

**MORATORIUM ORDINANCE
REGARDING RETAIL BUSINESS ESTABLISHMENTS
IN THE VILLAGE (V) DISTRICT**

TOWN OF BUXTON, MAINE

The TOWN OF BUXTON, Maine, hereby adopts a Moratorium Ordinance as follows:

WHEREAS, certain areas of the Town of Buxton are suddenly and unexpectedly under threat of increased development pressure from retail business establishments; and

WHEREAS, there is a strong likelihood that the Town will continue to be subjected to this development pressure due to the existence of undeveloped land for sale and the potential for the purchase and conversion of existing residential structures and uses to retail business establishments within the Town's Village (V) District; and

WHEREAS, the existing zoning ordinance and other ordinances and regulations of the Town, including the Town's recently adopted Business and Commercial Zone Design Standards, have not adequately provided for this sudden and unanticipated development pressure in the Village (V) District; and

WHEREAS, development of retail business establishments pursuant to the existing zoning ordinance and other ordinances and regulations of the Town could pose serious harm to the health, safety and welfare of the residents of the Town by promulgating a pattern of sprawling commercial development that is incompatible with the Town's residential areas and historical village centers and has the potential to create unduly adverse visual, traffic, and other impacts; and

WHEREAS, sprawling commercial development contributes to an increase in local costs of public services—including to public safety, general administration, and public works—and thereby presents a reasonably foreseeable risk of overburdening the Town's public facilities; and

WHEREAS, the Town will need at least 180 days to develop and implement the necessary amendments to its zoning ordinance and other ordinances and regulations of the Town to address this development pressure; and

WHEREAS, amendments to the Town's zoning ordinance require a public hearing by the Planning Board and the Board of Selectmen, and then must be voted upon at a Town Meeting; and

WHEREAS, in the judgment of the Town, these facts create an emergency within the meaning of 30-A M.R.S.A. § 4356 and require this Moratorium Ordinance as immediately necessary to prevent an overburdening of public facilities, to prevent serious public harm, and to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the voters of the Town of Buxton that a moratorium is hereby imposed on all new construction of, or change of use to, retail business establishments within the Village (V) District requiring approval pursuant to the zoning ordinance or other ordinances or regulations of the Town; and

BE IT FURTHER ORDAINED that the Planning Board, the Board of Appeals, the Code Enforcement Officer, and all Town agencies and employees shall neither accept nor approve any applications, plans, permits, licenses, or fees for any structures or uses governed by this Moratorium Ordinance for the duration of the moratorium hereby ordained; and

BE IT FURTHER ORDAINED that any provisions of the zoning ordinance or other ordinances or regulations of the Town that are inconsistent or conflicting with the provisions of this Moratorium Ordinance are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained; and

BE IT FURTHER ORDAINED that, to the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of this Moratorium Ordinance shall remain valid; and

BE IT FURTHER ORDAINED that, in view of the emergency cited in the preamble, this Moratorium Ordinance shall take effect immediately upon approval by the voters of the Town and, notwithstanding the provisions of 1 M.R.S.A. § 302, shall apply to the maximum extent permitted by law and subject to the severability clause above to all proceedings, applications, and petitions not pending (within the meaning of 1 M.R.S.A. § 302) as of November 30, 2016, and shall stand repealed as of the earlier of the effective date of any necessary amendments to the zoning ordinance of the Town or May 29, 2017; and

BE IT FURTHER ORDAINED that this Moratorium Ordinance may be extended by the Town of Buxton Board of Selectmen, after notice and hearing, for additional 180-day periods in accordance with 30-A M.R.S.A. § 4356(3).

Article Passed at Special Town Meeting on December 14, 2016