

UDRO 2026

Proposed Changes

1. Introduction

This document outlines proposed changes to the Unified Development and Review Ordinance (UDRO), referred to as UDRO 2026. These revisions are necessary to enhance the ordinance's clarity, organization, and effectiveness, as well as to ensure compliance with recent legislative mandates from the 132nd Maine Legislature.

The proposals fall into four main categories:

Structural and Organizational Improvements: Addressing current deficiencies in the UDRO's structure, including reordering sections, elevating existing sub-sections to their own chapters, and grouping related regulations to improve user readability and logical flow.

Addressing Noted Deficiencies in Application Reviews: Implementing new standards to clarify requirements for commercial site and multi-unit dwelling entrances, ensuring adequate access for first responder vehicles, and clarifying vague terminology.

Mandatory Compliance with Recent State Legislation: Integrating changes required by three Legislative Documents (LDs) passed in 2025 that preempt local ordinances concerning housing, parking minimums, and density:

- LD 427: Limits minimum parking space requirements for dwelling units.
- LD 997: Mandates allowing residential use in commercial districts.
- LD 1829: Amends laws governing housing density to remove municipal barriers to housing production.

Miscellaneous Deletions, Edits, and Additions: A compilation of minor edits collected over the past two years by various users of the Ordinance.

The following sections detail the current situations, the proposed remedies for each issue, and the strategy for achieving compliance with state mandates, particularly noting where a delay is recommended to await final state rules and interpretations. The successful adoption of UDRO 2026 is important to maintaining a comprehensive, enforceable, and legally compliant regulatory framework for development within Newry.

2. UDRO Structure

2.1. Situation

The UDRO currently is composed of 25 sections of which four are empty and marked *Reserved*. The two sections at the end, Section 24, Definitions, and Section 25, Exhibits and Maps, effectively act a bookend to the document preventing the addition of additional sections.

Through the years new content has been added as sub-sections to Section 13, General Performance Standards, even if the new content is not a General Performance Standard. General Performance Standards are regulations that govern the effects or operational characteristics of a land use or development typically applying across all developments. They are not design specifications.

There are eight sub-sections listed under Section 13 which do not fit the test of applying to all developments and should be elevated to be their own section.

2.2. Remedy

Reorder the UDRO and:

- Place the definitions at the beginning of the document.
- Upgrade the eight subsections identified subsections in the General Performance Standards to their own separate sections.
- Group sections that are similar together to improve the readability of the ordinance.

The reordering of the UDRO's sections does not change the content of the old version it is a significant change in presentation. For this reason the recommendation is to repeal and replace the UDRO.

2.3. Proposal

See Enclosure 1 for details.

3. Correcting Deficiencies Noted in Application Reviews

3.1. Situation

A recent application review identified some deficiencies in the UDRO in regard to entrances to commercial site developments and multi-unit dwelling subdivisions, terminology with too general of a definition and vagueness in the standards for accommodating first responders vehicles.

3.2. Remedy

Expand the section of the UDRO which deals with parking and entrances by adding a subsection that regulates entrances and new definitions for terminology used in the proposed subsection.

Develop criteria for first responder vehicle access to commercial site plans and multi-unit dwelling subdivisions using NFPA-1 §18.2 as a base. This could be either a stand alone section or added as a subsection to an existing section.

3.3. Proposal

See enclosure 2 for details.

4. LD 427

4.1. Overview

LD 427 was passed by the 132nd Legislature and is titled *An Act to Regulate Municipal Parking Space Minimums*. It preempts local ordinances that establish parking space minimums for dwelling units. In short – municipalities may not require more than one off-street parking space per dwelling unit to be located on same parcel as the dwelling. It does allow for additional parking at a designated parking facility if it is located within one quarter mile of the development site.

Municipalities may enact parking demand strategies that do not require more than one off-street parking space per dwelling unit.

LD 427 went into effect on Sept. 24, 2025.

4.2. Remedies

4.2.1. Edit the UDRO

Edit the parking design standards to reflect LD 427.

Develop regulations allowing developers to proposed parking demand strategies which incorporate offsite parking facilities and agreements.

4.3. Proposal

See enclosure 3 for details.

5. LD 997

5.1. Overview

As with LD 427 LD 997 was passed by the 132nd legislature in June of 2025. LD 997's title is *An Act to Allow Residential Use Development in Commercial Districts*. It preempts municipalities from banning dwelling units in commercially zoned districts. It's purpose is to increase housing availability statewide.

The Maine Office of Community Affairs (MOCA) is developing rules will help with interpretations and implementation at the municipal level. These rules may be available as early as mid January 2026.

Newry must comply with LD 997 no later than July, 2027.

5.2. Remedies

At first glance not much is required to bring the UDRO into compliance. Both the Resort and General Development Districts allow for collocating commercial use and dwelling units. The existing definition for *commercial* will need to be replaced with *commercial use* and incorporate the State's definition.

Since the implementation date is not till July, 2027 the recommendation from MOCA is to hold off on amending ordinances until 2027.

Amending the UDRO to comply with LD 997 should be delayed for a year and brought before the Town in 2027.

5.3. Proposal

See enclosure 4 for details.

6. LD 1829

6.1. Overview

This LD is the third of the three LDs passed by the 132nd legislature in June of 2025 with implications to the UDRO. LD's 1829 title is *An Act to Build Housing for Maine Families and Attract Workers to Maine Business by Amending the Laws Governing Housing Density*. Like it's two sister LDs above, it preempts local ordinances with LD 1829 addressing rules that restrict residential density. The thought is to remove municipal barriers to housing production resulting in an increase to the housing supply statewide.

As with LD 997 MOCA is in the middle of rulemaking for LD 1829. This rulemaking may be completed as early as January, 2026.

Newry must comply with this LD by July, 2027.

6.2. Remedies

LD 1829 will preempt the UDRO's dimensional requirements in regard to lot size, density and the number of dwelling units allowed per lot. It also ties in with Qualified Affordable Housing Developments (QAHD), something the UDRO does not address.

Given Newry's land valuation which is driven by the ski resort and the second/vacation home real estate market the topic of a QAHD is an interesting discussion. But Newry is not unique in this regard since many seaside towns and a few other ski towns in the State are in the same situation.

QAHDs should be addressed by adding dedicated section to the UDRO. Similar to how the UDRO addresses cluster and planned unit developments, each of which are regulated in separate sections within the ordinance.

We have until July of 2027 to adjust the UDRO's dimensional requirements to meet the new mandates from the State. It would be best to wait a year to allow for any tweaks that may come from the state legislature in 2026 and for MOCA's rulemaking to take effect.

Amending the UDRO to comply with LD 1829 should be delayed for a year and brought before the Town in 2027.

6.3. Proposal

See enclosure 5 for details.

7. Miscellaneous Deletions, Edits and Additions

7.1. Overview

The last significant amendment to the UDRO occurred in 2024. Since that amendment a collection of minor edits has been compiled. These edits are noted as individuals apply the UDRO to application reviews and note the edits.

7.2. Remedy

Compile the miscellaneous edits in a grouping which will allow for a more efficient review and decision if an edit should be adopted.

7.3. Proposal

See enclosure 6 for details.

Proposal – Reorder the Sections in the UDRO

Reference: UDRO 2026, Proposed Changes - §2.

Situation:

- The UDRO currently is composed of 25 sections of which four are empty and marked *Reserved*. The two sections at the end, Section 24, Definitions, and Section 25, Exhibits and Maps, effectively act a bookend to the document preventing the addition of additional sections.
- Through the years new content has been added as sub-sections to Section 13, General Performance Standards, even if the new content is not a General Performance Standard.
- General Performance Standards are regulations that govern the effects or operational characteristics of a land use or development typically applying across all developments. They are not design specifications.
- There are eight sub-sections listed under Section 13 which do not fit the test of applying to all developments and should be elevated to be their own section.

Proposal:

- Move Section 24, Definitions, to the front of the document. The general layout for ordinances used by municipalities in Maine generally have definitions towards the front. Placing definitions at the beginning of the document also tends to reinforce the importance of definitions.
- Remove Section 25, Exhibits and Maps, and add back as an appendix to the document.
- Elevate the eight sub-section in Section 13 identified above to be separate sections.
- Reorder the existing sections to improve the flow within the document and remove the blank *Reserved* sections.
- Reserve a section for future inclusion of Qualified Affordable Housing Developments.
- Add a new section that cover first responder access and fire lanes.

Existing Organization

Section	Title
1.	GENERAL PROVISIONS
2.	PURPOSES
3.	ADMINISTRATION
4.	RESERVED
5.	CRITERIA OF APPROVAL
6.	INSPECTION, VIOLATION AND ENFORCEMENT
7.	APPEALS
8.	ADMINISTRATIVE PROCEDURES
9.	PRE-APPLICATION CONFERENCE (OPTIONAL)
10.	APPLICATION PROCEDURE AND SUBMISSION REQUIREMENTS
11.	RESERVED
12.	RESERVED
13.	GENERAL PERFORMANCE STANDARDS
14.	ROAD DESIGN AND CONSTRUCTION STANDARDS
15.	PARKING AND ENTRANCE DESIGN STANDARDS
16.	RESERVED
17.	STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS
18.	PROVISION FOR CLUSTER DEVELOPMENT
19.	PROVISION FOR PLANNED UNIT DEVELOPMENT
20.	DEDICATION AND MAINTENANCE OF COMMON LAND AND SERVICES
21.	PERFORMANCE GUARANTEES
22.	WAIVERS
23.	GROWTH MANAGEMENT DISTRICTS AND NONCONFORMANCE
24.	Definitions
25.	EXHIBITS AND MAPS

Sub-Sections in *General Performance Standards* Which Don't Belong

Section	Title
13.I	Borrow Pits
13.AB	Home Occupations
13.AC	Life Safety and Fire Suppression
13.AD	Commercial Wind Energy Facilities
13.AE	Mineral Exploration or Extraction
13.AF	Wireless Telecommunications Facilities
13.AG	Solar Energy Systems
13.AH	Recreational Lodging Facilities

Proposed Organization

Section	Title
1	General Provisions
2	Purposes
3	Definitions
4	Administration
5	Criteria Of Approval
6	Inspection, Violation And Enforcement
7	Appeals
8	Administrative Procedures
9	Pre-Application Conference (Optional)
10	Application Procedure And Submission Requirements
11	Growth Management Districts And Nonconformance
12	Performance Guarantees
13	Waivers
14	Provision For Cluster Development
15	Provision For Planned Unit Development
16	Reserved (Provision For Qualified Affordable Housing Developments)
17	Dedication And Maintenance Of Common Land And Services
18	General Performance Standards
19	Road Design And Construction
20	Parking And Entrance Design
21	First Responder Access and Fire Lanes
22	Storm Drainage Design And Construction
23	Borrow Pits
24	Home Occupations
25	Life Safety and Fire Suppression
26	Commercial Wind Energy Facilities
27	Mineral Exploration or Extraction
28	Wireless Telecommunications Facilities
29	Solar Energy Systems
30	Recreational Lodging Facilities
Appendix	Exhibits And Maps

Notes: Blue font are proposed new sections

Correcting Deficiencies Noted in Application Reviews

What follows are details for proposed changes to the UDRO brought about by recent application reviews.

Definitions

Authority Having Jurisdiction (AHJ) - §3.B., page 15

Corner Clearance - §3.B., page 17

Intersection Sight Distance (ISD) - §3.B., page 23

Private Road (Private Way) - §3.B., page 28

Road - §3.B., page 30

Stopping Sight Distance (SSD) - §3.B., page 31

Vehicular Entrance - §3.B., page 36

Way - §3.B., page 36

Criteria of Approval

Traffic - §5.c., page 43

Parking and Entrance Design Standards

General Requirements - §20.A.3., page 145

Vehicular Entrance Design Standards - §20.B., page 146

Parking Area Design Standards - §20.C.1. & §20.C.2., page 149

First Responder Access and Fire Lanes

§21, page 152

LD 427

Definitions

Off-Site Parking Facility, §3.B. - page 26

Parking Agreement, §3.B. - page 27

Growth Management Districts and Nonconformance

§11.H., Table of District Land Uses, line 35, page 88

Parking and Entrance Design Standards

§20.A.7. page 145

§20.C.3. page 149

§20.C.3. page 150, Notes to the Minimum Parking Schedule, Note #1

§20.D. page 150

LD 997

An Act to Allow Residential Use Development in Commercial Districts

Definitions

LD 1829

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

Definitions

Accessory Dwelling Unit, §3.B. page 14

Miscellaneous Deletions, Edits and Additions

Definitions

- Abutters, §3.B. - page 14
- Bed and Breakfast, §3.B. - page 15
- Commercial, §3.B. - page 16
- Commercial Use, §3.B. - page 16
- Impervious Surface Ratio (ISR), §3.B. - page 22
- Multi-Unit Housing, §3.B. - page 25
- Net Residential Acreage, §3.B. - page 25
- Occupied Building, §3.B. - page 26
- Open Area, §3.B. - page 26
- Open Space, §3.B. - page 26
- Parking Area, §3.B. - page 27
- Planned Unit Development, §3.B. - page 27
- Residence, §3.B. - page 30
- Site Plan, §3.B. - page 32

General Provisions

- Repeal and Replacement, §1.A. - page 7
- Exemptions, §1.E.3. - page 8
- Effective Date, §1. - page 9

Administration

- §4.E. 3rd paragraph, page 38
- §4.E. 4th paragraph, page 38

Inspection, Violation and Enforcement

- §6.A.1. page 47

Appeals

§7.A. page 52

§7.B.1. page 53

§7.B.4. page 54

§7.C. page 54, 2nd paragraph

§7.D.1.a. page 55

§7.D.1.d. page 55

§7.D.2.d. page 55

Application Procedure and Submission Requirements

§10.B.11. page 62

§10.B.12.d. page 62

§10.C.1.b.iv. Page 64

§10.C.2.d.vi. Page 65

§10.C.2.d.viii. page 65

Growth Management Districts and Nonconformance

§11.F., note #2 to table of dimensional requirements, page 86

§11.H., Table of District Land Uses, line 32, page 88

Provisions for Planned Unit Development

§15.B.1. page 105

§15.C.1.i. page 108

General Performance Standards

§18.I. page 118

§18.X.3.b. page 122

§18.AB. Page 134

§18.AC. Page 134

§18.AD. Page 134

§18.AE. Page 134

§18.AF. Page 134

§18.AG. Page 134

§18.AH. Page 134

Road Design and Construction Standards

§19.A.2. page 135

§19.A.3. page 135

§19.B.5. page 138

§19.B.6. page 138

§19.B.8.a. page 138

§19.C.2.f. page 141

§19.G.3. page 142

Parking and Entrance Design Standards

§20.A.9. page 145

§20.C.4. page 150

Storm Drainage Design and Construction Standards

§22.C.2. page 158

Borrow Pits

§23.A. page 161

Life Safety and Fire Suppression

§25.E.1. page 166

§25.G. page 169

Solar Energy Systems

§29.D.3.a.ii. Page 193

§29.E.3.b. page 196