kind shall be conducted, and no charge shall be made for parking. No sign of any kind, other than designating ownership, entrances, exits, and conditions of use, shall be maintained on such satellite parking areas.
6. Each entrance and exit to and from such parking area shall be at least 20 feet distant from any adjacent lot line located in any residential zone.
7. The satellite parking areas shall be subject to all requirements of this Code concerning surfacing, lighting, drainage, landscaping, screening, and setbacks.

Section 12-710712. Special Provisions For Lots With Existing Buildings

1. Any increase in the intensity of use of any structure shall mean the addition of dwelling units, employees, gross floor area, seating capacity, or any other unit of measurement used as a basis for determining required parking facilities. When the intensity of use of any structure is increased by less than 20 percent, parking facilities shall be provided for the increase, but not for any existing deficiency in such facilities. When the intensity is increased by more than 20 percent, including consecutive increases from the date of this Code, parking facilities shall be provided for the entire structure on premises.
2. When the use of any structure or premises is changed to a different use, parking facilities shall be provided for the different use.

3. Notwithstanding any other provisions of this Code, whenever (a) there exists a lot with one or more structures on it constructed before the effective date of this Code, and (b) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (c) the parking requirements of Section 12-702 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of Section 12-702 to the extent the (a) parking space is practicably available on the lot where the development is located, and (b) satellite parking space is reasonably available as provided in Section 12-702. However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become available.

Section 12-711-713. Loading and Unloading Areas

1. Subject to Subsection 5., whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.
2. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit-issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

Gross Leasable Area of Building	Number of Spaces*
1,000- 19,000	1
20,000- 79,999	2
80,000-127,999	3
128,000-191,000	4
192,000-255,999	5
256,000-319,999	6
320,000-391,999	7

Plus one (1) space for each additional 72,000 square feet or fraction thereof.

*Minimum dimensions of 12 feet x 55 feet and overhead clearance of 14 feet from street grade required.

3. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (a) maneuver safely and conveniently to and from a public right-of-way, and (b) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
4. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking be used to satisfy the area requirements for loading and unloading facilities.

5. Whenever (a) there exists a lot with one or more structures on it constructed before the effective date of this Code, and (b) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (c) the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.
6. No such space shall be located closer than 50 feet to any other lot in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than 6 feet in height.

Section 12-712714. Parking facilities for the Physically Handicapped

1. Location. Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways, entrances, and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps, and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance.
2. Each handicapped parking space shall comply with current American Disabilities Act standards.
3. Required Number of Spaces. The following number of parking spaces shall be reserved for the physically handicapped:

<u>Total Parking Spaces in Lot</u>	<u>Required Minimum Number</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 % of Total
Over 1,000	20, plus 1 for each 100 over 1,000

4. Identification. Parking spaces for the physically handicapped shall be identified by signs, generally located 8 feet above grade. The signs shall state that the space is reserved by law for the physically handicapped. Where these signs are placed flush against buildings or structures, or in other locations not accessible to vehicular or pedestrian traffic, the height may be reduced to 6 feet.
5. Curbs.
 - (a) Where a curb exists between a parking lot and a sidewalk, a horizontally scored ramp or curb cut shall be provided for wheelchair access.

- (b) The curb cut shall not be less than 4 feet wide and shall have a grade of not more than one foot in 12 feet.
 - (c) Curb cuts shall be provided within 30 feet of each accessible entrance to the structure, at all pedestrian walk intersections, and elsewhere to provide reasonably direct circulation within each development.
 - (d) The curb cuts shall not be more than 150 feet apart.
6. Sidewalks.
- (a) Sidewalks shall be scored or textured to indicate the location of doors to blind persons.
 - (b) Exterior sidewalks shall not be obstructed.
 - (c) Exterior sidewalks shall have a side slope not greater than one inch in 4 feet. They shall be at least 4 feet wide and have a grade of not more than one foot in 20 feet.
 - (d) Wherever sidewalks cross driveways, parking lots, or other sidewalks, they shall blend to a common level.
7. Storm Drains. Storm drain grates and similar devices shall not be located within the required access for the physically handicapped.
8. Grade. The grade of parking spaces for the physically handicapped shall not be more than one foot in 20 feet.

Part II Landscaping of Parking Facilities

Section 12-713~~715~~. Intent

It is intended that the application of the landscape standards set forth below will reduce the visual and environmental impacts of large expanses of parking areas. Breaking up of paved parking areas with plantings will provide improved aesthetics and micro-climatic benefits by reducing heat and glare.

Section 12-714~~716~~. Sites Affected

1. New sites. No new parking areas shall hereafter be constructed or used unless landscaping is provided as required by the provision of this Article.
2. Existing sites. No parking areas shall be expanded, moved, or removed and/or reconstructed unless the minimum landscaping required by the provision of this Article is provided for the property to the extent of its alteration or expansion, but not for the entire property.

3. Change of use. No use shall be changed to another use for which the Zoning Code requires additional parking over and above that required for the previous use, unless vehicular use area perimeter landscaping as required by this Article is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses. Where new construction will not be necessary to meet the parking requirements, such additional required parking shall be deemed to be on the perimeter for as much as possible of the existing vehicular use area. Where the previous use had no required parking, perimeter landscaping shall be provided for the entire vehicular use area serving the new use. Interior landscaping shall not be required where only the use of the property is changed and no new construction or reconstruction is proposed.
4. Change of zone. No use of an existing building, structure, or vehicular use area shall be commenced subsequent to a change in zoning unless property perimeter landscaping as required herein has been provided.

Section 12-715717. Perimeter Landscaping

1. Commercial or non one and two family development projects. A ten (10) ~~feet~~ **foot** wide buffer yard meeting the Buffer yard C standard shall be required along any perimeter of a vehicle accommodation area that is located adjacent to any property in single family residential use.
2. Any parking lot that is adjacent to a road or public right-of-way shall provide a landscaping area width based upon the following right-of-way width:

60 feet wide or less:	10 foot minimum buffer yard meeting the Buffer yard B standard
More than 60 feet wide:	15 foot minimum buffer yard meeting the Buffer yard C standard
3. The Planning Commission may allow deviations from this requirement when it finds that the site in question exhibits irregular, confining, or otherwise unusual characteristics. In no case shall the required landscape area width be less than 5 feet.
4. Where the pavement width of the parking lot exceeds 60 feet, the buffer yard adjacent to a road or public right-of-way shall be increased by 5 feet for every additional 60 feet of parking lot width perpendicular to the right-of-way to a maximum buffer yard width of 40 feet.
5. Each buffer yard adjacent to a street right-of-way shall meet the planting standard indicated (see Appendix C). In addition, the Planning Commission may require a landscaped berm, fence, wall, or other methods to reduce the visual impact of the parking area.
6. Grass or ground cover shall be planted on all portions of the landscape area not occupied by other landscape material.
7. Special notes on existing natural vegetation:
 - (a) In all cases where significant natural vegetation exists, as determined by the Zoning Inspector, there will be limits of clearing/grading areas established to protect and preserve these natural area. These natural areas will not be disturbed by the installation of any structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control

- traps, storm water management systems, signage. Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown in the required plan.
- (b) In the case where buffers are created by the application of these standards, no structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, storm water management systems, and signage will be permitted.
 - (c) Where pedestrian and bike paths are proposed in the landscape area, such paths shall be meandering in order to preserve the existing trees.
8. Trees required as a part of the parking lot street right-of-way landscaping may be placed on the right-of-way adjoining such vehicular use area when approved by the Planning Commission. Such trees shall be in addition to any street trees required by the subdivision regulations.
 9. Landscaping in Easements. The required landscape area for parking areas may be combined with a utility or other easement only if all landscape requirements can be met. Otherwise, the landscape area shall be in addition to, and separate from, any easement.
 10. In any parking lot perimeter landscaping area all trees shall be set back at least 4 feet from the edge of paving where vehicles overhang.

Section 12-716718. Interior Landscaping for Parking Lots

1. For any parking lot containing more than 6,000 square feet of area or 15 or more spaces, interior landscaping shall be provided in addition to the previously required perimeter landscaping. Interior landscaping shall be contained in peninsulas or islands. An interior parking lot landscape island or peninsula is defined as a landscaped area containing a minimum area of 153 square feet having a minimum width of 8.5 feet and a minimum length of 18 feet. There shall be a minimum of 4 feet to all trees from the edge of paving where vehicles overhang. The minimum landscape area permitted shall be 10 percent of the parking area. Each island or peninsula shall be enclosed by appropriate curbing or a similar device at least 6 inches wide and 6 inches in height above the paving surface. For purposes of Subsection 4. below and subject to the limits established in 5. below, up to 4 islands can be combined.
2. Where a parking area is altered or expanded to increase the size to 6,000 or more square feet of area or 15 or more vehicular parking spaces, interior landscaping for the entire parking area shall be provided and not merely to the extent of its alteration or expansion.
3. Landscape area. For each 100 square feet, or fraction thereof, of vehicular use area, 5 square feet of landscaped area shall be provided. The interior landscaping requirement shall be computed on the basis of the "net parking facility." For the purposes of this Section, "net parking facility" shall include parking stalls, access drives, aisles, walkways, dead spaces, and required separations from structures, but shall not include required street setbacks or access driveways or walkways within such setbacks.
4. Landscape islands or peninsulas - number required:
 - (a) For less than 100 spaces one island or peninsula is required for every 7 parking spaces.

- (b) For 100 spaces or more, one island or peninsula is required for every 10 spaces.
 - (c) Each 10 parking spaces shall require an interior planting island.
 - (d) All interior parking aisles shall end in a landscape island.
5. Maximum contiguous areas for interior parking lot landscaping. In order to encourage the required landscape areas to be properly dispensed, no required landscape area shall be larger than the following:
- 350 square feet in parking areas under 30,000 square feet.
 - 1,500 square feet in parking areas over 30,000 square feet.
6. Landscape areas larger than the above are permitted as long as the additional area is in excess of the required minimum, except that landscape areas larger than the maximum permitted may be allowed as required landscaping areas in those cases where significant natural vegetation exists.
7. Minimum plant materials. A minimum of one tree for each 250 square feet or fraction thereof of required landscape or for each 5 spaces of required parking or for each 161 square feet of island or peninsula, whichever is greater, shall be required. The remaining area of the required landscaped area shall be landscaped with shrubs or ground cover not to exceed 2 feet in height, or grass.
8. Landscaping for service structures. All service structures shall be fully screened, except when located in a single-family, agriculture, or industrial zone or when located more than 35 feet above the established grade. Service structures in an industrial zone shall be fully screened when located within 100 feet of any zone other than industrial. For the purposes of this article, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.
- (a) Location of screening. A continuous planting, hedge, fence, wall, or earth mound shall enclose any service structure or loading zone on all sides unless such structure must be frequently moved, in which case screening on all but one side is required. The average height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed 8 feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.
 - (b) Protection of screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier to contain the placement of the container shall be provided within the

screening material on those sides where there is such material. The barrier shall be at least 18 inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be 12 feet to allow service vehicles access to the container.

9. Interior landscaping for parking areas shall be installed and continuously maintained by the owner. The developer shall provide a binding 2-year maintenance agreement that details how the interior landscaping will be maintained including:
 - (a) Watering, and
 - (b) A replacement planting provisions for plants lost.
10. Landscape material include deciduous trees (either retained or planted by the developer) that have or will have when fully mature a trunk at least 12 inches in diameter. Each deciduous tree shall be presumed to shade a circular area having a radius of 15 feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, 20 percent of the vehicle accommodation area will be shaded. No paving may be placed within 12 ½ feet (measured from the center of the trunk) of any tree retained to comply with this section and new trees planted to comply with this section shall be located so that they are surrounded by at least 200 square feet of unpaved area. Vehicle accommodation areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three feet, six inches.
11. Plan submission and approval. Whenever any property is affected by these parking area landscape requirements, the property owner or developer shall prepare a landscape plan for approval by the Town.
12. Unnecessary paving or irregular paving plans are strongly discouraged and, if incorporated in a site plan, shall be subject to approval by the Zoning Inspector.
13. Alternative parking area landscaping design may be considered by the permitting officials in cases where unique topography and site constraints dictate such alternative. The innovative use of planting design and materials is encouraged and will be evaluated on the intent demonstrated to fulfill the stated objectives of this Code.

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

SS:

CERTIFICATE

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

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

Judy C Melton
Town Clerk

PROPOSED