

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1247

H.P. 822

House of Representatives, March 25, 2025

An Act to Restrict Municipal Ordinance Requirements Regarding Housing Developments

Reference to the Committee on Housing and Economic Development suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative GERE of Kennebunkport.

Cosponsored by Representatives: ANKELES of Brunswick, JULIA of Waterville, MALON of Biddeford, MASTRACCIO of Sanford, ROEDER of Bangor.

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

2 Sec. 1. 30-A MRSA §4364-D is enacted to read:

3 **§4364-D. Residential areas; municipal sewer and water; designated growth areas; lot**
4 **sizes; individual private septic systems**

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
6 following terms have the following meanings.

7 A. "Dimensional standards" means ordinance provisions relating to lot coverage, road
8 frontage and setback requirements.

9 B. "Dwelling unit" means a single-family or multifamily dwelling unit.

10 C. "Housing development" means a development constructed to provide one or more
11 dwelling units.

12 **2. Residential areas where municipal sewer and water available.** This subsection
13 applies to residential areas where municipal sewer and water services are available.

14 A. If a housing development is served by a public, special district or other centrally
15 managed water system and a public, special district or other comparable sewer system
16 and is located in an area in which dwelling units are allowed, a municipality must allow
17 a dwelling unit on a lot with a minimum size of 5,000 square feet and may not require
18 more than 2 off-street parking spaces for every 3 dwelling units in a housing
19 development.

20 B. A municipal ordinance may not establish dimensional standards for dwelling units
21 under this subsection that are more restrictive than dimensional standards for single-
22 family dwelling units in effect on October 1, 2023, and a municipal ordinance may not
23 establish:

24 (1) A road frontage requirement greater than 50 feet for dwelling units under this
25 subsection; or

26 (2) Front, rear or side setback requirements greater than 10 feet for dwelling units
27 under this subsection.

28 C. A developer of a housing development under this subsection shall provide written
29 verification to the municipality that each dwelling unit in the housing development is
30 connected to adequate sewer and water services before the municipality may certify
31 the housing development for occupancy. Written verification under this paragraph
32 must include:

33 (1) For a dwelling unit that will be connected to a public, special district or other
34 comparable sewer system, proof of adequate service to support any additional flow
35 created by the dwelling unit; and

36 (2) For a dwelling unit that will be connected to a public, special district or other
37 centrally managed water system, proof of adequate service to support any
38 additional flow created by the dwelling unit, proof of payment for the connection
39 and the volume and supply of water required for the dwelling unit.

40 D. A housing development that will be connected to existing water and sewer
41 infrastructure under this subsection may not be charged an impact fee or sewer

1 connection fee greater than a pro rata amount based on the square footage of the new
2 housing development when compared with residential connections in effect at the time.

3 **3. Subdivision requirements.** This section may not be construed to exempt a housing
4 development from the requirements for a division of a tract or parcel of land under
5 subchapter 4.

6 **4. Restrictive covenants.** This section may not be construed to interfere with,
7 abrogate or annul the validity or enforceability of any valid and enforceable easement,
8 covenant, deed restriction or other agreement or instrument between private parties that
9 imposes greater restrictions than those provided in this section, as long as the easement,
10 covenant, deed restriction or other agreement or instrument does not abrogate rights under
11 the United States Constitution or the Constitution of Maine.

12 **5. Shoreland zoning.** A housing development under this section must comply with
13 shoreland zoning requirements established by the Department of Environmental Protection
14 under Title 38, chapter 3, subchapter 1, article 2-B and municipal shoreland zoning
15 ordinances.

16 **6. Individual private septic systems.** This section may not be construed to exempt a
17 housing development from minimum lot size requirements under Title 12, chapter 423-A,
18 as applicable.

19 SUMMARY

20 This bill provides restrictions on municipal ordinance requirements related to minimum
21 lot size in areas where water and sewer infrastructure are available. For a housing
22 development that is served by a public, special district or other centrally managed water
23 system and a public, special district or other comparable sewer system and that is located
24 in an area in which dwelling units are allowed, a municipality must allow a dwelling unit
25 on a lot with a minimum size of 5,000 square feet. The bill also provides limits to ordinance
26 provisions relating to lot coverage, road frontage and setback requirements.