

**§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. [PL 2003, c. 127, §1 (NEW).]

**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. [PL 2003, c. 127, §1 (NEW).]

**3. Ordinance requirements.** A municipality may adopt a rate of growth ordinance only if:

A. The ordinance is consistent with section 4314, subsection 3; [PL 2005, c. 597, §3 (NEW); PL 2005, c. 597, §4 (AFF).]

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 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; [PL 2007, c. 155, §1 (AMD); PL 2007, c. 466, Pt. B, §20,21 (AFF).]

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 [PL 2005, c. 597, §3 (NEW); PL 2005, c. 597, §4 (AFF).]

D. The number of building or development permits for new residential dwellings allowed under the ordinance is recalculated every 3 years. [PL 2007, c. 77, §2 (AMD).]  
[PL 2007, c. 77, §§1, 2 (AMD); PL 2007, c. 155, §1 (AMD); PL 2007, c. 466, Pt. B, §20,21 (AFF).]

**SECTION HISTORY**

PL 2001, c. 591, §1 (NEW). PL 2003, c. 127, §1 (RPR). PL 2005, c. 597, §3 (AMD). PL 2005, c. 597, §4 (AFF). PL 2007, c. 77, §§1, 2 (AMD). PL 2007, c. 155, §1 (AMD). PL 2007, c. 466, Pt. B, §20,21 (AFF).

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