

**§440. Federal flood insurance****(REALLOCATED FROM TITLE 12, SECTION 4812-B)**

In addition to controls required by this chapter, municipalities may extend or adopt zoning and subdivision controls beyond the limits established by this chapter in order to protect the public health, safety and welfare and to avoid problems associated with flood plain development. [PL 1985, c. 481, Pt. A, §28 (RAL).]

A zoning ordinance adopted or extended pursuant to this section must be pursuant to and consistent with a comprehensive plan unless the ordinance complies with the requirements of the Federal Flood Insurance Program or other provisions of this section. [PL 2003, c. 641, §18 (AMD).]

Zoning ordinances adopted or extended pursuant to this section need not depend upon the existence of a zoning ordinance for all of the land and water area within a municipality, despite the provisions of Title 30-A, section 4352 to the contrary, except that an ordinance is required for entrance of the municipality into the Federal Flood Insurance Program. Ordinances or amendments adopted by authority of this section may not extend beyond an area greater than that necessary to comply with the requirements of the Federal Flood Insurance Program. [PL 2023, c. 405, Pt. A, §132 (AMD).]

Zoning ordinances adopted or amended pursuant to this section must designate as a resource protection zone or its equivalent, as defined in the guidelines adopted pursuant to section 438-A, subsection 1, all areas within the floodway of the 100-year flood plain along rivers and in the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps. This provision does not apply to areas zoned for general development or its equivalent, as defined in the guidelines adopted pursuant to section 438-A, subsection 1, as of July 16, 1986, or within areas designated by ordinances as densely developed. The determination of which areas are densely developed must be based on a finding that, as of July 16, 1986, existing development meets the definition in former section 436, subsection 3. [PL 2023, c. 405, Pt. A, §133 (AMD).]

All communities shall designate floodway areas, as set out in this section, as resource protection zones as of the effective date of a community's entry into the regular program of the National Flood Insurance Program or July 1, 1987, whichever comes later. [PL 1985, c. 794, Pt. A, §8 (NEW).]

In those areas that are within the floodway, as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, all proposed activities which are permitted within the shoreland area must be shown not to increase the 100-year flood elevation. In addition, all structures built in the floodway shall have their lowest floor, including the basement, one foot above the 100-year flood elevation. [PL 1985, c. 794, Pt. A, §8 (NEW).]

**SECTION HISTORY**

PL 1975, c. 330 (NEW). PL 1975, c. 623, §§15A,15B (AMD). PL 1985, c. 481, §A28 (RAL). PL 1985, c. 794, §A8 (AMD). PL 1987, c. 737, §§C86,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1989, c. 403, §9 (AMD). PL 2003, c. 641, §18 (AMD). PL 2023, c. 405, Pt. A, §§132, 133 (AMD).

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