

## **Emergency Growth Moratorium Ordinance**

### **Town of Deer Isle, Maine**

---

WHEREAS, the inhabitants of the Town of Deer Isle, Maine, after due consideration, find as follows:

- 1) The current Comprehensive Plan, Land Use Ordinance and Subdivision Regulation and Subdivision Ordinance of the Town of Deer Isle are inadequate to provide for the orderly growth of the Town.
- 2) A Comprehensive Plan has not been adopted since the 1980s. The 1992 and 2006 Draft Comprehensive Plans were not adopted.
- 3) The Subdivision Ordinance does not address broader land use and location factors. It lacks continuity and cohesion and needs to be updated.
- 4) The Land Use Ordinance only applies to development in the shoreland zone, and has no bearing on development outside of the 250' shoreland areas.
- 5) Increased building activity is evident in the number of building permits and plumbing permits issued over the last few years.
- 6) The Town of Deer Isle has no site plan review ordinance.
- 7) The Town of Deer Isle has no police force and no formal capital improvement expansion plan for such needs.
- 8) The Town of Deer Isle has no infrastructure for water systems or sewer. The Town requires total dependence on individual subsurface waste disposal systems and individual well systems. Heavy concentration of housing units in certain areas could place stress upon the underground water supplies upon which the Town depends.
- 9) The Town solid waste disposal facility is nearing capacity without significantly redesigning and adding staff.
- 10) Increased interest in subdivisions may exceed the amount of activity the Town has seen in the last five years. The rate of development from such multiplex or subdivision activity will far exceed that contemplated or planned for.
- 11) The Town citizens have, on numerous occasions, expressed deep concern over the preservation of open space, farm land, forest cover, and such recreation areas, as well as the retention of the rural aesthetic character.
- 12) That the existing land-use regulations of the Town are presently inadequate to accomplish the goals of moderate rate of development and open space preservation.

- 13) That comprehensive revisions to the land use regulations of the Town of Deer Isle are needed at the earliest possible time in order to preserve the present quality of life for the residents of the Town, protect and preserve essential natural resource areas within the Town, to prevent serious public harm, and to preserve and protect the public's health, safety and welfare.
- 14) Various interest in the development of substantial new subdivisions or multiple family housing within the Town and public awareness of possible ordinance changes could lead to premature filing of inadequately prepared subdivision or other multiplex or multiple family building plans, and could lead to accelerated filings of subdivision or other multiplex or multiple family building plans frustrating the purposes of the anticipated changes in said land use controls and procedures.

WHEREAS, in the judgment of the voters of the Town of Deer Isle, the foregoing findings and conclusions constitute an emergency requiring immediate legislative action pursuant to 30-A M.R.S. § 4356..

NOW THEREFORE, be it ordained by the voters of the Town of Deer Isle, Maine, in Town Meeting assembled, as follows:

During the effective period of this Moratorium Ordinance, no official, officer or agency of the Town of Deer Isle shall accept any application for approval of (a) any development or construction of a subdivision, (b) any development or construction of multiplex or attached dwelling units including condominium units, apartment buildings, multi-family dwelling units or other similar structures. No person shall submit an application for approval of development or construction of any of the above-described structures to any official, officer or agency of the Town of Deer Isle. Single family dwellings to be constructed in a subdivision which has already been approved are not affected by this Ordinance.

This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 180 days thereafter or until a new and revised set of land use regulations is adopted by the Town of Deer Isle, whichever shall first occur. Prior to the end of the 180 moratorium, the Selectboard may hold a public hearing pursuant to a 180 day extension to the moratorium if these concerns remain and if the town has made substantial progress in preparing a comprehensive plan and land use ordinances.