

**TOWN OF GRAY**  
**VILLAGE DISTRICT(S) SINGLE & TWO-FAMILY MORATORIUM ORDINANCE**

THE TOWN OF GRAY adopts a Moratorium in the Village Districts for the construction or expansion of all Single-Family, Accessory Apartments, & Two-Family dwellings.

**Section 1. Definitions.**

*Accessory Apartment* means a dwelling unit on a lot that is subordinate to a single-family dwelling residential use and conforms to the definition and standards established in Chapter 402, Town of Gray Zoning Ordinance.

*Multi-Family Development* means a lot which contains one or more multifamily dwellings, two or more duplexes, three or more single family dwellings, or any combination of buildings containing three or more dwelling units.

*Single-Family Dwelling* means a detached dwelling unit designed for and occupied by one family unit only.

*Two-Family Dwelling* means detached dwelling containing two dwelling units designed for and occupied by not more than two families living independently of each other.

*Village Zoning Districts* means the Village Center District and the Village Center Proper Zoning Districts, which are the most densely developed portion of the Town of Gray and is intended to provide services and shopping opportunities to the residents of the community, and to visitors, in a pleasant, village type, shopping environment.

**Section 2. Moratorium Declared.**

**WHEREAS**, The Comprehensive Plan Steering Committee was created in 2019 to update the town's 2003 Comprehensive Plan;

**WHEREAS**, the Town has a newly adopted Comprehensive Plan deemed consistent by the State in November 2020 it intends to implement;

**WHEREAS**, this major effort involved a sustained focus on reaching out to the public to update the Town's vision for what Gray could be in the future, to identify the priorities, challenges and opportunities Gray could be facing over the next 10-15 years, and to articulate the closely held values of the people who live and work in Gray;

**WHEREAS**, the Town of Gray's Comprehensive Plan of 2020 prioritizes a focus on moving people safely through Gray and getting around town via walking, biking, car, or public transportation; protection of Gray's rural character and natural resources and investment in the Village and community programs;

**WHEREAS**, the Gray Town Council has directed the Town Manager and Staff to focus on strategic planning initiatives to promote new business and real estate development in Gray;

**WHEREAS**, prioritizing growth in places where people already live, work and visit is part of the GPCOG *Transit Tomorrow* vision for a transportation network, and Whereas, the Town of Gray will make substantial investments in major water, storm water, road and sidewalk, and other projects in the Gray Village, and along roads and traffic corridors for which it is a hub;

**WHEREAS**, Gray's Open Space Plan is anticipated to prioritize development along corridors with existing infrastructure and the density to warrant maintenance and new investment in drinking water, storm water, and natural gas infrastructure;

**WHEREAS**, thoughtful investments in Gray's infrastructure and built environments can reflect the town's values in neighborhood cohesion, compatible uses, public health, and community safety;

**WHEREAS**, the Town of Gray's investments should represent a sustainable return in tax base for the cost of maintaining necessary infrastructure for commercial and residential uses;

**WHEREAS**, thoughtful zoning, ordinances, and performance standards protect land and property values for current and future Gray residents and businesses:

**WHEREAS**, the Town of Gray Planning Department is currently working on updates to the Town's ordinances and performance standards related to the development of single- and two-family housing in Grays Village Zoning Districts.

**WHEREAS**, the Town's current Zoning Ordinance does not contain sufficient standards to effectively provide municipal review and approval of proposals involving Single-Family and Two-Family development in the Village Districts:

**WHEREAS**, the Town currently has review standards for Multi- Family Development only in 402.10.14 which are applicable in the Village Zoning Districts;

**WHEREAS**, the Town needs time to develop basic review criteria for Single-Family and Two-Family construction in the Village Districts;

**WHEREAS**, the Town is Currently pursuing long range plans for the Village Districts:

**WHEREAS**, the Town' current Village Center Design guidelines are not applicable to residential development;

**WHEREAS**, the Town Council first discussed the Moratorium at their 4-6-21 Town Council Meeting:

**NOW, THEREFORE**, the Town does hereby ordain that this Ordinance be, and hereby is, enacted, and, in furtherance thereof, the Town does hereby declare a moratorium on development proposals involving Single-Family, including Accessory Apartments, and Two-Family development in the Village Districts. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended or modified by the Town Council, for the express purpose of drafting an amendment or amendments to Town ordinances to projects involving Single-Family, Accessory Apartment, and Two-Family Development in the Village Districts; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall apply to any new development proposals involving Single-Family, Accessory Apartments, and Two-Family dwellings after the April 6, 2021 applicability date of this Ordinance; and

**BE IT FURTHER ORDAINED**, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any new development proposal involving Single-Family, Accessory Apartments, and Two-Family dwellings for which an application for a license, building permit, certificate of approved use, conditional use review and/or any other required land use approval has not been submitted and finally acted on by the Code Enforcement Officer, Planning Board, Board of Appeals or other Town official or administrative board or agency prior to April 6, 2021, the applicability date of this Ordinance; and

**BE IT FURTHER ORDAINED**, that no person or organization shall start or engage in the construction of Single-Family, Accessory Apartments, and Two-Family dwellings on or after the April 6, 2021 applicability date of this Ordinance without complying with whatever ordinance amendment or amendments the Town may enact as a result of this moratorium; and

**BE IT FURTHER ORDAINED**, that during the time this moratorium is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, certificate of approved use, conditional use review and/or any other permits, licenses or approvals related to a single-family, accessory apartments and two-family dwellings in the Village Zoning Districts; and

**BE IT FURTHER ORDAINED**, that those provisions of the Town's Zoning, Subdivision, or other ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

**BE IT FURTHER ORDAINED**, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

### **Section 3. Violations; Civil Penalties.**

If the construction of a Single-Family, Accessory Apartments, and Two-Family dwellings is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties in accordance with 30-A M.R.S.A. § 4452, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

### **Section 4. Effective Date; Applicability Date.**

This Ordinance shall take effect immediately upon passage by Town Council Meeting. The applicability date of this Ordinance is April 6, 2021.