

ORDINANCE NO. 2022-02

Town of Rising Sun
Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTIES AS RECOMMENDED IN THE TOWN'S COMPREHENSIVE PLAN AS DEFINED BELOW; 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 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 in June of 2019, the Town of Rising Sun adopted a document titled TOWN OF RISING SUN COMPREHENSIVE PLAN ("Comprehensive Plan"), with the general purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development of the Town, and best practices for promoting health, safety, morals, order, convenience, prosperity, and general welfare, and shall serve as a guide to public and private actions and decisions to ensure the development of public and private property in appropriate relationships and which shall include any areas outside of the Town boundaries which have been identified as part of the Town's designated growth area. A part of this process is the review and proposal of land use designation to be contained in the Comprehensive Plan and incorporated into the Town's Zoning Code; and

WHEREAS while addressing proposed changes for the land use designations for the Town's Comprehensive Plan, changes in the existing designation of zoning classifications on

properties within the entire Town of Rising Sun were reviewed and discussed based in part, on the following criteria: population change, adequacy of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, fiscal impact upon Town government, and the suitability of the property in question to the uses permitted under the existing and proposed zoning classifications, and the overall comprehensive plan of the Town of Rising Sun; and

WHEREAS the Mayor and Commissioners having monitored, supported and fostered the Town of Rising Sun Planning Commission's efforts to update and amend the Comprehensive Plan, have reviewed the finding and recommendation contained therein as a basis for a phased process of initiating Comprehensive Rezoning; and

WHEREAS the Mayor and Commissioners' proposed Phase I changes to the Town's Zoning classifications, based on the Rising Sun Planning Commission's finding and work-product, were submitted to the Rising Sun Planning Commission and a meeting was held on these changes by the Rising Sun Planning Commission on February 14, 2022; and

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

WHEREAS the Mayor and Commissioners gave public notice as required by law and held a public hearing on March 22, 2022 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:

SECTION 1

The following changes in zoning designation be made to the Official Zoning Map of the Town of Rising Sun and as depicted in exhibits 1 thru 15 as attached:

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 exhibits, 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 exhibits, code or 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 or exhibits be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable. Each such provision, section, paragraph, subparagraph and exhibit 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, but in no case shall the zoning change become effective until the amendment has been duly entered upon the Official Zoning Map.

SECTION 7.

NOW THEREFORE BE IT RESOLVED that this ordinance was introduced on this 8th Day of February 2022.

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 ____ 2022.

AYES:

NAYES:

ABSTAIN:

THE MAYOR AND COMMISSIONERS OF
THE TOWN OF RISING SUN

BY: _____
Travis Marion, Mayor

ATTEST:

Judy C Melton
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS 4th DAY OF FEBRUARY 2022

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

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

SS:

CERTIFICATE

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this _____ day of _____ 2022.

Judy C Melton
Town Clerk

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.1

Number of Properties Covered by this Exhibit: 2

Description of Property to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Lot Size
Property 1	2500 Conowingo Road	010B	824	06-025676	31.5 Acres
Property 2	2500 Conowingo Road	03H	59	06-025684	10.7 Acres

Property Image:



Current Use of the Properties: Lands are currently used for the location of the Town of Rising Sun’s Wastewater Treatment Plant and will be the future home of the Town’s Public Works Facilities

Existing Zoning: R2 Mixed Residential

Proposed New Zoning: LI Light Industrial

Reason for Zoning Change: The Comp Plan projects future annexations along the Route 1 corridor and immediately adjacent to these Lands, that are intended to be used for commercial applications. Rezoning these lands to LI Light Industrial as proposed, would provide for a more compatible, harmonious and coordinated transition of Light Industrial development with the commercial uses proposed for Route 1 corridor

The Town proposes to further develop this land for the home of its public works garage to house its equipment and vehicles.

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.2

Number of Properties Covered by this Exhibit: 1

Description of Property to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Lot Size
Property 1	Red Pump Road	03H	06	06-010326	126.4 Acres

Property Image:



Current Use of the Property: Lands are currently vacant and used for Agricultural purposes

Existing Zoning: R2 Mixed Residential

Proposed New Zoning: EC Employment Center

Reason for Zoning Change: these Lands were previously subject to land development efforts in 2004, and it was the intent of the owner to develop a high-density residential community of roughly 243 residential homes. This property is located on the North side of Route 1 Conowingo Road, which would have created a large isolated residential community that in part would be separated by the Route 1 corridor, cutting off pedestrian access to town services without the use of a vehicle but more importantly cutting off those residents from the reasonable convenience of accessing community services such as parks, libraries and shopping. High density residential development of these Lands would likely result in

large volumes of traffic heading into the Town Square to access Town services, without any real effective way to by-pass this additional traffic and to move people and goods in an economical manner within and through the Rising Sun area without further congesting smaller residential streets, resulting in unsafe conditions for pedestrians, potential accidents and significant wear and tear on the town's roadways.

The Comp Plan identified these Lands to be rezoned as EC Employment Center which is a zone that establishes commercial type uses that provide large employment populations, including offices, research, hospitals, and manufacturing uses that are 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 such as a library branch and meeting areas to create community focal points. Furthermore, many studies have been conducted that suggest that balanced commercial development yields a much better return on tax dollars spent for town services compared to residential development that uses tax dollars to pay for more schools, social services and subsequently places a greater demand on Town services such as police and fire. Eliminating the opportunity for high density development on these Lands and replacing it with an EC Employment Center zoning will not only lower expenses related to town services but will enhance employment opportunities that will attract homebuyers to other areas of the region that are more suitable for residential development and provide a healthy and harmonious balance between housing options and employment growth.

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.3 – (amended 2-14-22)

Number of Properties Covered by this Exhibit: 1

Description of Property to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Lot Size
Property 1	Red Pump Road	10C	393	06-017142	65.27 Acres

Property Image:



Current Use of the Property: Lands are currently vacant.

Existing Zoning: R1 Single Family District
R2 Mixed Residential
R3 Multi Family

Proposed New Zoning: RR Rural Residential

Reason for Zoning Change: These Lands were previously subject to land development efforts in 2004, and it was the intent of the owner to develop a high-density residential community of roughly 119 residential homes. However, upon closer inspection of the property in relation to the existing zoning, half of the buildable area could be developed to a density of 4 dwelling units per acre and the other half to a density of 6 dwelling units per acre and as many as 12 dwelling units per acre as part of an apartment complex. Chapter 10 of the Comprehensive Plan specifically identifies Transportation Objectives that call for 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. The current zoning of this Land permits high density residential development that would likely result in large volumes of traffic 220 to 320 or more vehicles heading into the Town Square, but more importantly traffic directed to local areas in Town without any appreciable ways to by- pass this additional traffic without further congesting smaller residential streets, resulting in unsafe conditions for pedestrians, potential accidents and significant wear and tear on the town's road. Reducing the residential development to low density will enhance community safety, orderly flow of traffic, preserve convenience of access to facilities and opportunities and ensure the economical movement of people and goods within and through the Rising Sun area, while reducing the financial impacts of public safety and infrastructure on the Town.

Furthermore, the Comprehensive Plan projects future annexations along the Route 1 corridor and immediately adjacent to these Lands, that are intended to be used for commercial applications. Rezoning these lands to RR Rural Residential as proposed, would provide for a more compatible, harmonious and coordinated transition of Light Industrial development with the commercial uses proposed for Route 1 corridor

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.4 (amended 3-1-22)

Number of Properties Covered by this Exhibit: 15

Description of Properties to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Lot Size
Property 1	210 Mount St	10B	505 Lot 1	06-043003	8,058 Sqft
Property 2	212 Mount St	10B	505 Lot 2	06-043011	8,407 Sqft
Property 3	214 Mount St	10B	505 Lot 3	06-043038	8,755 Sqft
Property 4	216 Mount St	10B	505 Lot 4	06-043046	9,060 Sqft
Property 5	218 Mount St	10B	505 Lot 5	06-043054	9,408 Sqft
Property 6	220 Mount St	10B	505 Lot 6	06-043062	9,757 Sqft
Property 7	222 Mount St	10B	505 Lot 7	06-047351	10,084 Sqft
Property 8	224 Mount St	10B	505 Lot 8	06-047378	10,420 Sqft
Property 9	226 Mount St	10B	505 Lot 9	06-047386	10,751 Sqft
Property 10	302 Mount St	10B	505 Lot 10	06-047394	11,082 Sqft
Property 11	304 Mount St	10B	505 Lot 11	06-047408	11,417 Sqft
Property 12	306 Mount St	10B	505 Lot 12	06-047416	11,748 Sqft
Property 13	308 Mount St	10B	505 Lot 13	06-047424	12,079 Sqft
Property 14	310 Mount St	10B	505 Lot 14	06-047432	12,415 Sqft
Property 15	312 Mount St	10B	505 Lot 15	06-021247	12,990 Sqft

Property Image:



Current Use of the Properties: Properties 1 thru 12, 14 & 15 are occupied Single Family Residential dwellings. Property 13 is a vacant undeveloped piece of land.

Existing Zoning: R3 Multi Family

Proposed New Zoning: R2 Mixed Residential

Reason for Zoning Change: 14 of the 15 lots are developed and being used as Single Family Detached Dwellings, with the remaining lot currently being undeveloped. The current zoning of all these lots is listed as R-3 Multifamily District which would allow high density development of up to 6 dwelling units per acre and as many as 12 dwelling units per acre as part of an apartment complex. The parcels immediately adjacent to these lots are located in the County and are currently zoned Suburban Transition Residential which would permit development to a density of 4 dwelling units per acre, and immediately North of those properties are Town properties that are zoned R-2 Multi Family District, that would permit development to a density of 4 dwelling units per acre. These lots have been developed in a manner that is more consistent with the R-2 Multi Family Residential zoning but are not zoned that way. By changing the zoning of these existing lots to R2 Mixed Residential, will better match the permitted density of the county properties located adjacent to these properties and the Town properties heading to the North on Mount Street, which provides for a more compatible, harmonious and coordinated flow of zoning along Mount Street.

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.5

Number of Properties Covered by this Exhibit: 1

Description of Property to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Lot Size
Property 1	415 Mount St	10B	189	06-019285	39,900 Sqft

Property Image:



Current Use of the Property: Occupied Single Family Residential dwelling.

Existing Zoning: R1 Single Family District

Proposed New Zoning: R2 Mixed Residential District

Reason for Zoning Change: Similar abutting parcels, to the north and east, have an R-2 zoning classification, and the lots sitting across the street are located in the County and are currently zoned Suburban Transition Residential which would permit development to a density of 4 dwelling units per acre. Abutting parcels to the east and south are zoned R-3, leaving this parcel as the only parcel with the R-1 zoning, which creates what is called "Spot Zoning". The Comprehensive Plan recommends the elimination of spot Zoning. The change of zoning will provide the owner with more comprehensive use of their property and in a manner that is consistent with the other nearby properties, which when combined with the other proposed changes on Mount Street, provides for a more compatible, harmonious and coordinated flow of zoning along Mount Street.

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.6

Number of Properties Covered by this Exhibit: 1

Description of Property to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Area to be rezoned
Property 1	289 Pearl Street	10B	13	06-026052	7,042 Sqft

Property Image:



Current Use of the Property: Land is a stub like portion that extends off a larger piece of land that is owned by the Board of Education of Cecil County. The portion to be rezoned is approximately 7,042 square feet and is currently paved as a parking lot that is used by the tenants of the apartment complex known as Sunview Rentals LLC.

Existing Zoning: R1 Single Family District

Proposed New Zoning: R3 Multifamily District

Reason for Zoning Change: 106 and 102 Mount Street are developed as two multi-family apartment units, on three abutting parcels of land. Two of the parcels have an R-3 zoning classification. The parcel in the center contains parking/access for the two apartment units but has an R-1 zoning. The center parcel is also part of the larger Rising Sun Middle School parcel to the west, which is owned by the Board of Education of Cecil County. This center parcel should be considered for R-3 zoning to support sufficient land area needed to maintain a multi-family development and will provide for a more compatible, harmonious and coordinated flow of zoning along Mount Street.

The zoning change would only effect the area starting at a point on the Southwest corner of the property line for 202 Mount street, extending in a Southerly direction to a point at the Northwest corner of the property line for 106 Mount Street, then extending Easterly along the Northern property line for 106 Mount Street to a point on the Northeast corner of the property line for 106 Mount Street, then extending in a Northerly direction to a point on the Southeast corner property line for 202 Mount Street and then heading in a Westerly direction and back to the point of beginning at the Southwest corner property line for 202 Mount Street. This zoning change will not affect the zoning of the rest of the lands owned by the Board of Education of Cecil County depicted as parcel 13 tax id 06-02605

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.7

Number of Properties Covered by this Exhibit: 1

Description of Property to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Lot Size
Property 1	31 Pearl Street	10B	64	06-020674	16,500 Sqft

Property Image:



Current Use of the Property: Operating as a one and two family dwelling/duplex

Existing Zoning: R3 Multi-Family

Proposed New Zoning: R2 Mixed Residential

- **Reason for Zoning Change:** 31 Pearl Street is developed as a single family unit and is zoned R-3. Similar abutting parcels to the north and east are zoned R-2. leaving this parcel as the only parcel with the R-3 zoning, on this section of Pearl Street, which creates what is called "Spot Zoning". The Comprehensive Plan recommends this parcel to be changed to R-2 zoning to eliminate the 'spot' zoning. The R-2 zoning would maintain the existing character of the adjacent R-2 zoned properties. This will also provide a more compatible, harmonious and coordinated flow of zoning along Pearl Street.

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.8

Number of Properties Covered by this Exhibit: 1

Description of Property to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Lot Size
Property 1	325 West Main Street	10B	341	06-020313	36,460 Sqft

Property Image:



Current Use of the Property: Operating as a bar/restaurant

Existing Zoning: CC - Commercial Center
LI - Light Industrial

Proposed New Zoning: LC – Limited Commercial

- **Reason for Zoning Change:** The property currently has a split zoning designation with roughly 30% of the property zoned as LI – Light Industrial and remaining portion fronting Main Street is zoned CC- Commercial Center. The lot is not large enough to support the more intensive uses of the CC -Commercial Center Zoning. Similar parcels across the street are zoned LC-Limited Commercial and to the East along Main Street there are

other properties currently zoned as LC- Limited Commercial. The comprehensive plan recommends that where a range of Light Commercial, Central Commercial and/or Light Industrial land uses abut, such as, along East and West Main Street, the Town should consider adjusting the permitted uses section of the zoning ordinance to consolidate permitted uses, and to consolidate the zoning classifications of the various parcels into a single zone to create a district or node, such as, the new Limited Commercial "LC" district. This consolidation will support the assembly of parcels for redevelopment. The currently zoning of LI – Light Industrial could cause less than desirable operations and land use in close proximity to residential neighborhoods. The change of zoning will help protect from those intensive and uses while still allow the types of businesses and more practical use of the land to continue to exist and expand upon. This will also provide a more compatible, harmonious and coordinated flow of zoning along Main Street.

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.9

Number of Properties Covered by this Exhibit: 5

Description of Properties to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Lot Size
Property 1	321 West Main Street	10B	85	06-021581	1.097 Acres
Property 2	315 West Main Street	10B	88	06-020178	14,884 Sqft
Property 3	West Main Street	10B	92	06-023835	7,500 Sqft
Property 4	305 West Main Street	10B	92	06-023827	22,500 Sqft
Property 5	301 West Main Street	10B	93	06-023789	9,016 Sqft

Property Image:



Current Use of the Properties: Retail businesses, Autobody Shop and Residential Property

Existing Zoning: LI Light Industrial District

Proposed New Zoning: LC Limited Commercial

Reason for Zoning Change: The properties are currently not operating as typical Light Industrial Uses but are in fact operating as low intensive commercial. Similar parcels across the street are zoned LC-Limited Commercial and there are other adjoining properties that are already zoned LC- Limited Commercial. The comprehensive plan recommends that where a range of Light Commercial, Central Commercial and/or Light Industrial land uses abut, such as, along East and West Main Street, the Town should consider adjusting the permitted uses section of the zoning ordinance to consolidate permitted uses, and to consolidate the zoning classifications of the various parcels into a single zone to create a district or node, such as, the new Limited Commercial “LC” district. This consolidation will support the assembly of parcels for redevelopment. The currently zoning of LI – Light Industrial could cause less than desirable operations and land use in close proximity to residential neighborhoods. The change of zoning will help protect from those intensive and uses while still allow the types of businesses and more practical use of the land to continue to exist and expand upon. This will also provide a more compatible, harmonious and coordinated flow of zoning along Main Street.

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.10

Number of Properties Covered by this Exhibit: 2

Description of Properties to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Lot Size
Property 1	4 Brown Town Lane	10B	89	06-020615	6,000 Sqft
Property 2	4 Brown Town Lane	10B	89	06-020607	8,842 Sqft

Property Image:



Current Use of the Properties: Occupied Single Family Residential dwelling.

Existing Zoning: LI Light Industrial District

Proposed New Zoning: LC Limited Commercial

Reason for Zoning Change: The properties are currently not operating as typical Light Industrial Uses but are in fact operating as residential properties. Similar residential parcels along Main Street and Buckley Avenue are also operating as residential but are located in or around low intensive commercial uses and are zoning LC-Limited Commercial. The

comprehensive plan recommends that where a range of Light Commercial, Central Commercial and/or Light Industrial land uses abut, such as, along East and West Main Street, the Town should consider adjusting the permitted uses section of the zoning ordinance to consolidate permitted uses, and to consolidate the zoning classifications of the various parcels into a single zone to create a district or node, such as, the new Limited Commercial "LC" district. This consolidation will support the assembly of parcels for redevelopment. The currently zoning of LI – Light Industrial could cause less than desirable operations and land use in close proximity to residential neighborhoods. The change of zoning will help protect from those intensive and uses while still allow the types of businesses and more practical use of the land to continue to exist and expand upon. This will also provide a more compatible, harmonious and coordinated flow of zoning along Main Street and portions of side streets that are part of the commercial application in the area.

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.11

Number of Properties Covered by this Exhibit: 5

Description of Properties to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Lot Size
Property 1	8 Cooper Avenue	10B	94	06-023975	1.04 acres
Property 2	Cooper Avenue	10B	123	06-021352	18,750 Sqft
Property 3	Cooper Avenue	10B	122	06-021360	18,750 Sqft
Property 4	Buckley Avenue	10B	127	06-021336	11,250 Sqft
Property 5	10 Buckley Avenue	10B	128	06-021379	7,500 Sqft

Property Image:



Current Use of the Properties: Appliance Sales and Repair Shop, Workshop for utility company and office space.

Existing Zoning: LI Light Industrial District

Proposed New Zoning: LC Limited Commercial

Reason for Zoning Change: The properties are currently not operating as typical Light Industrial Uses but are in fact operating as low intensive commercial. Similar parcels along Main Street are also operating as low intensive commercial and are zoning LC-Limited Commercial. The comprehensive plan recommends that where a range of Light Commercial,

Central Commercial and/or Light Industrial land uses abut, such as, along East and West Main Street, the Town should consider adjusting the permitted uses section of the zoning ordinance to consolidate permitted uses, and to consolidate the zoning classifications of the various parcels into a single zone to create a district or node, such as, the new Limited Commercial "LC" district. This consolidation will support the assembly of parcels for redevelopment. The currently zoning of LI – Light Industrial could cause less than desirable operations and land use in close proximity to residential neighborhoods. The change of zoning will help protect from those intensive and uses while still allow the types of businesses and more practical use of the land to continue to exist and expand upon. This will also provide a more compatible, harmonious and coordinated flow of zoning along Main Street and portions of side streets that are part of the commercial application in the area.

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.12

Number of Properties Covered by this Exhibit: 1

Description of Property to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Lot Size
Property 1	224 East Main Street	10C	472	06-028179	14,940 Sqft

Property Image:



Current Use of the Property: Operating as a Pizza Shop

Existing Zoning: LC – Limited Commercial

Proposed New Zoning: CC- Commercial Center

Reason for Zoning Change: 224 East Main Street is currently zoned as LC -Limited Commercial but is surrounded on the sides and back by Town Center Shopping Center that is zoned Commercial Center zoning. The Comprehensive Plan recommends that the zoning being changed to CC -Commercial Center to match the zoning for the Town Center Shopping Center and create a new unified “Commercial Centers” or “CC” zoned district. This will also provide a more compatible, harmonious and coordinated flow of zoning along East Main Street.

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.13

Number of Properties Covered by this Exhibit: 1

Description of Property to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Lot Size
Property 1	East Main Street	10C	458	06-026176	1.91 acres

Property Image:



Current Use of the Property: The property is currently owned by the Town of Rising Sun and is used as a Recreational Park

Existing Zoning: R2 – Mixed Residential

Proposed New Zoning: LC- Limited Commercial

Reason for Zoning Change: These lands are currently used as a town park but are zoned as R2 Mixed Residential. The property is sandwiched between two properties that are zoned LC – Limited Commercial and are being used as low intensity commercial. The Comprehensive Plan recommends changing the zoning on this property to LC Limited Commercial to connect the other similar properties and to create a unified Limited Commercial District. This will also provide a more compatible, harmonious and coordinated flow of zoning along East Main Street.

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.14

Number of Properties Covered by this Exhibit: 2

Description of Properties to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Lot Size
Property 1	281 East Main Street	10C	710	06-035930	1.941 acres
Property 2	301 East Main Street	10C	693	06-033377	36,407 Sqft

Property Image:



Current Use of the Properties: Are currently used in a manner consistent with Low intensity commercial.

Existing Zoning: CC – Commercial Center

Proposed New Zoning: LC- Limited Commercial

Reason for Zoning Change: These lands are currently used in a low intensity commercial manner and are located on lands that are not large enough to support more intensive commercial use. The Comprehensive Plan recommends changing the zoning on these properties to LC Limited Commercial to connect the other similar properties and to create a unified Limited Commercial District, that does not have non-conforming uses due to minimal lot sizes. This will also provide a more compatible, harmonious and coordinated flow of zoning along East Main Street.

PHASE 1 COMPREHENSIVE RE-ZONING OF 2022

Exhibit 2022-02.15

Number of Properties Covered by this Exhibit: 1

Description of Property to be Reclassified:

	Address	Tax Map	Parcel / Lot #	Tax Acct #	Lot Size
Property 1	240 Colonial Way	10F	103	06-035930	26.227 acres

Property Image:



Current Use of the Property: The property is predominately vacant except for 3 Retail/Commercial spaces operating out of a commercial building in the upper left corner of the property.

Existing Zoning: CC – Commercial Center
R2 – Mixed Residential

Proposed New Zoning: CC- Commercial Center

Reason for Zoning Change: The land currently has a split zoning in which roughly 50% of the land is zoned Commercial Center, and the remaining half is zoned R2 Mixed Residential. The property is ideally situated on Colonial Way in a manner that is conducive to more intensive commercial uses which are already permitted in the half that is zoned CC Commercial Center. The back half of the property maintaining its R2 Mixed residential will likely invite large volumes of residential traffic to travel back through the existing Ryan Drive Development and reach a choke point at the intersection of Ryan Drive and East Main Street. This excess traffic will lead towards unsafe conditions for pedestrians, potential accidents and significant wear and tear on the town’s roadway that already has a history of failure.