

§4314. Transition; savings clause**1. Comprehensive plan.**

[PL 2025, c. 393, §24 (RP).]

2. Shoreland and floodplain zoning ordinances. Notwithstanding section 4352, subsection 2, any portion of a zoning ordinance that is not consistent with a comprehensive plan adopted in accordance with the procedures, goals and guidelines established in this subchapter is no longer in effect 24 months after adoption of the plan unless the ordinance:

A. Does not regulate land use beyond the area required by Title 38, chapter 3, subchapter 1, article 2-B; or [PL 2003, c. 641, §3 (NEW).]

B. Is adopted pursuant to and complies with the provisions of Title 38, section 440 and complies with the requirements of the Federal Flood Insurance Program. [PL 2003, c. 641, §3 (NEW).]
[PL 2003, c. 641, §3 (RPR).]

3. Rate of growth, zoning and impact fee ordinances. After January 1, 2003, any portion of a municipality's or multimunicipal region's rate of growth, zoning or impact fee ordinance must be consistent with a comprehensive plan adopted in accordance with the procedures, goals and guidelines established in this subchapter. The portion of a rate of growth, zoning or impact fee ordinance not directly related to an inconsistency identified by a court or during a comprehensive plan review by the department in accordance with Title 5, section 3233, subsection 4 remains in effect. For purposes of this subsection, "zoning ordinance" does not include an ordinance that applies townwide that is a cluster development ordinance or a design ordinance prescribing the color, shape, height, landscaping, amount of open space or other comparable physical characteristics of development. The portion of a rate of growth, zoning or impact fee ordinance that is not consistent with a comprehensive plan is no longer in effect unless:

A. [PL 2001, c. 406, §3 (RP).]

B. [PL 2001, c. 406, §3 (RP).]

C. The ordinance or portion of the ordinance is exempted under subsection 2; [PL 2001, c. 406, §3 (NEW).]

D. [PL 2025, c. 393, §25 (RP).]

E. The ordinance or portion of the ordinance conflicts with a newly adopted comprehensive plan or plan amendment adopted in accordance with the procedures, goals and guidelines established in this subchapter, in which case the ordinance or portion of the ordinance remains in effect for a period of up to 24 months immediately following adoption of the comprehensive plan or plan amendment; or [PL 2025, c. 393, §26 (AMD).]

F. [PL 2025, c. 393, §27 (RP).]

G. The ordinance or portion of an ordinance is an adult entertainment establishment ordinance, as defined in section 4352, subsection 2, that has been adopted by a municipality that has not adopted a comprehensive plan. [PL 2003, c. 595, §3 (NEW).]

[PL 2025, c. 388, Pt. D, §33 (AMD); PL 2025, c. 393, §§25-27 (AMD).]

4. Encumbered balances at year-end.

[PL 2003, c. 641, §5 (RP).]

SECTION HISTORY

PL 1991, c. 722, §6 (NEW). PL 1991, c. 722, §11 (AFF). PL 1993, c. 73, §1 (AMD). PL 1993, c. 166, §4 (AMD). PL 1993, c. 721, §A1 (AMD). PL 1993, c. 721, §H1 (AFF). PL 2001, c. 406, §3 (AMD). PL 2001, c. 578, §10 (AMD). PL 2003, c. 595, §§1-3 (AMD). PL 2003, c. 641, §§2-5

(AMD). PL 2005, c. 397, §A31 (AMD). PL 2007, c. 247, §1 (AMD). PL 2011, c. 655, Pt. JJ, §16 (AMD). PL 2011, c. 655, Pt. JJ, §41 (AFF). PL 2025, c. 388, Pt. D, §33 (AMD). PL 2025, c. 393, §§24-27 (AMD).

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