

MAINE STATE LEGISLATURE

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L.D. 1205

(Filing No. H-510)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 866, L.D. 1205, Bill, "An Act to Create a Minimum Lot Size for Mobile Home Parks Not Located on Public Water and Sewer Lines"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 30-A MRSA §4358, sub-§1, ¶B, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §§8 and 10, is amended to read:

B. "Mobile home park" means a parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured housing homes.

Sec. 2. 30-A MRSA §4358, sub-§1, ¶B-1 is enacted to read:

B-1. "Mobile home park lot" means the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. A municipality may require a lot to be designated on a mobile home park plan.

Sec. 3. 30-A MRSA §4358, sub-§3, as enacted by PL 1989, c. 104, Pt. A, §45, and Pt. C, §§8 and 10, is repealed and the following is enacted in its place:

3. Regulation of mobile home parks. This subsection governs a municipality's regulation of mobile home parks.

A. A municipality shall not enact or enforce any ordinance which requires:

(1) The size of any mobile home park lot served by a public sewer system to be larger than the smaller of:

(a) Six thousand five hundred square feet; or

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(b) The area of the smallest residential lot permitted in the municipality;

(2) The size of any mobile home park lot with on-site subsurface waste water disposal to be larger than 20,000 square feet; or

(3) The size of any mobile home park lot served by a central on-site subsurface waste water disposal system approved by the Department of Human Services to be larger than 12,000 square feet, provided that a municipality may require that the overall density of the mobile home park be no more than one home for every 20,000 square feet.

B. A municipality shall not require the overall area of a mobile home park to be greater than the combined area of its mobile home park lots plus:

(1) The area required for road rights-of-way;

(2) The area required for buffer strips, if any; and

(3) For mobile home parks served by a public sewer, an additional area for open space, storage or recreation, as those terms are defined by local ordinances applicable to all residential developments. A municipality shall not require this additional area to be greater than 10% of the combined area of the individual lots within a mobile home park.

C. A municipality shall not require setbacks that have the effect of requiring lots larger than those permitted under paragraph A.

D. Municipalities may require that mobile homes on lots adjacent to a public road be set back from the public road according to requirements applicable to other residential developments.

E. A municipality shall not require road frontage on individual lots within a mobile home park that has the effect of requiring a manufactured home on the lot to be placed parallel to an adjacent private or public roadway.

F. Except as provided by paragraph G, municipal road standards shall not apply to private roads within a mobile home park unless the developer intends to offer the roads to the municipality for acceptance as town ways.

G. A municipality may require by ordinance or rule that privately owned roads within a mobile home park:

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(1) Be built according to acceptable engineering standards and with a professional engineer's seal as required by the Manufactured Housing Board;

(2) Have a right of way up to 23 feet in width, 20 feet of which the municipality may require to be paved; and

(3) Conform to reasonable safety standards applicable to intersections with public ways adjacent to the mobile home park.

H. The Manufactured Housing Board shall develop standards for construction of roads within a mobile home park no later than January 1, 1990. The board shall submit these standards to the joint standing committee of the Legislature having jurisdiction over legal affairs matters for that committee's review.

I. A municipality may require buffer strips, not to exceed 50 feet, including individual lot setbacks, along any mobile home park boundary which abuts land used for residential use if the per-acre density of homes within the mobile home park is at least 2 times greater than:

(1) The density of residential development on immediately adjacent parcels of land; or

(2) If the immediately adjacent parcels of land are undeveloped, the maximum net residential density permitted by applicable municipal ordinances or state law.

No structures, streets or utilities may be placed in the buffer strip, except that utilities may cross a buffer strip to provide services to a mobile home park. Municipalities may impose reasonable natural screening requirements within the first 25 feet of the buffer strip as measured from the exterior boundaries of the mobile home park if the requirements are no greater than those for other residential developments.

J. A municipality shall not require electrical utilities and telephone lines to be located underground within a mobile home park. A municipality shall allow a developer to install utilities anywhere within the mobile home park.

K. Municipalities may enact or enforce existing land use regulations or ordinances, including, but not limited to, subdivision regulations or ordinances, which do not circumvent the intent of this section and which do not conflict with the provisions of this section.

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FISCAL NOTE

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The Manufactured Housing Board, within the Department of Professional and Financial Regulation, will be able to absorb the costs of developing the standards required by this bill within the existing budgeted resources.'

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STATEMENT OF FACT

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This amendment replaces the bill and does the following:

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1. Increases the minimum lot size which municipalities may require for mobile home park lots served by a public sewer from 5,000 square feet to 6,500 square feet;

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2. Increases the minimum lot size from 5,000 square feet to 12,000 square feet for mobile home park lots served by a centralized, on-site subsurface waste water disposal system;

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3. Specifies the minimum lot sizes in statute rather than permitting the Manufactured Housing Board to determine what lot sizes municipalities may require, as does current law;

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4. Replaces the reference to the American National Standards Institute A225.1 standards with specific road construction standards that municipalities may require for roads in mobile home parks;

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5. Requires the Manufactured Housing Board to develop standards for road construction which will be submitted to the Joint Standing Committee on Legal Affairs for review and possible legislative action;

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6. Permits municipalities to require buffer strips around the perimeters of mobile home parks when they are built to twice the density allowed on surrounding residential or undeveloped land;

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7. Permits municipalities to require 10% open space in high density parks on public sewers in addition to buffer strips;

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8. Prohibits municipalities from requiring underground electrical utilities on private property within mobile home parks;

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9. Permits municipalities to apply land use ordinances and regulations applicable to other residential development to mobile home parks if those ordinances and standards do not conflict with

COMMITTEE AMENDMENT "A" to H.P. 866, L.D. 1205

1 and are not intended to circumvent the provisions of the Maine
2 Revised Statutes, Title 30-A, section 4358, regarding regulation
3 of mobile home parks; and

5 10. Adds a fiscal note.

Reported by the Committee on Legal Affairs
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House
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