

RESOLUTION NO. 18-02

A RESOLUTION
OF THE MAYOR AND COUNCIL OF THE TOWN OF NORTH BEACH
EXTENDING A MORATORIUM ON THE ACCEPTANCE AND
PROCESSING OF CATEGORY II SITE PLANS FOR TAVERNS AND
ALL USES INCORPORATING OUTDOOR ENTERTAINMENT,
PENDING THE CONSIDERATION AND ADOPTION OF SUCH
LEGISLATION AS THE TOWN COUNCIL MAY CONSIDER
ADVISABLE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND
WELFARE FOR AN ADDITIONAL THREE (3) MONTHS

WHEREAS, the Council of the Town of North Beach, pursuant to Md. Land Use Code Ann., §4-102, has the authority to regulate: the height, number of stories, and size of buildings and other structures in Town; the percentage of a lot that may be occupied; off-street parking; the size of yards, courts, and other open spaces; population density; and the location and use of buildings, signs, structures, and land; and

WHEREAS, pursuant to this authority the Council of the Town of North Beach adopted the Town Zoning Ordinance; and

WHEREAS, the Town Zoning Ordinance is intended, among other things, to promote the health, safety, and general welfare of the public, to facilitate the creation of a convenient attractive and harmonious Town, to preserve the character of the Town by preventing harmful effects of prejudicial uses (See Town Zoning Ordinance, §1-200); and

WHEREAS, the Town Zoning Ordinance contains a Table of Permitted Land Uses by District, Town Zoning Ordinance, §3-200, Table 1 ("Table of Uses"), which lists the different uses and the zoning districts in which those uses are permitted ; and

WHEREAS, on September 14, 2017, through Resolution R-17-09, it having come to the attention of the Town Planning Commission that the Table of Uses in the Town Zoning Ordinance allows taverns, but the Zoning Ordinance does not provide direction on what that use entails, and the Table of Uses does not specifically address the degree to which permitted uses may provide outdoor entertainment as part of any such use, the Town Council declared a moratorium for a period of six (6) months in order to study the situation and implement and remedies or corrections to the Zoning Ordinance that may be necessary; and

WHEREAS, the Town Planning Commission has engaged in a thoughtful and careful consideration of the impacts that outdoor entertainment uses, and the proliferation thereof, may have on the Town and its property owners and residents, and desires to promote and protect the public health, safety and welfare and has developed preliminary recommendations for alterations to the Town Code, which recommendations it has presented to the Town Council at a worksession on March 1, 2018; and

WHEREAS, the Mayor and Town Council intends to implements some or all of the

proposals of the Planning Commission with respect to outdoor entertainment uses and taverns; and

WHEREAS, the Mayor and Town Council requires additional time to work carefully in implementing the recommendations and proposals of the Planning Commission and requires additional time to do so; and

WHEREAS, the Mayor and Town Council desires to extend the moratorium to allow it to consider carefully and implement the recommendations of the Planning Commission; and

WHEREAS, the intent of this Resolution is not to affect or include properties for which Category II Site Plans approvals have already been issued for taverns or uses for which outdoor entertainment is proposed to be included; however, no such approved use shall be expanded during the term of the moratorium.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Town Council of North Beach that:

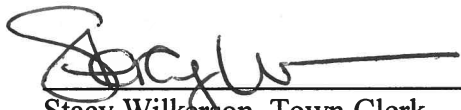
1. Moratorium extended. The temporary moratorium on the acceptance and processing of Category II Site Plans for a tavern use or any other permitted use that incorporates outdoor entertainment as a component of the use in the Town of North Beach shall be and is hereby extended for an additional period of three (3) months from and after the adoption of this Resolution. The moratorium shall extend to the expansion of any existing tavern use and any use that incorporates outdoor entertainment. This extension of the previously enacted temporary moratorium shall be effective upon adoption of this Resolution.
2. Purpose. The purpose of this Moratorium is to protect the public health, safety and welfare of the residents of the Town of North Beach and to protect and preserve the character of the Town.
3. Study, recommendations, and legislation. This temporary moratorium is established to allow sufficient time within which to complete a study, finalize recommendations, and enact appropriate legislation:
 - a. to best promote the purposes of the Town Zoning Ordinance;
 - b. to best promote the policies of the Town Comprehensive Plan;
 - c. to develop suggestions and options concerning tavern uses and uses that provide outdoor entertainment and to minimize any adverse effects or impacts of outdoor entertainment; and
 - d. to consider such other matters as the Planning Commission or Town staff deem appropriate.
4. New applications. The Town hereby declares that the previously-enacted six (6) month moratorium on the application for and processing of Category II Site Plans for a tavern use and all uses incorporating outdoor entertainment of any kind, as well as the expansion of any such existing use is extended for three (3) months. For the period of nine (9) months from the effective date of Resolution 17-09, the Town, the Planning

Commission, the Board of Zoning Appeals, and Town staff shall not permit, accept, process, interpret, deliberate upon, decide or approve any application for a Category II Site Plan for any use that is the subject of this Resolution.

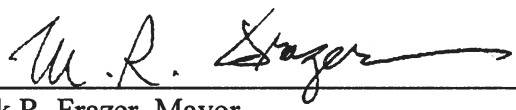
AND BE IT FURTHER RESOLVED that all Town staff, Boards and Commissions are directed and requested to act in a manner consistent with the provisions of this moratorium regarding the activity covered herein.

AND BE IT FURTHER RESOLVED that nothing in this Resolution shall be interpreted as waiving, or being in contradiction of, any authority or power existing in or granted to the Council of the Town of North Beach to institute such a moratorium at any time, or extend any such moratorium, to protect the health, safety, and welfare of the Town and its residents, and that to the extent of such power, this moratorium shall be effective immediately.

PASSED on this 8th day of March, 2018.



Stacy Wilkerson, Town Clerk



Mark R. Frazer, Mayor