

AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ISSUANCE OF ANY PERMIT, LICENSE OR OTHER APPROVAL FOR OR INVOLVING NEW MOTEL/HOTEL USES IN THE TOWN OF FENWICK ISLAND.

WHEREAS, the Town of Fenwick Island (hereinafter “Town) currently allows motels/hotels as a permitted use in the Commercial Zone; and

WHEREAS, on or about February 26, 2016, the Town Council approved an Ordinance imposing a moratorium upon the issuance of any permit, license or other approval for or involving new motel/hotel uses in the Town for a period of two (2) years (hereinafter “Original Ordinance”); and

WHEREAS, in accordance with Original Ordinance, prior to the expiration of the moratorium imposed by the Original Ordinance, the Town Council extended the moratorium for another two-year period; and

WHEREAS, the Original Ordinance, as extended, expired on or about February 26, 2020, without any additional action being taken by the Town Council to further extend the moratorium for an additional period of time; and

WHEREAS, the Town Council finds that it is necessary and appropriate to re-establish the moratorium imposed by the Original Ordinance, as additional review and discussion is necessary to determine whether or not an expansion of the total number of motel/hotel uses in the Town would create a positive or negative impact on the Town’s infrastructure, the Town’s economy, the Town’s commercial district, the Town’s residents and/or the Town’s property owners;

WHEREAS, the Town Council finds that continuing to maintain the status quo of existing motel/hotel uses by re-establishing a moratorium upon the issuance of any permit, license or other approval for or involving new motel/hotel uses in the Town for a period of two years (24 months) is the minimum time period necessary for the Town to continue its review and discussion about the positive and negative impacts of the possible expansion of motel/hotel uses in the Town.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Fenwick Island, in session met, a quorum pertaining at all times thereto, that:

Section 1. A moratorium upon the issuance of any permit, license or other approval for or involving new motel/hotel uses in the Town is hereby imposed for a period of two years (24 months) after the date of adoption of this Ordinance, unless extended, modified, or terminated in accordance with this Ordinance. During the period of said moratorium, the Town’s

Building Official/Code Enforcement Official, as well as all other Town staff and boards, committees or commissions, shall not grant any approvals which would have, as the result, the establishment or development of any new motel/hotel uses in the Town.

Section 2. This moratorium shall not apply to existing motel/hotel uses in Town. The parcels in Town already devoted to motel/hotel uses, as of the adoption of this Ordinance, may continue to be used for a motel/hotel use and the owners/operators thereof may maintain, remodel, renovate, reconstruct and/or rebuild the structures located on said parcels as they deem necessary and appropriate for the furtherance of their motel/hotel businesses, provided all necessary permits and approvals from the Town and/or any other applicable governing agency are obtained.

Section 3. This Ordinance may be extended, modified, or terminated at any time by a majority vote of all members of the Town Council. Without action by the Town Council to terminate this moratorium early or to further extend this moratorium, the moratorium hereby imposed shall automatically dissolve two years (24 months) from the effective date of this Ordinance.

Section 4. If any clause, section or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered eliminated and so not affecting the validity of the remaining portions or application remaining in full force and effect.

Section 5. This Ordinance shall become effective upon its adoption.

PASSED ON FIRST READING THIS 26th DAY OF JUNE, 2020.

PASSED ON SECOND READING, AFTER PUBLIC HEARING HELD ON _____, 2020, THIS ____ DAY OF _____, 2020.

I, Bernie Merritt, Secretary of the Town Council of the Town of Fenwick Island, do hereby certify that the foregoing is a true and correct copy of an Ordinance passed by the Town Council at its Regular Meeting held on _____, 2020, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Bernie Merritt, Secretary