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Date: (Filing No. H-)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 1489, L.D. 2003, “An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions”

Amend the amendment in section 5 in §4364 in subsection 2 in the last line (page 3, line 30 in amendment) by inserting after the following: "system." the following: 'The development must comply with minimum lot size requirements in accordance with Title 12, chapter 423-A, as applicable.'

Amend the amendment in section 5 in §4364 in subsection 3 in paragraph A in the last line (page 3, line 38 in amendment) by inserting after the following: "income" the following: 'at the time of initial occupancy'

Amend the amendment in section 5 in §4364 in subsection 3 in paragraph B in the last line (page 3, line 41 in amendment) by inserting after the following: "income" the following: 'at the time of initial occupancy'

Amend the amendment in section 6 in §4364-A by striking out all of subsection 1 (page 4, lines 39 to 43 and page 5, lines 1 to 8 in amendment) and inserting the following:

1. Use allowed. Notwithstanding any provision of law to the contrary, except as provided in Title 12, chapter 423-A, for any area in which housing is allowed, a municipality shall allow structures with up to 2 dwelling units per lot if that lot does not contain an existing dwelling unit, except that a municipality shall allow up to 4 dwelling units per lot if that lot does not contain an existing dwelling unit and the lot is located in a designated growth area within a municipality consistent with section 4349-A, subsection 1, paragraph A or B or if the lot is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.

A municipality shall allow on a lot with one existing dwelling unit the addition of up to 2 dwelling units: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.

A municipality may allow more units than the number required to be allowed by this subsection.'

HOUSE AMENDMENT

1 Amend the amendment in section 6 in §4364-A in subsection 2 by striking out all of
2 paragraph A (page 5, lines 11 and 12 in amendment) and inserting the following:

3 'A. If more than one dwelling unit has been constructed on a lot as a result of the
4 allowance under this section or section 4364-B, the lot is not eligible for any additional
5 increases in density except as allowed by the municipality.'

6 Amend the amendment in section 6 in §4364-A in subsection 3 in the last line (page 5,
7 line 19 in amendment) by inserting after the following: "units" the following: ', except that
8 a municipal ordinance may establish requirements for a lot area per dwelling unit as long
9 as the required lot area for subsequent units on a lot is not greater than the required lot area
10 for the first unit'

11 Amend the amendment in section 7 in §4364-B in subsection 1 in the first line (page
12 6, line 25 in amendment) by striking out the following: "A" and inserting the following:
13 'Except as provided in Title 12, chapter 423-A, a'

14 Amend the amendment in section 7 in §4364-B in subsection 3 by striking out all of
15 paragraph B (page 6, lines 38 and 39 in amendment) and inserting the following:

16 'B. If more than one accessory dwelling unit has been constructed on a lot as a result
17 of the allowance under this section or section 4364-A, the lot is not eligible for any
18 additional increases in density except as allowed by the municipality.'

19 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
20 section number to read consecutively.

21 SUMMARY

22 This amendment amends Committee Amendment "A" as follows.

23 1. It provides that the affordable housing development and accessory dwelling unit
24 provisions in the committee amendment are subject to minimum lot size requirements in
25 accordance with the Maine Revised Statutes, Title 12, chapter 423-A, as applicable.

26 2. It clarifies that the income eligibility for all the housing units in an affordable
27 housing development must be calculated at the time of initial occupancy.

28 3. It authorizes a municipality to allow more dwelling units in residential areas than the
29 number required to be allowed by the municipality in the committee amendment.

30 4. It removes the provisions in the committee amendment that deem lots single-family
31 lots for the purposes of municipal zoning ordinances for the provisions relating to dwelling
32 units and accessory dwelling units in the committee amendment.

33 5. It provides that lots that have constructed dwelling units or accessory dwelling units
34 in accordance with the provisions in the committee amendment are not eligible for any
35 additional increases in density except as allowed by the municipality.

1 6. It provides that a municipality may establish requirements for a lot area per dwelling
2 unit as long as the required lot area for subsequent units on a lot is not greater than the
3 required lot area for the first unit.

4 **SPONSORED BY:** _____

5 **(Speaker FECTEAU, R.)**

6 **TOWN: Biddeford**