

Date:

(Filing No. H-)

HOUSING AND ECONOMIC DEVELOPMENT

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 281, L.D. 427, “An Act to Prohibit Mandatory Parking Space Minimums in State and Municipal Building Codes”

Amend the bill by striking out the title and substituting the following:

'An Act to Regulate Municipal Parking Space Minimums'

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

§4364-D. Minimum parking space requirements; limitations

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

A. "Parking agreement" means a legally binding agreement between a property developer and the owner of an off-site parking facility to provide required parking spaces within 0.25 miles of a development site.

B. "Transit stop" means any fixed route public transportation stop providing bus, rail or ferry service at least once per hour during peak times on weekdays on a year-round basis, excepting holidays.

2. Prohibition of minimum parking space requirements near transit stops. A municipality may not require a property developer to provide off-street parking spaces for any residential, commercial or mixed-use development located within 0.25 miles of a transit stop. A municipality may not impose alternative parking requirements, such as mandatory shared parking arrangements, that effectively create a parking minimum in areas within 0.25 miles of a transit stop.

3. Limitation of minimum parking space requirements in growth areas. A municipality may not require more than one off-street parking space per dwelling unit for a residential development within a designated growth area of a municipality, but a municipality may impose maximum parking space requirements or require parking demand

1 management strategies that do not require more than one off-street parking space per
2 dwelling unit.

3 **4. Legalization of off-site parking agreements.** A municipality must allow a
4 developer to satisfy municipal parking requirements through off-site parking agreements
5 with existing parking facilities located within 0.25 miles of a development site. A developer
6 engaged in an off-site parking agreement shall provide to the municipality documentation
7 demonstrating the availability of sufficient capacity at the off-site parking facility, as
8 determined by a professional parking study or similar evidence acceptable to the
9 municipality. A municipality may not impose additional barriers to the approval of such
10 parking agreements beyond verifying the adequacy of parking supply.

11 **5. Rulemaking.** The Office of Policy Innovation and the Future may adopt rules to
12 administer and enforce this section. The department may consult with the Maine Office of
13 Community Affairs in adopting rules pursuant to this subsection. Rules adopted pursuant
14 to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
15 2-A.'

16 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
17 number to read consecutively.

18 SUMMARY

19 This amendment, which replaces the bill, establishes limits on minimum parking space
20 requirements by establishing requirements for parking near transit stops, in growth areas
21 and for off-site parking agreements.