

ORDINANCE NO. 5-2009

Introduced by: _____

AN ORDINANCE OF THE TOWN OF TRAPPE ADOPTING A TEMPORARY MORATORIUM OF APPLICATIONS, SITE PLANS, PERMITS FOR, CONSTRUCTION OF, PROCESSING OF, AND APPROVAL OF ADULT ORIENTED BUSINESSES WITHIN THE TOWN OF TRAPPE FOR A PERIOD OF NINE (9) MONTHS PENDING CONSIDERATION AND ADOPTION OF A REVISED COMPREHENSIVE PLAN AND SUCH OTHER LEGISLATION AS THE TOWN COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE

WHEREAS, the Town of Trappe is authorized by Md. Code Ann. Article 23A §2(a) to enact such ordinances as it deems necessary in order to assure the good government of the municipality, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Town of Trappe is authorized by Md. Code Ann. Article 66B §4.01 *et seq.* to enact and administer a zoning ordinance; and

WHEREAS, the Town of Trappe is authorized by Md. Code Ann. Article 66B §4.01(b) to develop and adopt zoning restrictions to promote the health, safety, morals or general welfare of the community, including the location and use of buildings, signs, structures and land; and

WHEREAS, the Town Council recognizes the significant planning, zoning, property and secondary effects surrounding or arising from the location and operation of Adult Oriented Businesses; and

WHEREAS, the Town's current Zoning Ordinance makes no specific or particular provisions for Adult Oriented Businesses; and

WHEREAS, the Town is currently in the process of revising its comprehensive plan, and prefers to delay textual amendments to the Zoning Ordinance pending the completion of that process; and

WHEREAS, current and planned growth within the Town and its environs may necessitate textual amendments to the Zoning Ordinance that accommodate the health, safety and welfare impacts inherent in such growth and the secondary effects inherent in Adult Oriented

Businesses; and

WHEREAS, the Town requires time to ensure that the appropriate study and desired public input can be obtained before establishing effective and enduring textual amendments to the Zoning Ordinance and/or other regulations of the Town; and

WHEREAS, the acceptance, consideration, review or approval of applications, site plans, permits, or certificates of occupancy for Adult Oriented Businesses under the Zoning Ordinance at this time would frustrate the Town's ability to revise the Zoning Ordinance and any related Code provisions; would frustrate the Town's ability to enact meaningful ordinances and regulations to address the secondary effects of Adult Oriented Businesses in the Town, thereby protecting the health, safety, and general welfare of the citizens of the Town of Trappe; and would be adverse to the orderly development of the Town of Trappe; and

WHEREAS, the Council of Trappe has determined that a temporary moratorium, for a term of nine (9) months, is necessary and in the interest of the present and future residents of the Town of Trappe whose health, safety and well-being may be prejudiced by the unregulated operation of Adult Oriented Businesses within the Town; and

WHEREAS, the Council of Trappe believes that nine (9) months is a reasonable length of time for the completion and adoption of the updated comprehensive plan, and any revisions to the Zoning Ordinance necessary to implement the updated comprehensive plan.

NOW, THEREFORE, the Council of Trappe hereby ordains as follows:

Section 1. A moratorium on the application or site plan for, consideration of, approval of, construction of, expansion of, permits for, or certificates of occupancy for any Adult Oriented Business is hereby imposed for a period of nine (9) months.

Section 2. During the moratorium, the Town (including the Town Planner and Town Zoning Administrator, the Planning and Zoning Commission, the Board of Appeals, the Town staff, and the Town Council) shall not process, consider, review, or approve any application, permit, certificate of occupancy, site plan or other approval under the Town Zoning Ordinance or Town Building Code for an Adult Oriented Business.

Section 3. The moratorium shall apply to applications currently pending before the Town, as well as, applications filed after that date.

Section 4. This moratorium is adopted to allow sufficient time for the Town to accomplish the following:

- a. Adopt an updated Comprehensive Plan;
- b. Consider any revisions to the Zoning Ordinance or any other law or

regulation as necessary to implement the updated Comprehensive Plan and adequately address Adult Oriented Business uses in the Town;

- c. Obtain expert advice and assistance as necessary;
- d. Obtain such other studies and reports as necessary to identify and address the impacts of Adult Oriented Businesses in the Town; and
- e. Consider all such other matters as the Town Council, Planning and Zoning Commission, and Town staff deem appropriate.

Section 5. For purposes of this ordinance, the terms “Adult Entertainment or Material,” “Adult Oriented Business,” “Nudity,” “Partial Nudity,” “Adult book or video store,” “Sadomasochistic activity,” “Significant amount,” and “Viewing booth” are defined in the attachment to Ordinance 6-2009 titled “Definitions Relating to Adult Oriented Businesses” which attachment and definitions are incorporated herein by reference.

Section 6. The Town Council shall have and reserves the right to extend or modify this moratorium on Adult Oriented Businesses for such additional period or periods and on such terms and conditions as it deems necessary for the health, safety and welfare of the citizens of the Town of Trappe.

Section 7. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance, which can be given effect without the invalid section, subsection, sentence, clause or phrase, and to that end, all provisions of this Ordinance are hereby declared to be severable.

Section 8. This Ordinance shall become effective on the _____ day of _____, 2009.

Robert Crosswell

Walter Chase

Norm Fegel

Rosalee Potter

Richard Dorbin

I hereby certify that the foregoing Ordinance Number _____ of the Town of Trappe was duly read and enacted in accordance with the applicable provisions of the Charter of the Town of Trappe.

Attest: _____
Joedy Cecil, Clerk/Treasurer
Town of Trappe

UNCERTIFIED
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