

MORATORIUM ORDINANCE

WHEREAS, Park Street in the Town of Orono, which is a section of U.S. Route 2, has experienced significant new development that has increased and is expected to continue to increase traffic volumes, turning movements, and traffic, bicycle, and pedestrian conflicts within the corridor; and

WHEREAS, a major traffic improvement in the form of a roundabout at the intersection of Rangeley Road and Park Street is scheduled for construction in 2017-18; and

WHEREAS, the combination of recent high density residential development, including the introduction of more than 2,000 beds primarily for university and college students over the last 12 years (of which more than 1,100 either came on line in 2016 or are planned) and the anticipated changes in traffic flows may result in increased market pressure to further develop the corridor with high traffic-generating land uses; and

WHEREAS, a majority of the Park Street corridor's frontage currently is zoned either Commercial-2 District or University District, both of which allow a variety of high density residential and non-residential uses; and

WHEREAS, the street network within this section of Orono is poorly interconnected, with near total reliance on Park Street to move between high traffic-generating land uses; and

WHEREAS, the provisions of existing ordinances are inadequate to address and/or prevent additional adverse impacts of additional high traffic-generating development; and

WHEREAS, the roundabout at the Rangeley Road – Park Street intersection is expected to remedy congestion at that intersection, but it will not address the corridor as a whole, and the existing transportation system northeast and southwest of the intersection is inadequate to safely handle additional, high traffic-generating development; and

WHEREAS, the Town Council hereby determines that a moratorium on certain types of new development within the portions of the Commercial-2 District and University District that front on or are directly or indirectly tributary to Park Street and that lack equivalent access to another arterial or major collector road is necessary within the meaning of 30-A M.R.S. §4356(1)(B). to address the adverse impacts on the Park Street corridor, including public safety and the quality of life of residents living in this corridor;

NOW, THEREFORE, the Town of Orono hereby ordains as follows:

Section 1. Authority. This Ordinance is enacted pursuant to the authority vested in the Town of Orono under the Maine Constitution and state law, including but not limited to 30-A M.R.S. §3001 and 30-A M.R.S. §4356.

Section 2. Purpose. The purpose of this Ordinance is to allow municipal officials a reasonable time to review the existing Orono Land Use Ordinance and to develop and adopt any necessary or appropriate new ordinances or amendments to provide adequate protection to the property, health, welfare, and safety of the residents of Orono, persons traveling to and from the University of Maine and businesses on Park Street; and, in consultation with the Maine Department of Transportation, the University of Maine, and those who live and work in the Park Street corridor, to determine the types of transportation improvements that may be required and feasible to relieve existing and anticipated traffic congestion and safety problems.

Section 3. Moratorium. Within the entirety of the Commercial-2 District within the vicinity of Park Street and extending to Penobscot Street, as depicted on the map in Exhibit A; or, within the University District, the portion of the district that is located northeast of Rangeley Road, there shall be a moratorium on the acceptance or issuance of any permits for new construction, including the expansion of existing structures or uses, and on the acceptance or approval of any application to the Orono Planning Board for site plan review or subdivision review unless excepted as provided in Section 5 of this ordinance.

Section 4. Applicability. Notwithstanding anything to the contrary in 1 M.R.S. § 302, this Ordinance shall apply to all proceedings, applications, petitions and proposals that are pending or commenced on or after September 22, 2016.

Section 5. Exceptions. This Ordinance shall not apply to (a) construction or expansion of any single family detached dwelling on an existing lot of record located in the subject Commercial-2 or University Districts; (b) any permit for a home occupation that is for an office-based use or a workshop or studio use that does not involve more than incidental customer or client traffic, but specifically excluding from this exception any retail, food service, personal service, or similar activity that entails routine customer traffic to the home occupation; (c) any permit for any site plan or for any dwelling unit or structure within a subdivision approved by the Planning Board prior to the effective date of this ordinance; **(d) any application for an amendment to a site plan or subdivision approved by the Planning Board prior to the effective date of this ordinance provided that the amendment request will not result in an intensification or expansion of the approved plan;** ~~(d)~~ (e) any public works or public safety facility; ~~(e)~~ (f) any “essential services,” as defined in the Orono Land Use Ordinance, or any infrastructure or utility projects that would not generate more than incidental new corridor traffic or that is designed to manage existing traffic in the corridor, as documented by a qualified transportation engineer and approved by the Town Manager.

Section 6. Duration. Pursuant to 30-A M.R.S. §4356, this Ordinance shall continue in full force and effect until March 22, ~~2017~~ **2018**, unless it is extended in the manner specified in said statute.

Section 7. Severability. If any portion of the Ordinance shall be declared invalid by a court of competent jurisdiction, it shall not affect any other provision of this Ordinance.

Section 8. Enforcement and Penalty. Any violation of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S. §4452. Each day of violation shall constitute a separate offense.