

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1391

H.P. 1005

House of Representatives, March 26, 2019

An Act To Ensure Consistency of Language in Municipal Documents with the Language in Comprehensive Plans

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WADSWORTH of Hiram.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 30-A MRSA §4312, sub-§2, ¶G,** as amended by PL 2001, c. 578, §7, is
3 further amended to read:

4 G. Encourage the widest possible involvement by the citizens of each municipality in
5 all aspects of the planning and implementation process, in order to ensure that the
6 plans developed by municipalities have had the benefit of citizen input; ~~and~~

7 **Sec. 2. 30-A MRSA §4312, sub-§2, ¶I,** as enacted by PL 2001, c. 578, §8, is
8 amended to read:

9 I. Encourage the development and implementation of multimunicipal growth
10 management programs; and

11 **Sec. 3. 30-A MRSA §4312, sub-§2, ¶J** is enacted to read:

12 J. Encourage a municipality to ensure that the language and requirements in charters,
13 ordinances, policies, codes, regulations, bylaws and documents setting out or
14 assessing fees align with each other and meet the overall intent of a comprehensive
15 plan approved by the municipality.

16 **Sec. 4. 30-A MRSA §4312, sub-§3, ¶K,** as enacted by PL 2015, c. 349, §2, is
17 amended to read:

18 K. To encourage municipalities to develop policies that assess community needs and
19 environmental and economic effects of municipal regulations, lessen the effect of
20 excessive parking requirements for buildings in downtowns and on main streets and
21 provide for alternative approaches for compliance relating to the reuse of upper floors
22 of buildings in downtowns and on main streets.

23 **Sec. 5. 30-A MRSA §4323, sub-§3,** as enacted by PL 1989, c. 104, Pt. A, §45
24 and Pt. C, §10, is amended to read:

25 **3. Other.** Do all other things necessary to carry out the purposes of this subchapter,
26 including ensuring that the language and requirements in charters, ordinances, policies,
27 codes, regulations, bylaws and documents setting out or assessing fees align with each
28 other and meet the overall intent of a comprehensive plan approved by the municipality.

29 **Sec. 6. 30-A MRSA §4324, sub-§11** is enacted to read:

30 **11. Alignment of language and requirements with comprehensive plan.** A
31 municipality or multimunicipal region shall ensure that the language and requirements in
32 charters, ordinances, policies, codes, regulations, bylaws and documents setting out or
33 assessing fees align with each other and meet the overall intent of a comprehensive plan
34 approved by the municipality or multimunicipal region.

35 **Sec. 7. 30-A MRSA §4326, sub-§1, ¶H,** as amended by PL 2015, c. 349, §3, is
36 further amended to read:

1 H. Residential housing stock, including affordable housing, and policies that assess
2 community needs and environmental and economic effects of municipal regulations,
3 lessen the effect of excessive parking requirements for buildings in downtowns and
4 on main streets and provide for alternative approaches for compliance relating to the
5 reuse of upper floors of buildings in downtowns and on main streets;

6 **Sec. 8. 30-A MRSA §4326, sub-§2, ¶C**, as enacted by PL 1989, c. 104, Pt. A,
7 §45 and Pt. C, §10, is amended to read:

8 C. Address any conflicts between regional and local issues; ~~and~~

9 **Sec. 9. 30-A MRSA §4326, sub-§2, ¶D**, as amended by PL 2001, c. 578, §15, is
10 further amended to read:

11 D. Address the State's coastal policies if any part of the municipality or
12 multimunicipal region is a coastal area; and

13 **Sec. 10. 30-A MRSA §4326, sub-§2, ¶E** is enacted to read:

14 E. Ensure that the language and requirements in charters, ordinances, policies, codes,
15 regulations, bylaws and documents setting out or assessing fees align with each other
16 and meet the overall intent of a comprehensive plan.

17 **Sec. 11. 30-A MRSA §4326, sub-§3-A, ¶A**, as amended by PL 2011, c. 655, Pt.
18 JJ, §17 and affected by §41, is further amended to read:

19 A. Except as otherwise provided in this paragraph, identify and designate
20 geographic areas in the municipality or multimunicipal region as growth areas and
21 rural areas, as defined in this chapter.

22 (1) Within growth areas, each municipality or multimunicipal region shall:

23 (a) Establish development standards;

24 (b) Establish timely permitting procedures;

25 (c) Ensure that needed public services are available; and

26 (d) Prevent inappropriate development in natural hazard areas, including
27 flood plains and areas of high erosion.

28 (2) Within rural areas, each municipality or multimunicipal region shall adopt
29 land use policies and ordinances to discourage incompatible development. These
30 policies and ordinances may include, without limitation, density limits, cluster or
31 special zoning, acquisition of land or development rights, transfer of development
32 rights pursuant to section 4328 and performance standards. The municipality or
33 multimunicipal region should also identify which rural areas qualify as critical
34 rural areas as defined in this chapter. Critical rural areas must receive priority
35 consideration for proactive strategies designed to enhance rural industries,
36 manage wildlife and fisheries habitat and preserve sensitive natural areas.

37 (3) A municipality or multimunicipal region may also designate as a transitional
38 area any portion of land area that does not meet the definition of either a growth
39 area or a rural area. Such an area may be appropriate for medium-density

1 development that does not require expansion of municipal facilities and does not
2 include significant rural resources.

3 (4) A municipality or multimunicipal region is not required to identify growth
4 areas within the municipality or multimunicipal region for residential,
5 commercial or industrial growth if it demonstrates, in accordance with rules
6 adopted by the department pursuant to this article, that:

7 (a) It is not possible to accommodate future residential, commercial or
8 industrial growth within the municipality or multimunicipal region because
9 of severe physical limitations, including, without limitation, the lack of
10 adequate water supply and sewage disposal services, very shallow soils or
11 limitations imposed by protected natural resources;

12 (b) The municipality or multimunicipal region has experienced minimal or no
13 residential, commercial or industrial development over the past decade and
14 this condition is expected to continue over the 10-year planning period;

15 (c) The municipality or multimunicipal region has identified as its growth
16 areas one or more growth areas identified in a comprehensive plan adopted or
17 to be adopted by one or more other municipalities or multimunicipal regions
18 in accordance with an interlocal agreement adopted in accordance with
19 chapter 115 with one or more municipalities or multimunicipal regions; or

20 (d) The municipality or multimunicipal region has no village or densely
21 developed area.

22 (6) A municipality or multimunicipal region exercising the discretion afforded
23 by subparagraph ~~4~~ (4) shall review the basis for its demonstration during the
24 periodic revisions undertaken pursuant to section 4347-A;

25 A municipality or multimunicipal region shall ensure that the language and
26 requirements in charters, ordinances, policies, codes, regulations, bylaws and
27 documents setting out or assessing fees align with each other and meet the overall
28 intent of a comprehensive plan approved by the municipality or multimunicipal
29 region;

30 **Sec. 12. 30-A MRSA §4326, sub-§3-A, ¶G,** as amended by PL 2015, c. 349, §4,
31 is further amended to read:

32 G. Ensure that the municipality's or multimunicipal region's land use policies and
33 ordinances encourage the siting and construction of affordable housing within the
34 community and comply with the requirements of section 4358 pertaining to
35 individual mobile home and mobile home park siting and design requirements. The
36 municipality or multimunicipal region shall seek to achieve a level of at least 10% of
37 new residential development, based on a 5-year historical average of residential
38 development in the municipality or multimunicipal region, that meets the definition
39 of affordable housing. A municipality or multimunicipal region is encouraged to
40 seek creative approaches to assist in the development of affordable housing,
41 including, but not limited to, cluster housing, reduced minimum lot and frontage
42 sizes, increased residential densities, use of municipally owned land and
43 establishment of policies that assess community needs and environmental and

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economic effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets;

Sec. 13. 30-A MRSA §4326, sub-§3-A, ¶K, as enacted by PL 2015, c. 349, §6, is amended to read:

K. Encourage policies that assess community needs and environmental and economic effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets.

SUMMARY

This bill amends the laws governing growth management programs to require that a municipality or multimunicipal region ensure that the language and requirements in charters, ordinances, policies, codes, regulations, bylaws and documents setting out or assessing fees align with each other and meet the overall intent of a comprehensive plan approved by the municipality or multimunicipal region. It also amends the law to encourage the consideration of economic effects by municipalities in their planning.