

Recreational Lodging Initiative

Informational Sheet: Part 3 – Implementation Items Relevant to Facility Owners

Over the past two years the Maine Land Use Planning Commission (Commission) worked with recreational lodging facility owners and other stakeholders to understand changing market demands for recreational lodging services and identify ways in which the Commission's regulatory structure could be improved to match these changes. Based on stakeholder feedback, ideas, and concerns the Commission adopted rule revisions that address a majority of the issues identified.

This document, three of four in a series, briefly summarizes assorted items regarding the implementation of those rule revisions that are of most relevance to facility owners.

Existing commercial sporting camps that currently sell fuel or serve as a restaurant that are located within the General Management (M-GN) Subdistrict

As part of the revisions, the Commission included a provision to ensure that existing Commercial Sporting Camps in the M-GN may continue existing fuel sales and restaurant operations. Specifically,

“Recreational lodging facilities: Level C facilities, and Level D facilities (inside the geographic allowance area), that are commercial sporting camps legally existing as of August 5, 2013 may provide fuel and dining to the public, subject to the fuel dispensing provisions for public fuel sales, provided a permit is issued for such use within 3 years of August 5, 2013” (See Section 10.22,A,3,c,(13),e of Chapter 10 of the Commission's Rules, Land Use Districts and Standards.)

It is important to note, however, that most Commercial Sporting Camps are located within the General Development (D-GN) Subdistrict, a subdistrict that continues to allow commercial uses such as fuel sales and dining for the public. Also, a number of recreational lodging categories incorporate fuel sales and dining for the public. (See the facility levels for more information.) If you have any questions about whether you need to apply for a permit within the three-year time frame, please contact Commission staff.

Legally existing nonconforming uses that remain a nonconforming use

While the revised rules allow more recreational lodging uses, there may be situations where an existing facility continues to be a nonconforming use – for example, existing facilities located in the D-RS Subdistrict.

The underlying purpose of the Commission's rules regarding nonconformities (Section 10.11) is to allow legally existing nonconformities to remain, but to improve conformance over time. An underlying purpose of the recreational lodging rule revisions is to improve conformance of these types of facilities and to provide appropriate opportunity for growth. All recreational lodging facilities now have the benefit of the new districts and standards for recreational lodging. These districts and standards provide an opportunity for owners of legally existing, non-conforming facilities to choose how to be regulated going forward:

- The facility may continue to operate as a legally existing, nonconforming use, but changes to, or expansions of, the facility may be limited; or
- The facility may be rezoned to an appropriate subdistrict in order to establish a legally existing, conforming use status.

Facility owners are encouraged to contact the Commission if they have any questions about their options.

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Legally existing conforming uses that have become nonconforming uses

The Commission worked to ensure that legally existing uses that were previously allowed (conforming uses) would remain as allowed uses under the revised rules. Largely that goal has been met; however, there may be situations where an existing recreational lodging facility that is a conforming use has become a nonconforming use. The Commission will make a good faith effort to identify and notify all such facilities; however, individual facility owners are encouraged to contact the Commission if they have any questions or concerns. Through August 2015, the Commission is committed to initiating rezonings – with no application fee for the owner and only with the owner’s permission and cooperation – for any facility that has become non-conforming due to the rule revision in order to bring the facility into conforming status. As a result, the owner of a facility that became nonconforming under the new rules may:

- o Elect to continue to operate its facility as a legally existing, nonconforming (i.e., grandfathered) use and, with this election, be subject to the limitations on future changes and expansions that apply to grandfathered facilities; or
- o Choose to be rezoned to an appropriate subdistrict in order to re-establish the legally existing conforming use status.

If requested by the property owner by August, 2015, the Commission is committed to undertaking staff-initiated zoning petitions, to appropriately rezone the area of the recreational lodging facility. The facility owner may seek a rezoning after the 2-year transition period, but the normal application fees will apply.

Existing recreational lodging-type development within the General Development (D-GN) Subdistrict that was previously permitted as a “Commercial Use”

Some facilities are permitted as a “commercial use” and would now also qualify as a “recreational lodging facility.” These facility owners have two options:

- o Choose to be regulated as a “recreational lodging facility” and potentially benefit from the provisions of Chapter 10 that relate to recreational lodging facilities (i.e., reconstruction rights for commercial sporting camps, reduced setbacks for structures only housing guests, water-related structures for recreational lodging facilities, etc.); or
- o Choose to continue to be regulated as a “commercial use,” which in some subdistricts provides more flexibility in total square footage limits, but does not have the benefit of the provisions of Chapter 10 that relate specifically to recreational lodging facilities.

For more information:

- www.maine.gov/dacf/lupc/projects/recreational_lodging/recreational_lodging.shtml
- contact the LUPC office that serves your area: **Ashland Office** – (207) 435-7963; **Downeast Office** – (207) 941-4052; **East Millinocket Office** – (207) 746-2244; **Greenville Office** – (207) 695-2466; **Rangeley Office** – (207) 670-7493; **Augusta Office** – (207) 287-2631; or
- contact Tim Beaucage at (207) 287-4894 or timothy.beaucage@maine.gov