

**TOWN OF GRAY**  
**SELF-STORAGE MORATORIUM ORDINANCE**

THE TOWN OF GRAY hereby adopts a Moratorium in all the Town's zoning districts for the construction or expansion of self-storage facilities.

**Section 1. Definitions**

*Self-storage* means any structure(s) containing separate storage spaces of varying size, leased or rented on an individual basis.

*Zoning districts* means the areas of town as delineated in the Town Zoning Ordinance

**Section 2. Moratorium Declared.**

WHEREAS, the Town has seen increasing interest in self-storage development in recent months, with two active proposals; and

WHEREAS, the construction of self-storage facilities has expanded significantly in surrounding towns within the past year; and

WHEREAS, self-storage facilities are only allowed as a conditional use in the Business District 1 (BD-1), the Business District 2 (BD-2), the Commercial District (C) and the Business Transitional District 1 (BT-1) and are not allowed in any other zoning district in the Town as either a permitted or a conditional use; and

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

WHEREAS, the Town's current Zoning Ordinance does not contain sufficient standards to effectively provide municipal review and approval of proposals involving self-storage uses and the lack of such standards could result in serious public harm from improperly regulated development and establishment of self-storage uses; and

WHEREAS, the Town needs time to develop and revisit review criteria for self-storage use in the Town; and

WHEREAS, the Town is currently pursuing implementation of the 2020 Comprehensive Plan and Future Land Use plan, which encourages development with small-town rural character; and

WHEREAS, the Town Council first discussed the moratorium at their January 5, 2022 workshop;

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 proposals involving self-storage uses of any type, in all of the Town's zoning districts, except as otherwise

established below. 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 amendments to Town's ordinances to regulate projects involving any self-storage use; and

BE IT FURTHER ORDAINED that this Ordinance shall apply to any new proposals involving any self-storage use after the January 5, 2022 applicability date of this Ordinance, except as otherwise established by 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 self-storage use for which an application for a site plan review, conditional use review, building permit, 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 January 5, 2022, the applicability date of this Ordinance, except as otherwise established by this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall start or engage in the construction of a self-storage use or development on or after the January 5, 2022 applicability date of this Ordinance without complying with whatever ordinance amendment or amendments the Town may enact as a result of this moratorium, except as otherwise established by this Ordinance; 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 site plan review, conditional use review, building permit, or any other required land use approval related to self-storage uses or developments in the Town, including applications for any type of amendment to the Zoning Ordinance to allow such a use, except as otherwise established by this Ordinance; and

BE IT FURTHER ORDAINED, that those provisions of the Town's Zoning Ordinance 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, except as otherwise established by this Ordinance; 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; and

BE IT FURTHER ORDAINED, that, notwithstanding any language in this Ordinance to the contrary, this moratorium shall not apply to the two (2) self-storage development proposals that have been before the Planning Board or Community Development staff for sketch plan review, Planning Board workshop and/or pre-application conference prior to January 5, 2022 in order to protect the investments made to date on these proposals, and these two proposals may continue to proceed under the provisions of the existing Zoning Ordinance.

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

If the construction of or establishment of any self-storage use, facility or development 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 thirty (30) days after passage by the Town Council. The applicability date of this Ordinance is January 5, 2022.