



Land Use System Changes

LD1829 and LD2173 compliance

Goals for today

- Introduction
- Overview for orientation
- Understand requirements of State Law
- Understand how changes at the State level impact local requirements
- Action Items



Why do we have to do this?



State law has made changes to lot size and density standards based on location and availability of public water and sewer.



These changes alter our land use regulation system which incentivizes growth in some places and disincentivizes growth in other areas.



We must alter our regulations to accommodate state law and our own land use system. Ex. Setbacks, roads, sidewalks, structure size.



Deadline July 1, 2026/July 1, 2027



Growth Area

- [Auburn Parcel Viewer \(New 2026\)](#)
- Future Land Use Map portion of the comprehensive plan
- Official document/statement of where the City wants growth
- Not traditionally tied to specific state regulations
- New state laws connect the map to new requirements

State Requirements

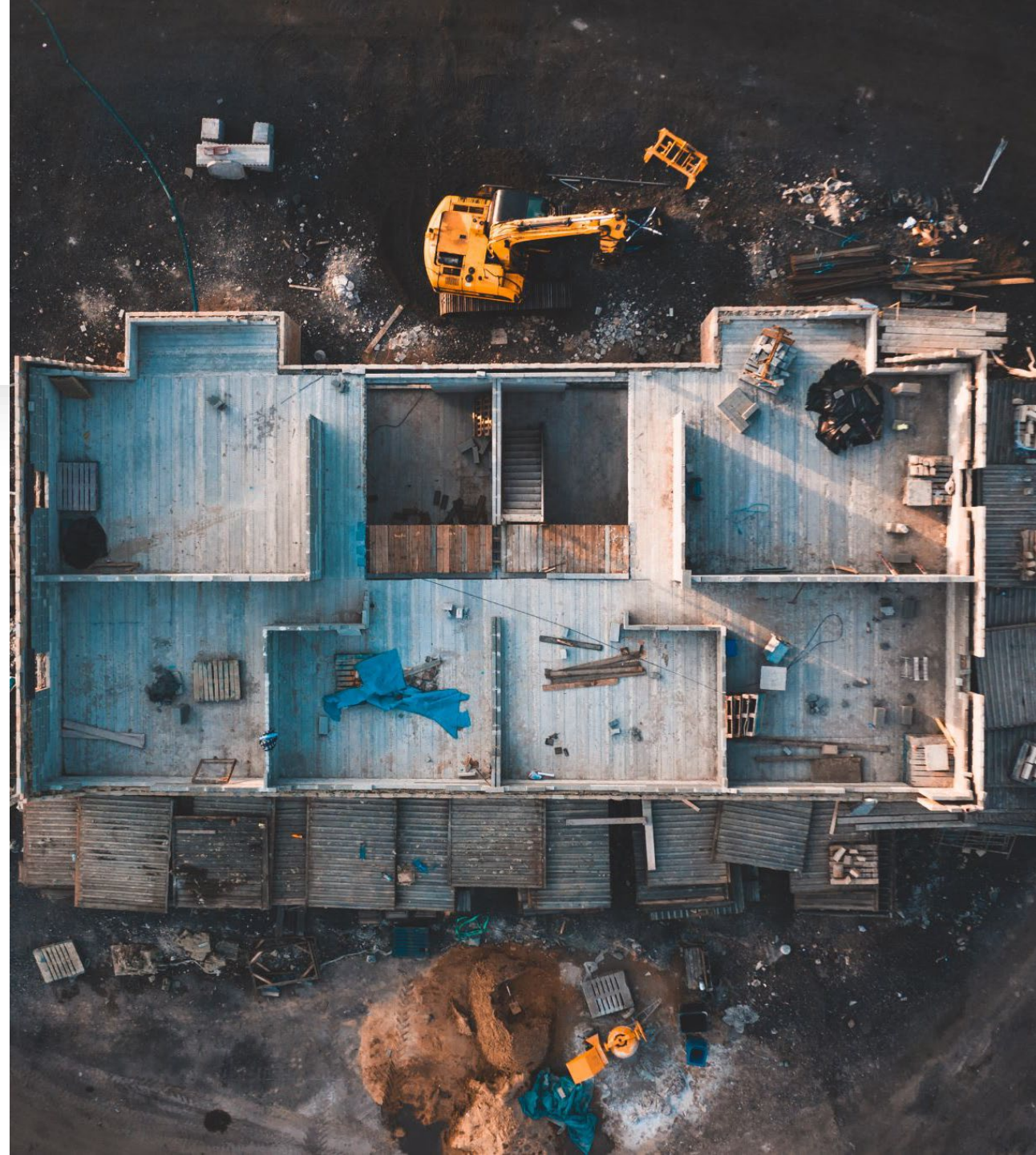
	Growth Area Water & Sewer	Growth Area No Water or Sewer	Non-Growth Area Water & Sewer	Non-Growth Areas No Water/Sewer
Lot Size	5,000 sf	20,000	10,000	City Choice
Density	1,250 per unit for first 4. 5,000 each after	Title 12 Chapter 423-A no limit	10,000 per unit for first 2. City Choice after.	City Choice

Calculating the Requirement

- **Subdivision resets every 5 years**
- 43560 sq ft = Acre
- $43560/5000 = 8.72$
- Year 1 = 8 lots and 11 dwellings (4 per 5000 + 1 per 5000)
- Year 5 = 8 lots and 32 dwellings (first four + (each of the remaining 7 x 4 units))

State Requirements ADUS

- ADUs that are the third unit attached or within a dwelling require sprinklers (building code)
- The first ADU on a lot is not counted toward density.
- ADUs can be on a lot that contains a three unit and below.
- No occupancy requirements for ADUs



State Requirements – Affordable Housing

- Affordable Housing Developments are allowed an extra height above maximum height restrictions of 14 feet up to 55 feet if in a Growth Area with Water and Sewer.
- Affordable Housing Developments are allowed a density multiplier of 2.5 to the base density allowed if in a Growth Area with Water and Sewer.



State Requirements – General Housing



Adequacy of the waste and wastewater systems are determined by the local plumbing inspector and the sewer district. No additional restrictions on those systems.



Dwelling units connected to water and sewer must provide proof from those utility district that there is capacity to serve the unit prior to issuing a building permit.

State Requirements – General Housing



No restrictions for multifamily that do not exist for single-family. No multifamily only buffers. You can go on size but not use.

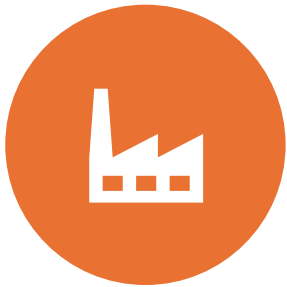


Subdivision no longer includes 4 or fewer units in a single building.



No Planning Board approval for 4 or fewer units in a single building (fourplex)

State Requirements – General Housing



Areas which allow commercial uses must also allow residential uses exempt areas that allow industrial uses.



Single-Family zoning is outlawed. There can no longer be a restriction on the number of dwellings per lot below 3 or 4 in some areas. Example: One dwelling per lot regardless of size of the lot (not allowed). One dwelling per three acres up to 4 dwellings (allowed).



A lot of nine acres would be able to construct 3 dwellings ($9/3 = 3$). A lot of 15 acres cannot construct 5 dwellings ($15/3 = 5$)(max 4).



This is a use restriction but is not density.

State Requirements - General



Lake Auburn Watershed Overlay, Shoreland, Coastal Sand Dune, and Special Hazard Floodplain can be exempt.

Small Child Care facilities must be treated as single-family homes in areas zoned for residential use.

Training Required for all Planning Board members.

State Requirements to Local

- Each requirement from the state results in several changes at the local level.
- (State) Multiple dwellings on a lot requirement
- (Local) ([ARTICLE II. - GENERAL PROVISIONS | Code of Ordinances | Auburn, ME | Municode Library](#))

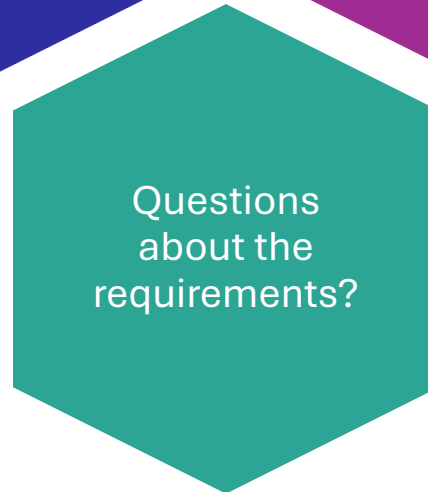
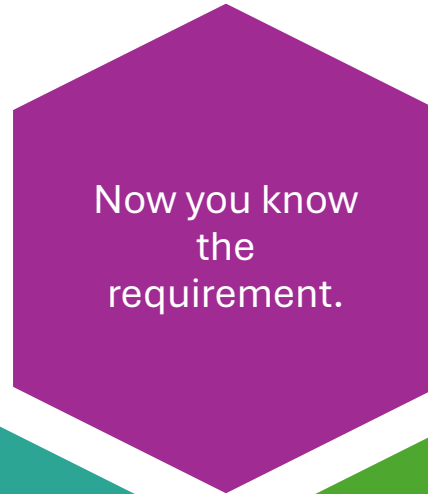
Sec. 60-34. - Buildings per lot.

No more than one principal building shall be erected on any lot in residential zoning districts except for:

- (1) Multi-family buildings and/or developments approved under division 9 of article IV of this chapter;
- (2) The addition of an accessory dwelling unit in a zoning district where two-family dwelling units are permitted, and a single-family dwelling currently exists on the lot.
- (3) Four dwelling units may be constructed on vacant lots in the growth area as delineated in the future land use map in the most recent comprehensive plan and must be permissible in compliance with state law and in accordance with sections 60-53 and [60-54](#). For the purpose of this subsection, a vacant lot upon which a new dwelling unit was permitted in 2024 shall be considered a vacant lot for the purpose of calculating the total number of permissible dwelling units that may be constructed on the lot.
- (4) A lot in the growth area as delineated in the future land use map in the most recent comprehensive plan with an existing dwelling unit may add one attached dwelling unit, one detached dwelling unit, or one of each for a total of three dwelling units and must be permissible in compliance with state law and in accordance with sections 60-53 and [60-54](#).
- (5) Lots in the designated growth areas that are zoned urban residential, suburban residential, rural residential, and low-density country residential shall contain no more than two dwelling units per lot, including any building.

The additional one-family detached dwelling unit shall share a driveway curb cut with the pre-existing dwelling unless it is determined that another driveway location could provide safer access to the existing driveway.

BREAK



How do we do this?



RECOGNIZE THE SCOPE IS
LARGE



ADOPT A PROCESS OF DRAFT
AND REACT, CALL AND
RESPONSE



FLEXIBILITY AND
COMMUNICATION

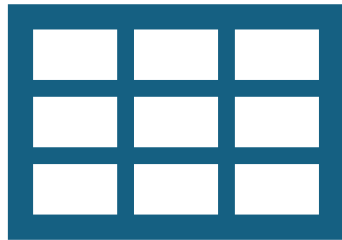
How do we do this?

- Identify State requirements of law (Already done!)
- Identify areas of impact (prelim done!)
- Ask questions about current process/future wants (approaching)
- Plan immediate, interim, and future priorities.
- Draft/workshop/recommend changes

What Zones are impacted?

	In GA W/S	IN GA No W/S	Out GA W/S	Out GA No W/S
ID	x	x		
AG	x	x	x	x
RR	x	x	x	x
LDCR	x	x	x	x
SR	x	x	x	x
NB	x	x		x
MFS	x	x		
GB I	x	x	x	x
GB II	x	x		
UR	x	x		
T-4.1	x	x		
T-4.2	x	x		
T -4.2.B	x	x		
T-5.1	x	x		
T-5.2	x	x		
T-6	x	x		
C/OS				

Scale of impact? - Regulatory



See spreadsheet



See GIS map

Timeline

Now – Current Comprehensive Plan, Few state requirements

July 1 – July 14 , 2026 LD1829 Active

October – Passage of new Comprehensive Plan

October 2026 to July 1, 2027 – New Comprehensive Plan

July 1, 2027 – New State Standards, New Comprehensive Plan



Actions

Now – current
needs, low
hanging fruit


Interim for
compliance
(after passage of
comp plan)

Priority to revisit
after compliance
deadline

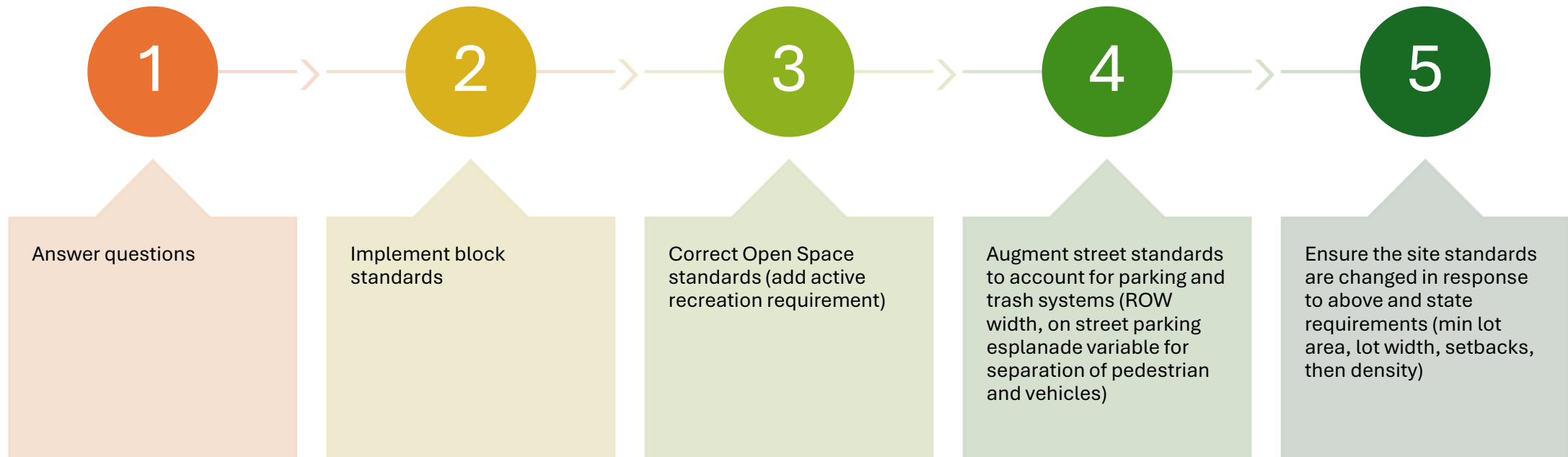
Organize Actions

Immediate	Interim	Priority
Fast and Necessary	Complex and Necessary	Clean up and Usability
Fast and helpful	Complex but valuable	Complex but helpful

- **Fast and Necessary:** Remove restriction on principal buildings add lower limit on space between buildings if not connected/party walls (20ft)
- **Fast and Helpful:** Remove requirement for lot to be located on public street (60-2 and 60-1365) add private way constructed after 1968 if maintained by HOA or road association, Frontage definition, open space access/active recreation
- **Complex and Necessary:** Block Standards and thresholds for block standards. Add access requirements for lots without frontage (cottage court vs back lot)
- **Complex but valuable:** Open space standards update



From the Plan to “making it work”





Making the changes work

1

Ask about zones with small differences for future zoning amendment (identify)

2

Implement transitions between zones that have large differences.

3

Establish thresholds of review by right, minor and major (site plan threshold)

4

Site Plan and Subdivision documentation requirements

Action Items



QUESTIONS TO WORK ON



SCHEDULE WORKSHOPS

STEP 1

1829/2173 requirements of law

1. ADUs that are the third unit attached or within a dwelling require sprinklers (building code)
2. The first ADU on a lot is not counted toward density.
3. ADUs can be on a lot that contains a three unit and below.
4. No occupancy requirements for ADUs
5. Rate of Growth Ordinances in Growth Areas are limited to a calculation
6. Affordable Housing Developments are allowed an extra height above maximum height restrictions of 14 feet up to 55 feet if in a Growth Area with Water and Sewer.
7. Affordable Housing Developments are allowed a density multiplier of 2.5 to the base density allowed if in a Growth Area with Water and Sewer.
8. Adequacy of the waste and wastewater systems are determined by the local plumbing inspector and the sewer district.
9. Single-Family zoning is outlawed. There can no longer be a restriction on the number of dwellings per lot below 3 or 4 in some areas. Example: One dwelling per lot regardless of size of the lot (not allowed). One dwelling per three acres up to 4 dwellings (allowed). A lot of nine acres would be able to construct 3 dwellings. This is a use restriction but is not density.
10. Lot size restrictions to the municipality= GA-WS – 5,000 GA-NWS -20,000 or title 12 Non GA-WS 10,000 Non GA-NWS City choice. **(SEE CHART)**
11. Density restrictions to the municipality = GA-WS first 4 units 1,250 per unit after 5,000 per unit. GA-NWS 20,000 or title 12. Non GA – WS first 2 units 10,000 then City Choice. Non GA-NWS City Choice **(SEE CHART)**
12. No restrictions for multifamily that do not exist for single-family. No multifamily only buffers. You can go on size but not use.
13. No Planning Board approval for 4 or fewer units in a single building (fourplex)
14. Training Required for all Planning Board members.
15. Subdivision no longer includes 4 or fewer units in a single building.
16. Lake Auburn Watershed Overlay, Shoreland, Coastal Sand Dune, and Special Hazard Floodplain are exempt.
17. Small Child Care facilities must be treated as single-family homes in areas zoned for residential use.
18. Areas which allow commercial uses must also allow residential uses **exempt areas that allow industrial uses.**

19. Dwelling units connected to water and sewer must provide proof from those utility district that there is capacity to serve the unit prior to issuing a building permit.

	Growth Area Water & Sewer	Growth Area No Water or Sewer	Non-Growth Area Water & Sewer	Non-Growth Areas No Water/Sewer
Lot Size	5,000 sf	20,000	10,000	City Choice
Density	1,250 per unit for first 4. 5,000 each after	Title 12 Chapter 423-A no limit	10,000 per unit for first 2. City Choice after.	City Choice

Task	Start	End	Duration
Gather Impact Analysis (provisions, zones, Growth Area)	4/24/2026	5/1/2026	
Community Meeting - State Regulatory Requirements and Impacted Areas- Staff recommendations	5/25/2026	5/29/2026	
Neighborhood Surveys	5/1/2026	5/29/2026	
Planning Board Workshop - Choose Essential Criteria for new regulations from neighborhood survey	6/9/2026	6/10/2026	
Staff - Draft Spatial regulations/rezone - Basics	6/11/2026	6/18/2026	
Community Meeting - Presentation of Draft regulations (the points) versus State reqs. Highlight changes from current	6/29/2026	7/3/2026	
Staff - Draft regulations with Legal	6/19/2026	7/17/2026	
Planning Board Workshop - Review and Points and language (this is what this does, this is how these work together)	7/28/2026	7/29/2026	
Community Meeting - Presentation on Draft regulations [ask for feedback]	8/10/2026	8/14/2026	
Planning Board Workshop - Review and Points and language (changes if needed)	8/18/2026	8/19/2026	
Planning Board Workshop - Review and Points and language (changes if needed) - Schedule Public Hearing, list next regs	8/25/2026	8/26/2026	
Planning Board Public Hearing - Forward to Council	9/8/2026	9/9/2026	
Community Meeting - Presentation on Draft regulations [prepare for council]	9/14/2026	9/18/2026	
Town Council - Presentation and Workshop - State future changes	9/21/2026	9/22/2026	
Town Council - Workshop and final language - Set Hearing	10/5/2026	10/6/2026	
Town Council - Hearing and Adoption 1st Reading	10/19/2026	10/20/2026	
Town Council - Hearing and Adoption 2nd Reading	11/2/2026	11/3/2026	

Council 1st and 3rd Mondays
 PB 2nd Tuesday

Provisions

Blocks, Streets/sidewalks, lot width/depth, review thresholds, definitions, density, Open Space, exemptions, standard min distance heights, max footprint in suburbs, permitted primary structure locations, step downs, entrances, pedestrian easements permitted uses, public space analysis, objective standards for planning board review

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

H.P. 1461 - L.D. 2173

An Act to Update the Laws Regarding Housing Developments and Accessory Dwelling Units

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

Sec. 1. 25 MRSA §2463-B, as enacted by PL 2025, c. 385, §1, is amended to read:

§2463-B. Fire protection in accessory dwelling units

Fire suppression sprinklers are not required for an accessory dwelling unit unless the accessory dwelling unit is within or attached to a structure ~~of that contains, or will contain upon completion of construction~~, more than 2 dwelling units, including accessory dwelling units. As used in this section, "accessory dwelling unit" has the same meaning as in Title 30-A, section 4301, subsection 1-C. This section may not be construed to exempt an accessory dwelling unit from fire protection requirements when the unit is located within or attached to a mixed-use or nonresidential building or when sprinkler protection is otherwise required based on occupancy classification, building use or hazard level under the National Fire Protection Association codes adopted pursuant to section 2452.

Sec. 2. 30-A MRSA §4351-A is enacted to read:

§4351-A. Definition

As used in this subchapter, unless the context otherwise indicates, "public sewer system" means a sewer system managed, owned or operated by a municipality or quasi-municipal entity that is a municipal sewer department, a sewer district as defined in Title 38, section 1032, subsection 3, a standard district as defined in Title 38, section 1032, subsection 4 or a sanitary district formed under Title 38, chapter 11.

Sec. 3. 30-A MRSA §4360, as amended by PL 2025, c. 385, §3 and affected by §23, is further amended to read:

§4360. Rate of growth ordinances

1. Ordinance review and update. A municipality that enacts a rate of growth ordinance shall review and update the ordinance at least every 3 years to determine whether the rate of growth ordinance is still necessary and how the rate of growth ordinance may be adjusted to meet current conditions.

1-A. Definition; common scheme of development. As used in this section, unless the context otherwise indicates, "common scheme of development" means a plan or process of development that:

- A. Takes place on contiguous parcels or lots in the same immediate vicinity; and
- B. Exhibits characteristics of a unified approach, method or effect, such as:
 - (1) Unified ownership, management or supervision;
 - (2) Sharing common equipment or labor; or
 - (3) Common financing.

2. Differential ordinances. A municipality may enact rate of growth ordinances that set different limits on the number of building or development permits that are permitted in ~~designated rural~~ different areas. ~~A, except that a municipality may not enact or enforce rate of growth ordinances that limit residential development in designated growth areas, as defined in section 4301, subsection 6-C, except as authorized by this chapter subsection 3.~~

3. Ordinance requirements; growth areas. A municipality may adopt a rate of growth ordinance that applies to a designated growth area only if:

- A. The ordinance is consistent with section 4314, subsection 3;
- B. The ordinance sets the number of building or development permits for new residential dwellings, ~~not including permits for affordable housing,~~ at 105% or more of the mean number of total permits issued for new residential dwellings within the municipality during the 10 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued, ~~excluding permits issued for affordable housing,~~ for new residential dwellings for each year in the prior 10 years and then dividing by 10;
- C. ~~In addition to the permits established pursuant to paragraph B, the ordinance sets the number of building or development permits for affordable housing at no less than 10% of the number of permits set in the ordinance pursuant to paragraph B; and~~
- C-1. The ordinance does not restrict the number of building permits or require a development permit for affordable housing as defined in section 5246, subsection 1;
- D. The number of building or development permits for new residential dwellings allowed under the ordinance is recalculated every 3 years; and
- E. Within the designated growth area, the ordinance does not limit the development permits allowed per project or per common scheme of development to a number that is less than 35% of the allocated permits for that area.

4. Ordinance requirements; other areas. A municipality may adopt a rate of growth ordinance applicable to all other areas without limitation by this section.

Sec. 4. 30-A MRSA §4364, first ¶, as amended by PL 2023, c. 192, §1, is further amended to read:

For an affordable housing development approved on or after the implementation date, a municipality with density requirements shall apply density requirements and a municipality with height restriction requirements shall apply height allowance requirements in accordance with this section.

Sec. 5. 30-A MRSA §4364, sub-§2, as amended by PL 2025, c. 385, §4 and affected by §23 and amended by c. 388, Pt. D, §36, is repealed and the following enacted in its place:

2. Density requirements. A municipality shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units. The development must be in a designated growth area of a municipality as identified in a comprehensive plan adopted pursuant to subchapter 2 or be served by a water system delivering water drawn from a public water source as defined in Title 22, section 2641 and a public sewer system.

Sec. 6. 30-A MRSA §4364, sub-§2-A, as enacted by PL 2025, c. 385, §5 and affected by §23, is amended to read:

2-A. Additional height allowance. Except as otherwise prohibited under Title 38, chapter 3 and municipal shoreland zoning ordinances, a municipality shall allow, ~~subject to review by a municipal fire official or designee,~~ an affordable housing development to exceed any municipal height restriction by ~~no less than one story or~~ 14 feet but only up to a total building height of 55 feet. To be eligible for the additional height allowance pursuant to this subsection, an affordable housing development must be approved by the Office of the State Fire Marshal or a municipality registered under Title 25, section 2448-A and must be:

A. In a designated growth area of a municipality as identified in a comprehensive plan adopted pursuant to subchapter 2; or

B. Served by a water system delivering water drawn from a public water source as defined in Title 22, section 2641 and a public sewer system.

Sec. 7. 30-A MRSA §4364, sub-§5, ¶A, as enacted by PL 2021, c. 672, §4, is amended to read:

A. If a housing unit is connected to a public, ~~special district or other comparable~~ sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

Sec. 8. 30-A MRSA §4364, sub-§5, ¶C, as enacted by PL 2021, c. 672, §4, is amended to read:

C. If a housing unit is ~~connected to a public, special district or other centrally managed water system~~ served by a water system delivering water drawn from a public water source as defined in Title 22, section 2641, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

Sec. 9. 30-A MRSA §4364, sub-§5, as amended by PL 2025, c. 385, §6 and affected by §23, is further amended by repealing the first blocked paragraph.

Sec. 10. 30-A MRSA §4364, sub-§9, as enacted by PL 2023, c. 264, §1, is repealed and the following enacted in its place:

9. Exceptions. This section does not apply to:

A. A lot or portion of a lot that is within the watershed of a water source that is located in the City of Lewiston or the City of Auburn and that is used to provide drinking water by a water utility that has received a waiver from filtration pursuant to 40 Code of Federal Regulations, Sections 141.70 to 141.76, as determined by the Department of Health and Human Services; or

B. A lot or a portion of a lot that is within an area identified as a coastal barrier in Title 38, section 1904; an area of special flood hazard as defined in Title 38, section 436-A, subsection 1-C; or an area within a coastal sand dune system as defined in Title 38, section 480-B, subsection 1 as long as a municipality exempts the lot or portion of the lot in a duly adopted ordinance.

Sec. 11. 30-A MRSA §4364-A, as amended by PL 2025, c. 385, §§7 to 12 and affected by §23 and amended by c. 388, Pt. D, §37, is further amended by amending the section headnote to read:

§4364-A. Residential areas; generally; up to 4 dwelling units allowed

Sec. 12. 30-A MRSA §4364-A, sub-§1, as repealed and replaced by PL 2025, c. 385, §7 and affected by §23 and amended by c. 388, Pt. D, §37, is repealed and the following enacted in its place:

1. Use allowed. Notwithstanding any provision of law to the contrary, except Title 12, chapter 423-A, for any area in which residential uses are allowed, including as a conditional use, the following are permitted uses:

A. At least 3 dwelling units, attached or detached, inclusive of accessory dwelling units, per lot; and

B. At least 4 dwelling units, attached or detached, inclusive of accessory dwelling units, per lot if the lot is located in a designated growth area, as identified in a comprehensive plan adopted pursuant to subchapter 2, or the lot is served by a water system delivering water drawn from a public water source as defined in Title 22, section 2641 and a public sewer system.

A municipality may allow more dwelling units than the minimum number required by this subsection.

Sec. 13. 30-A MRSA §4364-A, sub-§1-B, as enacted by PL 2023, c. 264, §2 and reallocated by RR 2023, c. 1, Pt. A, §26, is repealed and the following enacted in its place:

1-B. Exceptions. This section does not apply to:

A. A lot or portion of a lot that is within the watershed of a water source that is located in the City of Lewiston or the City of Auburn and that is used to provide drinking water by a water utility that has received a waiver from filtration pursuant to 40 Code of Federal Regulations, Sections 141.70 to 141.76, as determined by the Department of Health and Human Services; or

B. A lot or a portion of a lot that is within an area identified as a coastal barrier in Title 38, section 1904; an area of special flood hazard as defined in Title 38, section 436-A, subsection 1-C; or an area within a coastal sand dune system as defined in Title 38, section 480-B, subsection 1 as long as a municipality exempts the lot or portion of the lot in a duly adopted ordinance.

Sec. 14. 30-A MRSA §4364-A, sub-§2-A, as enacted by PL 2025, c. 385, §9 and affected by §23, is repealed and the following enacted in its place:

2-A. Limitations on municipal ordinances related to lot size and density allowance for private property rights protection. Notwithstanding any provision of law to the contrary, except Title 12, chapter 423-A, this subsection applies to any area in which residential uses are allowed, including as a conditional use.

A. If a lot is located in a designated growth area and is served by a water system delivering water drawn from a public water source as defined in Title 22, section 2641 and a public sewer system, a municipal ordinance may not require a minimum lot size that exceeds 5,000 square feet and may not require more than 1,250 square feet of lot area per dwelling unit for the first 4 dwelling units.

B. If a lot is located outside a designated growth area and in an area served by a water system delivering water drawn from a public water source as defined in Title 22, section 2641 and a public sewer system, a municipal ordinance may not require a minimum lot size that exceeds 10,000 square feet and may not require more than 10,000 square feet of lot area for the first dwelling unit or 20,000 square feet of lot area for the first 2 dwelling units within a single structure.

C. If a lot is located in a designated growth area without a public sewer system, a municipal ordinance may not require a minimum lot size that exceeds 20,000 square feet or a density requirement or calculation that is more restrictive than required by Title 12, chapter 423-A.

If 4 dwelling units have been constructed on a lot, the lot is not eligible for any additional increases in density, including under section 4364, unless more units are allowed by the municipality.

Sec. 15. 30-A MRSA §4364-A, sub-§5-A, as enacted by PL 2025, c. 385, §12 and affected by §23, is amended to read:

5-A. Planning board approval not required. A For any area in which residential uses are allowed, including as a conditional use, a municipality may not require planning board approval for accessory dwelling units or solely because the project will establish 4 or fewer dwelling units within a single structure on a lot.

Sec. 16. 30-A MRSA §4364-B, sub-§1, as amended by PL 2025, c. 385, §13 and affected by §23, is further amended to read:

1. Use permitted. Except as provided in Title 12, chapter 423-A, a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit or ~~multi-unit~~ 2-unit or 3-unit residential structure in any area in which residential uses are permitted, including as a conditional use, in accordance with this section.

Sec. 17. 30-A MRSA §4364-B, sub-§2, ¶B, as amended by PL 2025, c. 385, §14 and affected by §23, is further amended to read:

B. Attached to or sharing a wall with a single-family dwelling unit or multi-unit residential structure; or

Sec. 18. 30-A MRSA §4364-B, sub-§3, ¶A, as amended by PL 2025, c. 385, §15 and affected by §23, is further amended to read:

A. At least one accessory dwelling unit must be allowed on any lot where ~~a single-family dwelling unit is the principal structure~~ is a single-family dwelling unit or 2-unit or 3-unit residential structure; and

Sec. 19. 30-A MRSA §4364-B, sub-§8, as amended by PL 2025, c. 648, §4, is further amended to read:

8. Municipal implementation. In adopting an ordinance under this section, a municipality may:

~~A. Establish an application and permitting process for accessory dwelling units that does not require planning board approval;~~

B. Impose fines for violations of building, zoning and utility requirements for accessory dwelling units; ~~and~~

C. Establish alternative criteria that are less restrictive than the requirements of subsections 4, 5, 6 and 7 for the approval of an accessory dwelling unit only in circumstances in which the municipality would be able to provide a variance under section 4353, subsection 4, 4-A, 4-B, 4-C or 4-D; and

D. Exempt a lot or portion of a lot that is within an area identified as a coastal barrier in Title 38, section 1904; an area of special flood hazard as defined in Title 38, section 436-A, subsection 1-C; or an area within a coastal sand dune system as defined in Title 38, section 480-B, subsection 1.

Sec. 20. 30-A MRSA §4364-D, sub-§1, ¶C is enacted to read:

C. "Small child care facility" has the same meaning as in Title 22, section 8301-A, subsection 1-A, paragraph E.

Sec. 21. 30-A MRSA §4364-D, sub-§2, as enacted by PL 2025, c. 288, §2, is amended to read:

2. Location of child care. A child care facility or a family child care provider ~~is~~ must be a permitted use in a municipal area that is zoned for residential purposes; ~~A family child care provider or small child care facility located in an area zoned for residential purposes must be subject to the same zoning requirements for other residential property as a single-family dwelling unit.~~

Sec. 22. 30-A MRSA §4364-E, as enacted by PL 2025, c. 364, §2 and reallocated by RR 2025, c. 1, Pt. A, §42, is amended by enacting at the end a new paragraph to read:

This section does not apply to areas allowing industrial uses.

Sec. 23. PL 2025, c. 288, §3 is enacted to read:

Sec. 3. Application; retroactivity. That section of this Act that enacts the Maine Revised Statutes, Title 30-A, section 4364-D applies to municipalities beginning July 1, 2027. This section applies retroactively to September 24, 2025.

Sec. 24. PL 2025, c. 374, §2 is enacted to read:

Sec. 2. Application; retroactivity. This Act applies to municipalities beginning July 1, 2027. This section applies retroactively to September 24, 2025.

Sec. 25. PL 2025, c. 385, §23 is amended to read:

Sec. 23. Application. Notwithstanding any provision of law to the contrary, except for those sections of this Act that enact the Maine Revised Statutes, Title 25, section 2463-B, amend Title 30-A, section 4301, subsection 1-C and enact Title 30-A, section 4364-C, subsection 4, this Act applies to ~~municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality beginning July 1, 2026 and applies to all other municipalities beginning July 1, 2027.~~

Sec. 26. General application date; changes to public laws retroactive. Notwithstanding any provision of law to the contrary, except for those sections of this Act that amend Public Law 2025, chapters 288, 374 and 385, this Act applies to municipalities beginning July 1, 2027. Those sections of this Act that amend Public Law 2025, chapters 288, 374 and 385 apply retroactively to September 24, 2025.

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 1224 - L.D. 1829

**An Act to Build Housing for Maine Families and Attract Workers to Maine
Businesses by Amending the Laws Governing Housing Density**

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

Sec. 1. 25 MRSA §2463-B is enacted to read:

§2463-B. Fire protection in accessory dwelling units

Fire suppression sprinklers are not required for an accessory dwelling unit unless the accessory dwelling unit is within or attached to a structure of more than 2 dwelling units, including accessory dwelling units. As used in this section, "accessory dwelling unit" has the same meaning as in Title 30-A, section 4301, subsection 1-C.

Sec. 2. 30-A MRSA §4301, sub-§1-C, as enacted by PL 2019, c. 145, §1 and reallocated by RR 2019, c. 1, Pt. A, §36, is amended to read:

1-C. Accessory dwelling unit. "Accessory dwelling unit" means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit or multi-unit structure located on the same parcel of land.

Sec. 3. 30-A MRSA §4360, sub-§2, as enacted by PL 2003, c. 127, §1, is amended to read:

2. Differential ordinances. A municipality may enact rate of growth ordinances that set different limits on the number of building or development permits that are permitted in designated rural areas ~~and designated growth areas.~~ A municipality may not enact rate of growth ordinances that limit residential development in designated growth areas, as defined in section 4301, subsection 6-C, except as authorized by this chapter.

Sec. 4. 30-A MRSA §4364, sub-§2, as enacted by PL 2021, c. 672, §4, is amended to read:

2. Density requirements. A municipality shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units. The development must be in a designated growth area of a municipality ~~consistent with section 4349-A, subsection~~

~~1, paragraph A or B~~ as identified in a comprehensive plan adopted pursuant to this subchapter or the development must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system. The development must comply with minimum lot size requirements in accordance with Title 12, chapter 423-A, as applicable.

Sec. 5. 30-A MRSA §4364, sub-§2-A is enacted to read:

2-A. Additional height allowance. Except as otherwise prohibited under Title 38, chapter 3 and municipal shoreland zoning ordinances, a municipality shall allow, subject to review by a municipal fire official or designee, an affordable housing development to exceed any municipal height restriction by no less than one story or 14 feet.

Sec. 6. 30-A MRSA §4364, sub-§5, as enacted by PL 2021, c. 672, §4 is amended by enacting at the end a new first blocked paragraph to read:

Upon receipt of written verification from a local plumbing inspector that a housing structure meets the requirements of this subsection, additional review or documentation by a municipality related to waste and wastewater requirements before issuing a certificate of occupancy is prohibited.

Sec. 7. 30-A MRSA §4364-A, sub-§1, as amended by PL 2023, c. 192, §6, is repealed and the following enacted in its place:

1. Use allowed. Notwithstanding any provision of law to the contrary, except Title 12, chapter 423-A, for any area in which residential uses are allowed, including as a conditional use, a municipality shall allow at a minimum:

A. Three dwelling units, attached or detached, including accessory dwelling units, per lot; and

B. Four dwelling units, attached or detached, including accessory dwelling units, per lot if the lot is located in a designated growth area, as identified in a comprehensive plan adopted pursuant to this subchapter, or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system.

A municipality may allow more units than the minimum number required by this subsection.

Sec. 8. 30-A MRSA §4364-A, sub-§2, as amended by PL 2023, c. 192, §8, is repealed.

Sec. 9. 30-A MRSA §4364-A, sub-§2-A is enacted to read:

2-A. Lot size and density allowance for private property. Notwithstanding any provision of law to the contrary, except Title 12, chapter 423-A, this subsection applies to any area in which residential uses are allowed, including as a conditional use.

A. If a lot is located in a designated growth area and is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, a minimum lot size requirement may not exceed 5,000 square feet and a density requirement may not exceed 1,250 square feet of lot area per dwelling unit for the first 4 dwelling units and 5,000 additional square feet of lot area per dwelling unit for subsequent units.

B. If a lot is located outside a designated growth area and in an area served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, a minimum lot size requirement may not exceed 5,000 square feet and a density requirement may not exceed 5,000 square feet of lot area for the first 2 dwelling units contained within a single structure, not including accessory dwelling units.

C. If a lot is located in a designated growth area without a public, special district or other comparable sewer system, a minimum lot size requirement may not exceed the minimum lot size required by Title 12, chapter 423-A and the density requirement or calculation may not be more restrictive than required by Title 12, chapter 423-A.

If 4 or fewer dwelling units have been constructed on a lot as a result of the allowances under this section or section 4364-B, the lot is not eligible for any additional increases in density, including under section 4364, unless more units are allowed by the municipality.

Sec. 10. 30-A MRSA §4364-A, sub-§3, as amended by PL 2023, c. 192, §9, is repealed and the following enacted in its place:

3. General requirements. Except as provided in this section, a municipal ordinance may not establish dimensional requirements for multiple units allowed by this section that are greater than dimensional requirements required for single-family dwelling units. As used in this subsection, "dimensional requirements" means requirements that govern the size and placement of structures, including building height, lot area, minimum frontage, lot depth and setbacks.

Sec. 11. 30-A MRSA §4364-A, sub-§4, as enacted by PL 2021, c. 672, §5, is amended by enacting at the end a new first blocked paragraph to read:

Upon receipt of written verification from a local plumbing inspector that a housing structure meets the requirements of this subsection, additional review or documentation by a municipality related to waste and wastewater requirements before issuing a certificate of occupancy is prohibited.

Sec. 12. 30-A MRSA §4364-A, sub-§5-A is enacted to read:

5-A. Planning board approval not required. A municipality may not require planning board approval for 4 or fewer dwelling units within a structure.

Sec. 13. 30-A MRSA §4364-B, sub-§1, as amended by PL 2023, c. 192, §12, is further amended to read:

1. Use permitted. Except as provided in Title 12, chapter 423-A, a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit or multi-unit structure in any area in which residential uses are permitted, including as a conditional use, in accordance with this section.

Sec. 14. 30-A MRSA §4364-B, sub-§2, ¶B, as enacted by PL 2021, c. 672, §6, is amended to read:

B. Attached to or sharing a wall with a single-family dwelling unit or multi-unit structure; or

Sec. 15. 30-A MRSA §4364-B, sub-§3, as amended by PL 2023, c. 192, §15, is further amended to read:

3. Zoning requirements. With respect to accessory dwelling units, municipal zoning ordinances must comply with the following conditions:

A. At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; and

~~B. If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance under this section, the lot is not eligible for any additional increases in density except as allowed by the municipality; and~~

C. An accessory dwelling unit is must be allowed on a lot that does not conform to the municipal zoning ordinance if the accessory dwelling unit does not further increase the nonconformity.

Sec. 16. 30-A MRSA §4364-B, sub-§4, ¶A, as enacted by PL 2021, c. 672, §6, is amended to read:

A. A municipality shall exempt ~~an~~ one accessory dwelling unit on a lot from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.

Sec. 17. 30-A MRSA §4364-B, sub-§4, ¶E is enacted to read:

E. A municipality shall allow the construction or occupancy of an accessory dwelling unit on a lot even if the owner of the lot where the accessory dwelling unit is located does not reside in a dwelling unit on that lot.

Sec. 18. 30-A MRSA §4364-B, sub-§7, as enacted by PL 2021, c. 672, §6, is amended by enacting at the end a new first blocked paragraph to read:

Upon receipt of written verification from a local plumbing inspector that a housing structure meets the requirements of this subsection, additional review or documentation by a municipality related to waste and wastewater requirements before issuing a certificate of occupancy is prohibited.

Sec. 19. 30-A MRSA §4364-C, sub-§4 is enacted to read:

4. Mandatory training. The municipal reviewing authority and the municipal body hearing zoning appeals, if applicable, shall attend a training on land use planning offered by a state agency or a statewide association representing municipalities or a regional council or municipality within 180 days of appointment or, if a training is not available within the 180-day period, the municipal reviewing authority member and the municipal body hearing zoning appeals must attend the next available training.

Sec. 20. 30-A MRSA §4401, sub-§4, as amended by PL 2023, c. 79, §1, is further amended to read:

4. Subdivision. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into ~~3~~ 5 or more dwelling units within a 5-year period, the construction or placement of ~~3~~ 5 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into ~~3~~ 5 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres must be counted as a lot, except:

(2) When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance.

D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter or avoid other applicable municipal requirements, including, but not limited to, road standards and safety.

D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph ~~can not~~ cannot be given for consideration that is more than 1/2 the assessed value of the real estate.

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

H-2. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than ~~January 1, 2021~~ July 1, 2027. ~~Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2020 for the definition to remain valid for the grace period ending January 1, 2021. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located.~~

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. A mortgage, pledge or other instrument of hypothecation against a dwelling unit or other smaller portion of real property within a parcel that is otherwise defined by this section as a lot does not itself constitute a subdivision for purposes of this section.

J. Unless the intent of a transferor is to avoid the objectives of this subchapter, the division of a tract or parcel of land accomplished by the transfer of any interest in the land to a holder does not create a lot or lots for purposes of this definition if:

(1) The transferred interest, as expressed by conservation easement, binding agreement, declaration of trust or otherwise, is to be permanently held for one or more of the following conservation purposes:

- (a) Retaining or protecting the natural, scenic or open space values of the land;
- (b) Ensuring the availability of the land for agricultural, forest, recreational or open space use;
- (c) Protecting natural resources; or
- (d) Maintaining or enhancing air quality or water quality; and

(2) The transferred interest is not subsequently further divided or transferred except to another holder.

As used in this paragraph, "holder" has the same meaning as in Title 33, section 476, subsection 2.

Sec. 21. 30-A MRSA §4402, sub-§6, as amended by PL 2019, c. 174, §2, is further amended to read:

6. Division of new or existing structures. Beginning ~~July 1, 2018~~ January 1, 2026, a division of a new or existing structure into 3 or more dwelling units whether the division is accomplished by sale, lease, development or otherwise in a municipality where the project is subject to municipal site plan review.

A. For the purposes of this subsection, "municipal site plan review" means review under a municipal ordinance that sets forth a process for determining whether a development meets certain specified criteria, which must include criteria regarding stormwater management, sewage disposal, water supply and vehicular access and which may include criteria regarding other environmental effects, layout, scale, appearance and safety.

B. The municipal reviewing authority in each municipality shall determine whether a municipal site plan review ordinance adopted by the municipality meets the requirements of paragraph A.

Sec. 22. Training of current members. Notwithstanding the Maine Revised Statutes, Title 30-A, section 4364-C, subsection 4, a member of a municipal reviewing authority or municipal body hearing zoning appeals holding office on the effective date of this Act shall attend a training as described in Title 30-A, section 4364-C, subsection 4 within 180 days of the effective date or, if a training is not available within the 180-day period, must attend the next available training.

Sec. 23. Application. Notwithstanding any provision of law to the contrary, except for those sections of this Act that enact the Maine Revised Statutes, Title 25, section 2463-B, amend Title 30-A, section 4301, subsection 1-C and enact Title 30-A, section 4364-C, subsection 4, this Act applies to municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality beginning July 1, 2026 and applies to all other municipalities beginning July 1, 2027.

STEP 3

Questions I would like answers to:

1. Do you want to adopt just the state standard verbatim or alter for the Auburn Market?

Assumption:

More housing zones: UR, MFS, GBI, GB II, FBC

Less Housing zones: LDCR, RR, SR

Little to no housing zones: AG, ID

2. Do you want to rezone areas within and outside the Growth Area to match the criteria above?
3. Do you want lots on private roads? Frontage definition and subdivision standards.
4. Do you want to require newly approved properties with no public frontage to manage their own **trash pickup**?
5. Do you want to allow back lots? Frontage is required presently
6. Do you want to allow pocket neighborhoods? Frontage is an issue for fee simple lots.
7. Do you want just use the base standards or to simplify? Simplifying will allow more than what's required but will be easier to implement and review. 5 year rule for subdivision.
8. Dwellings are unlimited for farm labor through current practice. Do you want to codify this? In what form do you want to allow this type of development?
9. When placing multiple structures on lots do you want the new units to obey the setbacks of the zone from each other? Virtual lots or standard distance? MFS, GB I & II only work with a lot of space.
10. I have made the front lot line wider than the depth in some more rural zones to create space. Do you want this or do you want a base standard for all lots of that size. Ex 5,000 sf 50 ft width?
11. In what areas do you want multifamily buildings to look like single-family?