

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
MAINE LAND USE PLANNING COMMISSION

**Proposed Rule Revisions: Chapter 2, Definitions and
Chapter 10, Land Use Districts and Standards**

2026 Miscellaneous Rule Revisions

July 8, 2026

The following amendments propose changes to Chapter 2, Definitions and Chapter 10, Land Use Districts and Standards for Areas within the Jurisdiction of the Maine Land Use Planning Commission. This document only includes relevant sections of Chapter 10 and indicates additions in underline, deletions with a ~~striketrough~~, and relocated text in double underline and double ~~striketrough~~. Most revisions are self-evident. Where necessary, further explanations of some changes have been included in [brackets]. These explanatory notes would not be included in the final rule.

Overview of Proposed Rule Revisions:

- Update variance criteria in Section 10.10 for functionally dependent uses to remain consistent with recent changes to municipal law (Public Laws 2025 Chapter 648).
- Revise which special exception criteria apply to certain uses in the General Development (D-GN) subdistrict (Chapter 10, Section 10.21,C).
- Remove “Residential campsite” from the list of uses allowed with a permit in the Resource-Dependent Development subdistrict (D-RD) to avoid incompatible development (Chapter 10, Section 10.21,K).
- Add a definition of “qualified professional” to Chapter 2 and revise Chapter 10 to allow qualified professionals to certify wharf, pier, dock, and breakwater designs in flood prone areas to increase consistency with FEMA-approved changes to Maine’s model floodplain ordinance for municipalities (Chapter 10, Section 10.25,T).
- Add a definition of “public safety facility structure” to Chapter 2 and revise Chapter 10 to add an exception to the maximum structure height provisions for public safety facility structures less than 500 feet from lakes, ponds, rivers, and coastal wetlands (Chapter 10, Section 10.26,G).
- Clerical edits:
 - Correct several citations and changes that make terms internally consistent
 - Add the description for Management Class 7 lakes and update the name of a recently renamed pond (Appendix C)

Chapter 2, Definitions

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32. Campsite, Residential:

A camping location containing tents; or a legally registered tent trailer, pickup camper, recreational vehicle, or trailer; or similar device used for private non-commercial camping. “Residential campsite” includes a camping location that may have access to a pressurized water system or permanent structures. Except that each lean-to shall not have more than 200 square feet in floor area, each such additional permanent structure shall not have more than 150 square feet in floor area, shall not have a permanent foundation and, except for lean-tos and tent platforms, shall not be used for human habitation. A single lot may contain only one residential campsite, whether or not a dwelling is present, designed to contain not more than one ~~camping site~~camping location for transient occupancy by 12 or fewer people.

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70. Dwelling Unit:

“Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.” 12

M.R.S. § 682(11). A dwelling unit may consist of a room or group of rooms designed and equipped for use primarily as living quarters, including any minor ~~home-occupations~~home-based business, for one family. Accessory structures intended for human habitation that have plumbing for internal living spaces, such as kitchens or bathrooms, are considered separate dwelling units. Dwelling units do not include buildings or parts of buildings used as a hotel, motel, commercial sporting camp, outpost cabin, or other similar facility. Staff housing in such facilities is not considered to be a dwelling unit, unless specifically regulated as such as part of the permit approval.

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[Revision Note: A definition of “public safety facility structure” is proposed for Chapter 2, consistent with companion revisions proposed for Chapter 10, Section 10.26(G) (on page 11), which proposes to allow such structures to meet an increased maximum building height.]

###. Public Safety Facility Structure:

A building or structure owned, leased, or operated under the authority of a governmental agency relating to public safety, law enforcement, fire prevention, or emergency medical services.

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[Revision Note: A definition of “qualified professional” is proposed for Chapter 2, consistent with changes to Maine’s model flood plain ordinance and proposed concurrently with proposed revisions to 10.25,T (on page 9). These changes increase consistency with FEMA-approved changes to Maine’s model floodplain ordinance for municipalities by allowing qualified professionals to certify wharf, pier, dock, and breakwater designs in flood prone areas.]

##. Qualified Professional:

For purposes of regulating development in flood prone areas, an individual licensed by the state of Maine or qualified in another manner to perform the specified work in accordance with all applicable design and construction standards, and whose experience and training indicate that the work as designed and constructed will not increase risk to public safety from flooding.

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Chapter 10, Land Use Districts and Standards

[Revision note: This edit was missed as part of the [June 17, 2019, rulemaking](#) (SoS# 2019-094).]

10.06 INTERPRETATION OF LAND USE STANDARDS

The following apply to all uses in all subdistricts except as otherwise provided:

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- J. The size of a mineral extraction operation is determined by adding the reclaimed and unreclaimed acreages. While a single mineral extraction operation may be located in multiple subdistricts, mineral extraction operations 30 contiguous acres or greater in size must be located in a ~~D-CID-RD~~ subdistrict.

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[Revision note: The Commission has adopted portions of the municipal variance criteria provided in Title 30-A. Pursuant to [Public Laws 2025 Chapter 648](#), revisions are warranted to remain sufficiently consistent with municipal approaches.]

10.10 VARIANCES

The Commission may grant variances pursuant to 12 M.R.S. § 685-A(10) and adopts this section to interpret and implement the statutory provision.

A. PETITIONS

Any property owner or lessee may petition the Commission for permission to develop the property in a manner otherwise prohibited by the Commission's rules. Variances may be granted only from dimensional requirements, but shall not be granted for the establishment of uses otherwise prohibited by the Commission's rules.

B. GRANTING OF A VARIANCE

The Commission may grant a variance when the Commission finds that the proposed development is in keeping with the general spirit and intent of this chapter, that the public interest is otherwise protected and that strict compliance with the rules and standards adopted by this Commission would cause unusual hardship or extraordinary difficulties because of the following:

1. The access and use needs of a person with a physical disability as defined in 5 M.R.S. § 4553(7-B) who resides in or regularly uses a structure; this provision shall be applicable only under the following circumstances:
 - a. Where necessary for the use of residential structures;
 - b. An alternate proposal approvable under either the provisions of Sub-Chapter III or Section 10.11 would not provide a reasonable accommodation to the disability;
 - c. The variance requested is necessary to afford relief;
 - d. The hardship is not the result of action taken by the petitioner;
 - e. The requirements of Section 10.10,B,4 and 5 are met for variances in special flood hazard areas; and
 - f. The Commission may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property; or
2. Exceptional or unique conditions of topography, access, location, shape, size or other physical features of the site; or

3. Unusual circumstances that were not anticipated by the Commission at the time the rules and standards were adopted.
4. In order to be granted a variance, under either Section 10.10,B,2 or 3 above, a petitioner must demonstrate, by substantial evidence, that:
 - a. The land in question ~~can not~~ cannot yield a reasonable return unless a variance is granted, except as provided in Section 10.10,B,5,e for a functionally dependent use involving a dock, pier, wharf, or structure placed thereon;
 - b. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. The granting of a variance will not alter the essential character of the locality; and
 - d. The hardship is not the result of action taken by the petitioner or a prior owner or lessee.
5. In addition to the provisions of Section 10.10,B above, in flood prone areas, variances:

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 - f. May be issued for new construction and substantial improvement of agricultural structures being used for the conduct of agricultural uses provided that the development:
 - (1) Meets the criteria of Sections 10.10,B,5,a through c; and
 - (2) Meets the criteria of Sections 10.25,T,2,m, and n.
 - g. May be issued for reconstruction or replacement of a dock, pier, wharf, or structure placed thereon if:
 - (1) the dock, pier, wharf, or structure placed thereon suffered substantial damage;
 - (2) the reconstruction or replacement is for the conduct of a functionally dependent use; and
 - (3) the dock, pier, wharf, or structure placed thereon is proposed to be elevated or otherwise protected from flood damage to the extent practicable.

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10.21 DEVELOPMENT SUBDISTRICTS

Pursuant to 12 M.R.S. §685-A and consistent with the Commission's Comprehensive Land Use Plan, the following development subdistricts are established:

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C. GENERAL DEVELOPMENT SUBDISTRICT (D-GN)

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3. Land Uses

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d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-GN subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,~~42~~ and 3, and applicable requirements set forth in Sub-Chapter III:

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[Revision note: Residential uses are not compatible with the Resource-Dependent Development (D-RD) subdistrict, which “is designed to allow for the location of recreation supply facilities, recreation day use facilities, mid-scale and large-scale solar energy facilities; natural resource extraction, or natural resource processing facilities in areas that are distant from other development...” Residential campsites were mistakenly included in the list of uses requiring a permit in the D-RD subdistrict during the [2019 location of development rulemaking](#). (SoS# 2019-094)]

K. RESOURCE-DEPENDENT DEVELOPMENT SUBDISTRICT (D-RD)

...

3. Land Uses

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b. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-RD subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, subject to the applicable requirements set forth in Sub-Chapter III:

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(1) Agricultural activities: Agricultural management activities that are not in conformance with the standards of Section 10.27,A;

(2) Battery energy storage system facilities associated with solar energy generation facilities and not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils;

(3) ~~Campsites, Residential;~~

~~(4)~~ Commercial and industrial:

...

10.25 DEVELOPMENT STANDARDS

This section contains review standards for structures and uses that require issuance of a permit from the Commission, or as otherwise required in Sub-Chapter II. Except as herein provided, development not in conformance with the standards of this section is prohibited.

Nothing in this section precludes the Commission from imposing additional reasonable terms and conditions in its permits as the Commission may deem appropriate to satisfy the criteria for approval and purposes set forth in the Commission's statutes, rules and the Comprehensive Land Use Plan.

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Q. SUBDIVISION AND LOT CREATION

This section governs the division of lots and the creation of subdivisions.

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5. Procedural Requirements.

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c. Conveyance of Lots or Dwelling Units.

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- (1) Partial Certificates of Compliance. The Commission may issue a partial certificate of compliance for a portion of a subdivision development if that portion of the project can stand on its own and all infrastructure systems will be able to function properly without the benefits of the unbuilt portions of the systems, when Section 10.25,Q,5,c,1,(a) and (b) have been met, and:

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[Revision Note: Proposed revisions to 10.25,T clarify the regulation of structures in unmapped flood prone areas and increase consistency with FEMA-approved changes to Maine’s model floodplain ordinance for municipalities allowing qualified professionals to certify wharf, pier, dock, and breakwater designs in flood prone areas. A definition of “qualified professional” is proposed for Chapter 2 (on page 2 herein), consistent with changes to Maine’s model flood plain ordinance.]

T. ACTIVITIES IN FLOOD PRONE AREAS

All development in flood prone areas, including areas of special flood hazard, as identified by P-FP subdistricts or Federal Emergency Management Agency (FEMA) Flood Boundary and Floodway, Flood Hazard Boundary, or Flood Insurance Rate maps, must meet the following applicable requirements and standards:

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2. Development Standards.

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- i. **Nonresidential Structures.** Notwithstanding Section 10.25,T,2,f, new construction or substantial improvement of any nonresidential structure must:
 - (1) Have the lowest floor (including basement) elevated to at least one foot above the base flood elevation and comply with Section 10.25,T,2,f, or
 - (2) Together with attendant utility and sanitary facilities:
 - (a) Be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - (b) Have structural components designed to resist hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (c) Be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 10.25,T. Such certification must include a record of the elevation above mean sea level to which the structure is floodproofed-; or
 - (3) ~~When located within Zone A and in~~In the absence of all data described in Sections 10.25,T,1,b, and c:
 - (a) Have the lowest floor and utilities elevated to at least two feet above the highest adjacent grade to the structure; or
 - (b) Together with attendant utility and sanitary facilities, be floodproofed to at least two feet above the highest adjacent grade to the structure and meet the floodproofing standards of Sections 10.25,T,2,i,(2),(b), and (c).

- (4) When located within Zone VE, meet the requirements for coastal floodplains in Section 10.25,T,2,r.
- j. **Manufactured Homes.** New manufactured homes or substantial improvements of any manufactured home must:
 - (1) Be elevated such that the lowest floor (including basement) and utilities of the manufactured home are:
 - (a) At least one foot above the base flood elevation; or
 - (b) ~~When located within Zone A and in~~In the absence of all data described in Sections 10.25,T,1,b, and c, at least two feet above the highest adjacent grade to the structure.
- ...
- l. **Accessory Structures.** Accessory structures, as defined, and agricultural structures meeting the definition of accessory structure are exempt from the required elevation criteria if all other requirements of Sections 10.25,T and 10.25,T,2,l,(1) through (7) are met. Exempt accessory and agricultural structures must:
 - (1) Be limited in size:
 - (a) Within ~~Zones A and AE~~Zone A, Zone AE, and unmapped flood prone areas, to a one-story building with a floor area of no more than 600 square feet; and
 - (b) Within Zone VE, to a one-story building with a floor area of no more than 100 square feet;
- ...
- n. **Enclosed Areas Below the Lowest Floor.** New construction or substantial improvement of any structure in ~~Zones A and AE~~Zone A, Zone AE, or an unmapped flood prone area that meets the development standards of Section 10.25,T, including the elevation requirements, and is elevated on posts, columns, piers, piles, stilts, or crawl spaces may be enclosed below the ~~base flood~~elevation requirements provided all the following criteria are met or exceeded:
 - (1) In coastal floodplains, a ~~registered professional engineer~~qualified professional must certify the design. If not a registered professional engineer, a person seeking to be considered a qualified professional must identify their qualifications in writing. The qualified professional must certify that the design:
- ...
- q. **Wharves, Piers, Docks, and Breakwaters.** New construction or substantial improvement of wharves, piers, docks, and breakwaters is permitted in and over water and seaward of the mean high tide if the following requirements are met:
 - (1) In coastal floodplains, a ~~registered professional engineer~~qualified professional must certify the design. If not a registered professional engineer, a person seeking to be considered a qualified professional must identify their qualifications in writing. The qualified professional must certify that the design:

[Revision note: clerical correction addressing a citation of Maine statute.]

U. AFFORDABLE HOUSING

The following requirements and standards apply to affordable housing in all subdistricts where dwelling units are allowed.

1. **Dimensional Requirements.** The Commission may reduce dimensional requirements for dwelling units in order to accommodate proposals to provide affordable housing opportunities. The minimum lot size may be reduced to 20,000 square feet per dwelling unit or less than 20,000 square feet per dwelling unit for proposals utilizing subsurface wastewater disposal in accordance with 12 M.R.S. § 4807-B, and to less than 20,000 square feet per dwelling unit for proposals utilizing public sewer systems, and other dimensional requirements may be modified to the minimum extent necessary to accommodate the proposed units where the applicant demonstrates there will be no undue adverse effect on existing uses and resources in the area likely to be affected by the proposal.

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10.26 DIMENSIONAL REQUIREMENTS

The following dimensional requirements apply to all lots on which structural development is proposed unless otherwise provided by Section 10.26,G.

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F. MAXIMUM STRUCTURE HEIGHT

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[Revision note: The proposed edit will be consistent with the application of Section 10.25,T to unmapped flood prone areas, especially the requirement to elevate structures in these areas.]

6. **Structures in Flood Prone Areas.** Notwithstanding the provisions of Sections 10.11,C,1,a; 10.11,C,1,b; 10.26,F,1; and 10.26,F,2, the applicable maximum structure height may be increased for any structure in a P-FP subdistrict or unmapped flood prone area to allow for raising the structure a maximum of either:
 - a. two feet above the nearest adjacent grade; or
 - b. two feet above the base flood elevation as determined by any method given in Sections 10.25,T,1,b, or c.

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[Revision note: The proposed edits below will **correct a citation and** provide flexibility for additional height required for operational necessity, including adequate clearance for public safety apparatus, appropriate overhead door height, and sufficient roof pitch for snow load considerations.]

G. EXCEPTIONS TO DIMENSIONAL REQUIREMENTS

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10. The Commission may reduce the minimum road setback requirement in the following cases:

- a. For subdivisions and commercial, industrial and other non-residential structures and uses, in accordance with Section 10.25,D,3,~~d,(2)~~e,(4), by up to 50 percent or to no less than 20 feet, whichever is larger.

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19. Notwithstanding Section 10.26,F,2, the Commission may increase the maximum height of public safety facility structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater, major flowing water, or coastal wetland to not more than 40 feet, provided that the additional height does not create an undue adverse impact on existing uses, scenic character, or natural and historic resources.

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10.27 ACTIVITY-SPECIFIC STANDARDS

The documents referenced within this section may be obtained from the Commission's office in Augusta or any of its regional offices.

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J. SIGNS

Signs not in conformance with the standards of Section 10.27,J may be allowed upon issuance of a permit from the Commission, provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit must show by a preponderance of the evidence that the proposed sign, which is not in conformance with the standards of Section 10.27,J, will be erected and maintained in a manner which produces no undue adverse impact upon the resources and uses in the area.

1. Signs Not Requiring a Permit.

The following signs do not require a permit from the Commission, provided such signs are in conformance with the requirements of Sections 10.27,J,1 and 2, below. The following limitations may be exceeded only under the provisions of a permit from the Commission:

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APPENDIX C ALPHABETICAL LIST OF LAKES SHOWING WILDLANDS LAKE ASSESSMENT FINDINGS

LEGEND TO APPENDIX C:

Resource Ratings:

FSH	= Fisheries	O	= Outstanding
WLD	= Wildlife*	S	= Significant
SC	= Scenic	P	= Present
SH	= Shore Character	m	= missing information
BOT	= Botanic	+, -	= resource needing further field checking due to public comment
CLT	= Cultural		
PHY	= Physical		(+ = positive comment; - = negative comment)

An “” after the wildlife rating indicates an outstanding wildlife value due to an especially concentrated and diverse wildlife value — one of the criteria for a Management Class 2 Lake.

Resource Class:

- 1A** = lakes of statewide significance with two or more outstanding values
- 1B** = lakes of statewide significance with one outstanding value
- 2** = lakes of regional significance (with no outstanding values but at least one significant resource value)
- 3** = lakes of local or unknown significance (either had no significant or outstanding natural value or information was inadequate to make a determination)

Land Use:

- INAC** = Relatively Inaccessible—has no road passable with a 2-wheel drive car within approximately ¼ mile of the lake shore
- AC** = Relatively Accessible
- UNDEV** = Relatively Undeveloped—has less than one development unit per shore mile, taken as an average over the entire lake (a development unit is defined as a single residence, small sporting camp cluster, or similar development)
- DEV** = Relatively Developed

Management Class:

- 1 = least accessible, undeveloped high value lakes
- 1/6 = meets criteria for Mgnt Class 1, but adequately protected by Mgnt Class 6 zoning (remote ponds)
- 2 = accessible, undeveloped lakes with exceptional values
- 3 = lakes potentially suitable for development
- 4 = high value, developed lakes
- 5 = heavily developed lakes
- 6 = remote ponds
- 7 = all lakes not otherwise classified

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[Revision note: Pursuant to [Resolves 2023 Chapter 35](#), update the name of the following lake, and relocate the item to be in alphabetical order according to lake name.]

ALPHABETICAL LIST OF LAKES SHOWING

WILDLANDS LAKE ASSESSMENT FINDINGS

PRINCIPAL LAKE NAME	LAKE #	TOWN NAME	IF&W REG	SIZE (AC)	RESOURCE RATINGS							RESOURCE CLASS	LAND USE		MGNT CLASS
					FSH	WLD	SC	SH	BOT	CLT	PHY		ACCESS	DEV	
UNNAMED-PLUMMER P	9772	ELM STREAM TWP	E	25								3	INAC	UNDEV	