

ORDINANCE NO. 12-2016

Introduced by: Pritchett

**AN ORDINANCE OF THE TOWN OF TRAPPE ADOPTING A TEMPORARY MORATORIUM FOR A PERIOD OF SIX (6) MONTHS ON THE CONSIDERATION, PROCESSING, OR APPROVAL OF ANY SITE PLAN OR BUILDING PERMIT FOR THE CONSTRUCTION OR EXPANSION OF ANY POULTRY HOUSE WITHIN THE TOWN OF TRAPPE**

WHEREAS, the Town of Trappe is authorized by Md. Code Ann. Local Government Article § 5-202 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. Land Use Article § 4-102 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, neither the Trappe Zoning Ordinance nor the Trappe Town Code have any provisions or restrictions in effect concerning the size, location, or operation of poultry houses within the Town of Trappe; and

WHEREAS, the Town of Trappe is a small town with limited infill opportunities for manufacturing or other commercial uses; and

WHEREAS, the Town of Trappe is concerned that poultry houses could be constructed in locations within the corporate limits which are inconsistent with the Town's planning and zoning objectives, and could be located near or adjacent to residential uses or incompatible industrial or commercial uses which could create unfavorable or offensive conditions, including but not limited to odor, and air quality, and a decrease on property values; and

WHEREAS, the Council of Trappe has determined that it is desirable and in the public interest for the Town staff and the Planning Commission to consider the appropriate location, if any, for the construction of poultry houses within the incorporated limits of the Town of Trappe; and to determine where this type of intense commercial/agricultural use is appropriate within a small town with limited infill properties for commercial and other manufacturing uses; and to make recommendations concerning revisions to the Town's Zoning Ordinance to address the

construction and operation of poultry houses within the Town; and

WHEREAS, the Town requires time to ensure that the appropriate study and desired public input can be obtained before establishing effective 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 poultry houses 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 and regulate poultry houses within 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 six (6) 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 construction and operation of poultry houses within the Town; and

WHEREAS, the Council of Trappe believes that six (6) months is a reasonable length of time to establish regulations concerning the location, construction and operation of poultry houses.

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

Section 1. A moratorium is hereby imposed for a period of six (6) months on the consideration, processing, of approval of any site plan or building permit for the construction or expansion of any poultry house within the Town of Trappe. For purposes of this ordinance, "poultry house" means a building in which more than four domestic birds are raised such as chickens, turkey, ducks, and geese.

Section 2. During the moratorium, the Town (including the Town staff and Planning Commission) 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 Code for a poultry house.

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. Consider any revisions to the Zoning Ordinance or any other ordinance or

regulations to address the appropriate location, setbacks, and regulations for the construction and operation of poultry houses within the Town.

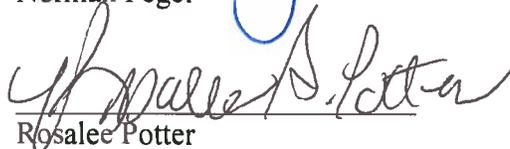
- b. Consider the impacts that such uses may have on adjacent properties, including odor and air quality and to minimize any such adverse impacts.
- c. Consider all such other matters as the Town Council, Planning and Zoning Commission, and Town staff deem appropriate.

Section 5. The Town Council shall have and reserves the right to extend or modify this moratorium on Poultry Houses 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 6. 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.

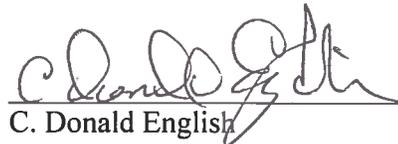
Section 7. This Ordinance shall become effective on the 20<sup>th</sup> day of October, 2016.

  
Norman Fegel

  
Rosalee Potter

  
Tonya Fritchett

absent  
Robert Diefenderfer, Jr.

  
C. Donald English

I hereby certify that the foregoing Ordinance Number 12-2016 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:   
Erin Braband, Clerk/Treasurer  
Town of Trappe