

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2010 Legislative Session, Legislative Day No.: May 25, 2010

Resolution No.: 170

Introduced by: Mr. Duncan, Mr. Foster, Mr. Pack

A RESOLUTION TO EXTEND THE EXISTING MORATORIUM UPON PROCESSING APPLICATIONS, SITE PLANS, BUILDING PERMITS, AND APPROVALS FOR ADULT ORIENTED BUSINESSES IN THE UNINCORPORATED AREAS OF THE COUNTY FOR AN ADDITIONAL SIX (6) MONTH PERIOD FROM, AFTER, AND IMMEDIATELY UPON TERMINATION OF THE EXISTING MORATORIUM, PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AS THE COUNTY COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE

By the Council: May 25, 2010

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, June 22, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: _____
Susan W. Moran, Secretary

A RESOLUTION TO EXTEND THE MORATORIUM UPON PROCESSING APPLICATIONS, SITE PLANS, BUILDING PERMITS, AND APPROVALS FOR ADULT ORIENTED BUSINESSES IN THE UNINCORPORATED AREAS OF THE COUNTY FOR AN ADDITIONAL PERIOD OF SIX (6) MONTHS FROM, AFTER, AND IMMEDIATELY UPON TERMINATION OF THE EXISTING MORATORIUM ON ADULT ORIENTED BUSINESSES, PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AS THE COUNTY COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE

WHEREAS, the County desires to consider and adopt appropriate zoning regulations for Adult Oriented Businesses, which will include revising the County's zoning text and/or maps, to define and regulate Adult Oriented Businesses and thereby accommodate the health, safety and welfare of County citizens and provide appropriate regulation of the secondary impacts and effects inherent in Adult Oriented Businesses; and

WHEREAS, the County adopted a moratorium concerning Adult Oriented Businesses and the County requires additional time to ensure that the appropriate study and desired public input can be obtained before establishing text amendments to the Zoning Ordinance and/or other regulations of the County; and

WHEREAS, the acceptance, consideration, review or approval of applications, site plans, permits, or certificates of occupancy for Adult Oriented Businesses upon termination of the existing moratorium before the new ordinances and regulations are adopted would frustrate the County's ability to revise the Zoning Ordinance and any related Code provisions; would frustrate the County's ability to enact meaningful ordinances and regulations to address the secondary effects of Adult Oriented Businesses in the County, and would be adverse to the orderly development of the County; and

WHEREAS, the County Council has determined that a six (6) month extension of the existing moratorium on Adult Oriented Businesses is necessary and in the interest of the present and future residents of the County whose health, safety and well-being may be prejudiced by the unregulated operation of Adult Oriented Businesses within the County; and

WHEREAS, the County Council believes that extending the existing moratorium for an additional six (6) months from, after, and immediately upon termination of the existing moratorium on Adult Oriented Businesses is a reasonable length of time for the completion and adoption of any revisions to the Zoning Ordinance and/or maps necessary to implement zoning regulations of Adult Oriented Businesses.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL, that:

SECTION 1. The existing moratorium on the review of any application or site plan for, consideration of, approval of, construction of, expansion of, permits for, or certificates of occupancy for any Adult Oriented Business in the unincorporated areas of the County is hereby

extended and imposed for an additional six (6) months from, after, and immediately upon what would otherwise be existing moratorium's termination date.

SECTION 2. During the existing or extended moratorium, the County (including the Planning Office, the Department of Permits and Inspections, the Planning Commission, the Board of Appeals, and the County staff) shall not process, consider, review, or approve any application, permit, certificate of occupancy, site plan or other approval under the County Zoning Ordinance or County Building Code for an Adult Oriented Business.

SECTION 3. The moratorium shall apply to all applications currently pending before the County, as well as to any application(s) filed during the pendency of this moratorium, either as originally imposed or as extended.

SECTION 4. This moratorium is extended to allow sufficient time for the County to accomplish the following:

- (1) Consider any revisions to the Zoning Ordinance or any other law or regulation as necessary to adequately address Adult Oriented Business uses in the County;
- (2) Obtain expert advice and assistance as necessary;
- (3) Obtain such other studies and reports as necessary to identify and address the impacts of Adult Oriented Businesses in the County; and
- (4) Consider all such other matters as the County Council, Planning and Zoning Commission, and County staff deem appropriate.
- (5) Adopt appropriate zoning text and map amendments as may be necessary to protect and promote the public health, safety, and welfare.

SECTION 5. This extension of the existing moratorium is a short-term suspension of administrative and all other permit-related activity while the County completes its study, finalizes its recommendations, and the County Council has had an adequate time to consider, introduce, hold public hearings on, and adopt appropriate legislation and/or map amendments.

SECTION 6. This Resolution shall become effective upon adoption, and the six (6) month extension shall commence on July 24, 2010, or such earlier date as the existing moratorium would otherwise expire, and the extended moratorium shall terminate six (6) months after its effective date.

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 170 having been published, a public hearing was held on Tuesday, June 22, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: **June 22, 2010**

By Order: _____
Susan W. Moran, Secretary

Harrison – Aye

Pack - Aye

Duncan - Aye

Foster - Aye

Bartlett – Aye