

**MORATORIUM ORDINANCE
REGARDING TALL STRUCTURES IN EXCESS
OF FIFTY FEET IN HEIGHT**

FOR THE

TOWN OF ADDISON, MAINE 04606

ENACTED: AUGUST 24, 2015

ATTEST: A TRUE COPY

**ALICE TUCKER
TOWN CLERK
ADDISON, MAINE**

Moratorium Ordinance Regarding Tall Structures in Excess of Fifty Feet in Height

The TOWN OF ADDISON (MAINE) adopts a Moratorium Ordinance as follows:

WHEREAS, areas of the Town of Addison are suddenly under threat of increased development pressure from radio/TV/telephone towers and other structures in excess of fifty feet in height (hereinafter "tall structures"); and

WHEREAS, this development pressure was unanticipated and has not been adequately provided for in the Town's current land use ordinances / building permit ordinance ; and

WHEREAS, there is a strong likelihood that all areas of the Town will continue to be subjected to this development pressure and other unknown tall structure development pressures due to the amount of undeveloped land, the nonexistence of any regulations or restriction on location of tall structures, the relatively low land prices of some of the land at issue, and the high demand for sites for such tall structures; and

WHEREAS, continued development of such tall structures pursuant to the current land use ordinances / building permit ordinance could pose serious threats to the public health, safety and welfare of the residents of Addison through the over-development of parts of Town with such tall structures without adequate provisions for issues of safety and land use compatibility, and visual access to view corridors; and

WHEREAS, after public hearing, there is strong support for this Moratorium Ordinance; and

WHEREAS, the Town will need at least 180 days to develop and implement the necessary amendments to land use ordinances / building permit ordinance and regulations to accommodate these development pressures; and

WHEREAS, amendments to the land use ordinances / building permit 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 (1)(B) and require the following Moratorium Ordinance as immediately necessary for the preservation of the public health, safety and welfare;

NOW, THEREFORE, the Town of Addison hereby ordains that a moratorium is hereby imposed, effective July 27, 2015, the date the Addison Selectmen proposed the tall structures ordinance, and applicable, to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications and petitions pending (within the meaning of 1 M.R.S.A. Sec. 302) as of July 27, 2015, and thereafter on any new construction or use, requiring approval under the terms of Addison's land use ordinances / building permit ordinance and regulations until the adoption of the necessary amendments to the land use ordinances / building permit ordinance and regulations or until January 22, 2016;

BE IT FURTHER ORDAINED, that the Planning Board, Board of Appeals, the Code Enforcement Officer, all Town agencies and all Town employees shall neither accept nor approve applications, plans, permits, licenses, and/or fees for any new construction or uses governed by this Moratorium Ordinance for such tall structures for said period of time; and

BE IT FURTHER ORDAINED, that those provisions of the Town's land use ordinances / building permit ordinance and regulations which are inconsistent or conflicting with the provisions of this Moratorium Ordinance, including, without limitation, the requirements for site plan review by the Planning Board, subdivision and/or special exception review by the Planning Board, and height variance appeals by the Board of Appeals, are hereby repealed to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise;

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 the Moratorium Ordinance shall remain valid.

EMERGENCY CLAUSE:

In view of the emergency cited in the preamble, this Moratorium Ordinance shall take effect (after adoption by the Addison voters) retroactively to July 27, 2015, the date the Selectmen proposed the tall structures ordinance, and shall apply, to the maximum extent permitted by law but subject to the severance clause above, to all proceedings, applications and petitions pending as of July 27, 2015, or filed thereafter, and shall stand repealed as of January 22, 2016.

Given under our hands this _____ day of _____, 2015

Michael L. Murphy, Selectman

Thomas Batson, Selectman

David Ingersoll, Selectman