



## **122nd MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2005

**Legislative Document** 

No. 991

S.P. 331

In Senate, February 24, 2005

## An Act To Restore Municipal Authority To Review Development Using Flexible Standards

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

Brian

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator MILLS of Somerset.

| 2  | Be it enacted by the People of the State of Maine as follows:   |
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| 2  | Sec. 1. 30-A MRSA §4323, sub-§2, as amended by PL 2003, c.  |
| 4  | 641, §6, is further amended to read:  |
| 6  | 2. Growth management program. Adopt and amend local growth management programs, including comprehensive plans and   |
| 8  | implementation programs, consistent with the procedures, goals<br>and guidelines established in this subchapter; and  |
| 10 | Sec. 2. 30-A MRSA §4323, sub-§3, as enacted by PL 1989, c.  |
| 12 | 104, Pt. A, $\S45$ and Pt. C, $\S10$ , is amended to read:  |
| 14 | 3. Other. Do all other things necessary to carry out the purposes of this subchapter $\frac{1}{2}$ and  |
| 16 | Sec. 3. 30-A MRSA §4323, sub-§4 is enacted to read:   |
| 18 |   |
| 20 | 4353, explicitly delegate to the municipality's planning  |
| 22 | committee or other development review board the authority to<br>approve developmental proposals with smaller dimensional  |
| 24 | standards than otherwise required in order to accommodate lots<br>with insufficient frontage, setbacks or area if the purposes are  |
| 26 | to allow development to fit more harmoniously into the  |
| 26 | environment and to promote superior neighborhood development. If<br>such development complies with other parameters of the municipal  |
| 28 | ordinance, approval is not considered the granting of a variance.   |
| 30 | SUMMARY   |
| 32 |   |
| 34 | Current law prohibits the granting of a variance by any<br>entity other than a zoning board of appeals in those<br>municipalities that have zoning boards.                                    |
| 36 | This bill emends planning and land use new lation standards   |
| 38 | This bill amends planning and land use regulation standards<br>by allowing a municipality to grant to its planning board or<br>other development board the authority to approve developmental |
| 40 | proposals with smaller dimensional standards, even if the   |
| 42 | municipality has a zoning board, for the purpose of promoting neighborhood development.   |

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