

**CITY OF LEWISTON**  
**PLANNING BOARD MEETING**  
Monday, February 13, 2012 – 5:30 P.M.  
City Council Chambers – First Floor  
Lewiston City Building  
27 Pine Street, Lewiston

## **AGENDA**

**I. ROLL CALL**

**II. ADJUSTMENTS TO THE AGENDA**

**III. CORRESPONDENCE**

**IV. PUBLIC HEARINGS**

- a. Consider an application submitted by J & S Oil Company, Inc. for the construction of a gas station, convenience store, and manual and automatic car wash facility at 1075-1103 Lisbon Street.
- b. To provide a recommendation to the City Council on the FY 2013 Lewiston Capital Improvement Program as per Article VII, Section 4(e) of the Zoning and Land Use Code of the City of Lewiston.
- c. To provide a recommendation to the City Council on a proposed amendment to the in-law apartment standards per Article II, Section 2 and XII, Section 11 of the Zoning and Land Use Code of the City of Lewiston. Said proposed amendment specifies a maximum square footage allowed and provides additional performance standards.
- d. To provide a recommendation to the City Council on a proposed amendment pertaining to performance standards for community gardens per Article II, Section 2 and XII, Section 4 of the Zoning and Land Use Code of the City of Lewiston.

**V. OTHER BUSINESS:**

- a. Discussion regarding zoning matrix

**VI. ADJOURNMENT**



# CITY OF LEWISTON



## Department of Planning & Code Enforcement

**TO:** Planning Board  
**FROM:** David Hediger, City Planner  
**DATE:** February 9, 2012  
**RE:** February 13, 2012 Planning Board Agenda Item IV(a)

**Consider an application submitted by J & S Oil Company, Inc. for the construction of a gas station, convenience store, and manual and automatic car wash facility at 1075-1103 Lisbon Street.**

J&S Oil Company has submitted an application for the construction of a gas station, convenience store, and manual and automatic car wash facility at 1075-1103 Lisbon Street. These two parcels combined consist of approximately 3.2 acres located in the Community Business (CB) district in which said uses are permitted. The site currently consists of a vacant single family dwelling and a vacant Wendy's restaurant. Both structures will be demolished for the construction of a 4,320s square foot convenience store with six fuel stations under a canopy. The other building of 8,920 square feet will consist of an automatic carwash with three manual car wash bays and a dog wash.

Staff has been working closely with the applicant's representatives and notes the following with respect to the proposed development:

- Vehicular traffic from the development is projected to generate 48 AM peak hour trips and 143 PM peak hour trips. Since the number of trips exceeds 100, the project is subject to the City's delegated review from DOT for the issuance of a traffic movement permit (TMP). A traffic analysis has been provide by Gorrill Palmer and reviewed to the satisfaction of the City's peer traffic reviewer HNTB. Access to the site will be provided via an unsignalized exit only driveway onto Lisbon Street toward the westerly property line, a full-access driveway onto Lisbon Street at the existing signalized intersection with St. Croix Street and an unsignalized full-access driveway onto Martin Drive. The full access driveway onto Lisbon Street will require the installation of two signal heads to be timed and synchronized with the existing intersection signals. A draft TMP has been included as part of the application. Staff recommends as a condition of approval to be noted on the plan that no certificate of occupancy be issued for this development until written verification has been provided by the applicants traffic engineer that all traffic related improvement have been completed in accordance with the developments TMP.
- The development will result in 73,040 square feet of impervious area; an increase of 43,560 square feet. Given the amount of impervious area, the project is subject to the City's delegated review from DEP for stormwater purposes. The project is also located in the urban impaired watershed of Hart Brook. Staff has provided review comments to which the applicant has responded; see two separate letters dated February 9, 2012 from E.S. Coffin to David Hediger. Staff recommends as a condition of approval to be noted on the plan that no certificate of occupancy be issued for this development until written verification by a

professional engineer is provided to the city that all stormwater improvements have been completed in accordance with the approved plan.

- In addition to the DEP stormwater requirements, this project is disturbing an area greater than one acre located in an urbanized area. Therefore, the project is subject to additional post construction stormwater management standards contained in Article XIII, Section 15 of the Zoning and Land Use Code. Specifically, the applicant is required to provide a performance guarantee with respect to the ongoing maintenance, repair, or replacement of the sites stormwater system. The applicant has added a note to the matter on Sheet C-1 and the POST plan. Staff recommends as a condition of approval to be noted on the plan that no certificates of occupancy be issued for this development until a performance guarantee is provided to the city's satisfaction in accordance with Article XIII, Section 15(e)(3) of the Zoning and Land Use Code.
- The site consists of significant steep grades along the side and rear property lines requiring erosion control matting. Given the expanse of these grades, proximity to abutting developed lots, and natural resources down slope, staff is recommending weekly erosion control inspections and reports be provided to the city during development of the site.
- No wetlands are proposed to be modified as part of this development.
- All space and bulk standards of the CB district are proposed to be met.

No other concerns have been raised by city staff. Therefore, approval is recommended with the following conditions to be noted on the plan:

1. No certificate of occupancy is issued for this development until written verification has been provided by the applicants traffic engineer that all traffic related improvement have been completed in accordance with the developments traffic movement permit.
2. No certificate of occupancy is issued for this development until written verification by a professional engineer is provided to the city that all stormwater improvements have been completed in accordance with the approved plan.
3. No certificates of occupancy be issued for this development until a performance guarantee be provided to the city's satisfaction in accordance with Article XIII, Section 15(e)(3) of the Zoning and Land Use Code.
4. Weekly erosion control inspections and reports must be provided to the city during development of the site

#### **ACTIONS NECESSARY**

1. Make a motion to consider an application submitted by application submitted by J & S Oil Company, Inc. for the construction of a gas station, convenience store, and manual and automatic car wash facility at 1075-1103 Lisbon Street.
2. Obtain input on the application;
3. Make a determination that the application is complete;
4. Make a motion finding that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Sections 4 and 15 of the Zoning and Land Use Code and to grant approval to J & S Oil Company, LLC the construction of a gas station, convenience store, and manual and automatic car wash facility at 1075-1103 Lisbon Street subject to any concerns raised by the Planning Board or staff.

# City of Lewiston

## Planning & Code Enforcement

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**TO:** E.S. Coffin Engineering & Surveying  
David Latulippe  
**FROM:** David Hediger, City Planner  
**DATE:** February 6, 2012  
**RE:** J&S Oil

Planning and Code Enforcement has the following comments at this time upon reviewing the application:

1. Plan C1: what is the height of the retaining wall? Top and bottom wall elevations should be provided. Walls of 6' or higher must be designed by a professional engineer in accordance with International Building Code. This should be noted on the plan.
2. C2: given the grades of the site toward Martin Drive, staff suggests an additional catch basin be consider for the western side of this curb cut to avoid drainage entering the right-of-way.
3. Application must speak to requirements to Article XIII, Section 15 of the Zoning and Land Use Code. Note the performance guarantee section and staff's recommendation of option 1. Requirements of this section should be noted on appropriate plans and within the stormwater report.
4. Landscaping plan references 2" caliper maples for street trees. Contact will be made with City Arborist for additional recommendations on tree species.
5. Prior to a certificate of occupancy being issued, written verification by a professional engineer must be provided to the city that all stormwater water improvements have been completed in accordance with the approved plan.
6. Given the significant grades proposed with this development, staff is recommending weekly erosion control inspections and reports be provided to city staff during construction.
7. Are any types of barriers proposed for the propane filling station? This should be noted on plan.

Additional comments may be provided upon further review from this and other reviewing departments, which will be forward ASAP.

With respect to submittal to the Planning Board, the following should be provided by no later than noon on February 9, 2012:

- Nine copies of the following:
  - The development review application and checklist (please note applicable where appropriate on both the application and checklist).
  - Right, title, and interest.
  - The stormwater narratives.
  - The traffic movement permit narratives.
  - The draft TMP (attached to this email)
  - Cover letter summarizing the project and any of staff comments.
  - 11 x 17 of the plans, including the pre/post watershed plans.

- Three copies of the following:
  - All of the above with full scaled plans along with any necessary revisions to the narratives and reports.
- Application fee of \$1,700



Department of Public Services

David A. Jones, P.E., Director

**DATE:** February 7, 2012  
**TO:** David Hediger, Planning Director  
**FROM:** Janice E. Patterson, P.E., Project Engineer  
**SUBJECT:** J&S OIL

- ◆ Impervious area data on application Project Data Sheet doesn't match sheet C-1
- ◆ Legend on sheets C-1, C-2, C-3 are incomplete
- ◆ Parking stalls can be 9' X 18' instead of 10' X 20'
- ◆ Sheet C-3: Level spreader note doesn't identify which sheet to see for detail
- ◆ Sheet C-4: Site Insp & Maint note 1 should read that the owner must submit weekly inspection reports relative to stormwater and erosion control.
- ◆ Sheet C-4: Site Insp & Maint note 3 should not include the town as an option for long term maintenance
- ◆ Sheet C-3: no outlet protection is shown for the existing 30" RCP drain pipe
- ◆ Sheet C-2: grading at the entrance onto Martin Drive allows for sheet flow across the driveway, this could cause ice conditions
- ◆ Sheet C-5 shows a stone drip edge detail. Where is this on the plans?
- ◆ Sheet C-6: catch basin maintenance note references "employee of Augusta Fuel Company". Should this be J&S Oil?
- ◆ Sheet C-6: catch basin maintenance note states basin should be inspected "in the event of rainwater entering the basin". Not clear what that means?
- ◆ Sheet C-6: catch basin maintenance note states "...examine the liquid to determine if it is safe to release". Does the structure have a valve? How is the liquid held from releasing?
- ◆ Sheet C-6: catch basin detail references a "catch basin schedule". Where is this?
- ◆ Sheet C-2: 15" storm drain from CB #5 to CB#4 is 70 LF not 84 LF
- ◆ Stormwater calculations: unclear how sub-area 4S in the Pre condition and sub-area #11 in the Post condition are tributary to study point 1. this location appears to drain in the opposite direction from study point 1.



**PLANNING BOARD MEETING**

***CITY OF LEWISTON***

**J & S Oil Company  
1175-1103 Lisbon Street**

The Lewiston Planning Board will hold a hearing on Monday, February 13, 2012 at 5:30 p.m. in the City Council Chambers, First Floor of the City Building to consider an application submitted by J & S Oil Company, Inc. for the construction of a gas station, convenience store, and manual and automatic car wash facility at 1075-1103 Lisbon Street.

Maps and data are available in Planning & Code Enforcement on the Third Floor at the City Building between 8:00 a.m. and 4:30 p.m., Monday through Friday. Written comments may be submitted to David Hediger, City Planner, in the Planning & Code Enforcement Department on or before the hearing date, and oral comments will be accepted at the hearing.

The City of Lewiston is an EOE. For more information, please visit our website @ [www.lewistonmaine.gov](http://www.lewistonmaine.gov) and click on the Non-Discrimination Policy.



# CITY OF LEWISTON

## Department of Planning & Code Enforcement



**TO: Planning Board**  
**FROM: David Hediger, City Planner**  
**DATE: February 8, 2012**  
**RE: February 13, 2012 Planning Board Agenda Item VI(b)**

### **Recommendation to City Council regarding the Lewiston Capital Improvement Program for fiscal year 2013.**

As the Board is aware, the Charter and the Zoning and Land Use Code require the Board to review and provide a recommendation on Lewiston's Capital Improvement Plan. Specifically, Section 6.05. of the City Charter states the following:

- (a) Submission to council. The administrator shall each year prepare and submit to the council a five-year capital program, including the capital program proposed for the school department, at least five and one-half (5 1/2) months prior to the end of the current fiscal year. The administrator shall concurrently refer the capital program to the planning board for its review.
- (c) Planning board review. The planning board shall review the proposed capital program each year, and following public hearing thereon, shall forward its recommendations to the city council at least four and one-half (4 1/2) months prior to the end of the current fiscal year.

Article VII, Section 4(e) of the Zoning and Land Use Code states:

The board shall review the annual capital program and report to the city council in accordance with Section 6.05 of the City Charter its findings regarding the needs of the city for the improvement, replacement and alteration of existing facilities and the acquisition or construction of additional facilities and the order in which such projects should be undertaken. The board shall hold at least one public hearing prior to making its recommendations to the city council.

At this time, the Board is being asked to provide a favorable recommendation for adoption of the FY 2013 Lewiston Capital Improvement Program.

### **ACTIONS NECESSARY:**

1. Make a motion to consider the FY 2013 Lewiston Capital Improvement Program.
2. Obtain input on the proposed amendment.
3. Make a motion pursuant to Article VII, Section 4(e) of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration the adoption of the FY 2013 Lewiston Capital Improvement Program, subject to any concerns raised by the Planning Board or staff.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement



**TO: Planning Board**  
**FROM: David Hediger, City Planner**  
**DATE: February 8, 2012**  
**RE: February 13, 2012 Planning Board Agenda Item IV(c)**

**Provide a recommendation to the City Council on a proposed amendment to the in-law apartment standards per Article II, Section 2 and XII, Section 11 of the Zoning and Land Use Code of the City of Lewiston.**

Article II, Section 2 of the Zoning and Land Use Code defines an in-law apartment as a "small accessory apartment contained within a single-family dwelling which meets the standards of section 11 of Article XII". Many years ago there was a restriction that in-law apartments could not exceed 750 square feet; as a result staff received many complaints that the allowed living area was too small, and the square footage limitation was eliminated. With no square footage limitation, staff has historically permitted the creation of in-law apartments as long as the unit was of less square footage than the principle single family dwelling; thereby, being smaller unit. However, as currently used in the definition of in-law apartment, the term "small" is relative to that of the square footage of the single family dwelling. For example, a 2,500 square foot single family dwelling may have a small accessory in-law apartment of an additional 2,000 square feet attached to that dwelling.

Therefore, in view of the fact that the in-law provisions are not instructive with respect to size, the amendment specifies a maximum square footage allowed. The amendment provides additional performance standards in effort to maintain the appearance and character of Lewiston's single family neighborhoods while providing additional clarification so that the application of the Code will be clear to both staff and the citizens of Lewiston. The proposed language also requires evidence of documentation be recorded in the Androscoggin Registry of Deeds which makes reference to the in-law apartment's compliance with the performance standards of Appendix A, Article XII, Section 11 of the Zoning and Land Use Code which must be provided to the City prior to issuance of an occupancy permit for said in-law apartment.

#### **ACTIONS NECESSARY**

1. Make a motion to consider a proposed amendment to Article II, Section 2 and Article XII, Section 11 of the Zoning and Land Use Code;
2. Obtain input on the proposed amendment;
3. Make a motion pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration a proposal to amend the in-law apartment standards found in Article II, Definitions, Section 2, and Article XII, Performance Standards, Section 11 of the Zoning and Land Use Code of the City of Lewiston.

## AN ORDINANCE PERTAINING TO IN-LAW APARTMENTS

### THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

#### APPENDIX A

#### ZONING AND LAND USE CODE

#### Article II. DEFINITIONS

##### Sec. 2 Definitions.

*In-law apartment* means an ~~small~~-accessory apartment contained within or attached to a single-family dwelling which meets the standards of section 11 of Article XII.

#### Article II. Performance Standards

##### Sec. 11 In-law apartment standards

An in-law apartment meeting the following standards shall be considered to be part of a single-family detached dwelling and shall be considered to be a dwelling unit in terms of the space and bulk standards of Article XI. In-law apartments shall be permitted only in those districts where they are allowed uses. Apartments not meeting these requirements shall be considered to be separate dwelling units and shall meet the use and space and bulk requirements of Article XI:

- (1) The in-law shall be accessory to the use of the premises as a single-family detached dwelling, and only one (1) in-law apartment shall be created as part of a single-family dwelling;
- (2) The in-law apartment shall be created within or attached to a single-family detached dwelling;
- (3) The person(s) occupying the in-law apartment must be a first, second, or third degree relative relation (parent, child, stepchild, sibling, aunt, uncle, niece, nephew, or grandparent) of the principal occupant(s) of the single-family dwelling by blood or by marriage, and the burden of proof of this relationship shall be on the homeowner;
- (4) The creation of the in-law apartment unit shall not alter the single-family character of the property. The following standards shall be met in creating the unit:

- a. The in-law apartment must share a joint entrance with the single-family home and the in-law apartment shall not have a separate front entrance from the outside. A joint entrance shall consist of an enclosed structure with access to the in-law apartment and the single-family dwelling. Any second-story side entrance must be contained within the building envelope; and
  - b. Provisions for one (1) additional parking space shall be made in conformance with Article XII, Section 17. However, no additional curb cuts or driveways may be created to facilitate the creation of the in-law apartment, and any new or expanded driveway entrance curb cut on the property must not exceed ~~eighteen (18)~~ twenty-four (24) feet in width.
  - c. The habitable area of the in-law apartment shall not exceed 900 square feet and shall not contain more than two (2) bedrooms.
- (5) One (1) of the units must be owner-occupied.
  - (6) All applicable fire safety and egress laws must be observed in the creation of the in-law apartment.
  - (7) There shall not be separately metered electric or water service for the in-law apartment.
  - (8) In-law apartments on properties with private sewer shall comply with the State of Maine Subsurface Wastewater Disposal Rules for new or expanded systems, as applicable.
  - (9) Evidence of documentation recorded in the Androscoggin Registry of Deeds identifying that the in-law apartment and the use of the in-law apartment must conform to the performance standards of Appendix A, Article XII, Section 11 of the Zoning and Land Use Code. Said evidence must be provided to the City prior to issuance of an occupancy permit for said in-law apartment.

### REASON FOR PROPOSED AMENDMENT

Article II, Section 2 of the Zoning and Land Use Code defines an in-law apartment as a “small accessory apartment contained within a single-family dwelling which meets the standards of section 11 of Article XII”. Many years ago there was a restriction that in-law apartments could not exceed 750 square feet; as a result staff received many complaints that the allowed living area was too small, and the square footage limitation was eliminated. With no square footage limitation, staff has historically permitted the creation of in-law apartments as long as the unit was of less square footage than the principle single family dwelling; thereby, being smaller unit. However, as currently used in the definition of in-law apartment, the term “small” is relative to that of the square footage of the single family dwelling. For example, a 2,500 square foot single

family dwelling may have a small accessory in-law apartment of an additional 2,000 square feet attached to that dwelling.

Therefore, in view of the fact that the in-law provisions are not instructive with respect to size, the amendment specifies a maximum square footage allowed. The amendment also provides additional performance standards in effort to maintain the appearance and character of Lewiston's single family neighborhoods while providing additional clarification so that the application of the Code will be clear to both staff and the citizens of Lewiston.

### **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

The proposal is in conformance with the Comprehensive Plan, because it:

1. Encourage and promote safe, affordable, decent housing opportunities for all
2. Lewiston citizens (Housing, Goal #1, p. 69).
3. Continue to allow a wide variety of housing types in all appropriate zones within the City (Policy 1, Strategy H, p. 70).
4. Review permitting and licensing policies and practices to see where they can be streamlined in order to better service the development community (Economy, Policy 1, Strategy C, p 38).
5. Promotes the orderly growth and development of the appropriate areas of the City while making efficient use of public services (Land Use, Goals, #1, p. 122).



# CITY OF LEWISTON

## Department of Planning & Code Enforcement



**TO: Planning Board**  
**FROM: David Hediger, City Planner**  
**DATE: February 9, 2012**  
**RE: February 13, 2012 Planning Board Agenda Item IV(d)**

**Provide a recommendation to the City Council on a proposed amendment pertaining to performance standards for community gardens per Article II, Section 2, Article XI, and XII, Section 4 of the Zoning and Land Use Code of the City of Lewiston.**

As the Board will recall, Article II, Section 2 of the Zoning and Land Use Code defines Community gardens as the non-commercial use of a lot or a portion thereof for the purpose of growing vegetables, flowers, landscaping and/or other cultivated plants which are intended for consumption and/or use primarily by the surrounding neighborhood. Said use of land is limited to four zoning districts: Riverfront (RF), Mill (M), Downtown Residential (DR), and Centreville (CV). Staff has been approached by property owners in the downtown and other parts of the city to establish community gardens.

The proposed amendment allows a community garden to be located in any zoning district with the exception of the Resource Conservation district. Community gardens are means of promoting healthy communities which may provide food and create recreational and therapeutic opportunities for a community. In the downtown portion of Lewiston, community gardens may become part of the open space network on vacant land and lots within neighborhoods and strengthen community bonds. The gardens and those who participate in community gardening contribute to the preservation of open space and can return under used or vacant lots into a productive and sustainable use of land. They can also promote environmental awareness and provide community education. While allowing community gardens throughout the City, there is a need to regulate such land uses to protect neighborhoods, prevent nuisances, protect property values, protect the environment, and ensure the health and safety of the City.

### **ACTIONS NECESSARY**

1. Make a motion to consider a proposed amendment to Article II, Section 2, Article XI, and Article XII, Section 4 of the Zoning and Land Use Code of the City of Lewiston;
2. Obtain input on the proposed amendment;
3. Make a motion pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration a proposal to amend Article II, Definitions, Section 2; Article XI, District Regulations, Sections 5, 9, 13, 17; and Article XII, Performance Standards, Section 4 of the Zoning and Land Use Code of the City of Lewiston to allow community gardens to be located in any zoning

district with the exception of the Resource Conservation district and to establish performance standards regulating said use.

**AN ORDINANCE PERTAINING TO COMMUNITY GARDENS**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**APPENDIX A**

**ZONING AND LAND USE CODE**

**Article II. Definitions.**

**Sec. 2. Definitions**

*Community gardens* means the ~~non-commercial~~ use of a lot(s) or a portion thereof for the purpose of growing vegetables, flowers, ~~landscaping~~ and/or other cultivated plants which are intended for consumption and/or use primarily by the surrounding neighborhood as regulated under Article XII, Section 4.

**Article XI. District Regulations**

**Sec. 5. Riverfront (RF).**

(c) *Permitted uses.*

(32) ~~Community gardens~~ Reserved;

**Sec. 9. Downtown residential district (DR).**

(c) *Permitted uses.*

(33) ~~Community gardens~~ Reserved;

**Sec. 13. Centreville district (CV).**

(c) *Permitted uses.*

(38) ~~Community gardens~~ Reserved;

**Sec. 17. Mill district (M).**

(c) *Permitted uses.*

(38) ~~Community gardens~~ Reserved;

**Article XII. Performance Standards**

**Sec. 4. Reserved. Community garden standards.**

The following standards shall apply to the establishment or creation of any community garden in City of Lewiston:

1. A community garden may be located in any zoning district with the exception of the Resource Conservation district.
2. Unless located in the Rural Agricultural district, a community garden may be no larger than 10,000 square feet.
3. Unless permitted by the underlying zoning district on-site sale of community garden products shall be prohibited.
4. The site shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining on to streets or adjacent properties.
5. Accessory structures including buildings or signs shall comply with requirements of the underlying zoning district.
6. Cultivated areas shall be prevented from encroaching onto adjacent properties.
7. The property shall be maintained free of high grass, weeds, and debris. Dead garden plants shall be removed by no later than November 30<sup>th</sup> of each year. This is not intended to prohibit composting.
8. Use of mechanical equipment shall be limited to that customarily identified as household lawn and garden equipment. Use of said equipment shall be restricted to the hours 7:00 a.m. to 7:00 p.m.
9. The community garden shall be subject to applicable odor provisions contained in Article XII, Section 19(4).
10. It shall be the responsibility of the property owner that uses a lot or a portion thereof as a community garden meets the above referenced performance standards. If leased or used by other individuals or organizations, it shall be the responsibility of the property owner to ensure the above referenced performance standards are met.

### **Reasons for proposed amendment**

Article II, Section 2 of the Zoning and Land Use Code defines *Community gardens* as the non-commercial use of a lot or a portion thereof for the purpose of growing vegetables, flowers, landscaping and/or other cultivated plants which are intended for consumption and/or use primarily by the surrounding neighborhood. Said use of land is limited to four zoning districts: Riverfront (RF), Mill (M), Downtown Residential (DR), and Centreville (CV). Staff has been approached by property owners in the downtown and other parts of the city to establish community gardens.

The proposed amendment allows a community garden to be located in any zoning district with the exception of the Resource Conservation district. Community gardens are means of promoting healthy communities which may provide food and create recreational and therapeutic opportunities for a community. In the downtown portion of Lewiston, community gardens may become part of the open space network on vacant land and lots within neighborhoods and strengthen community bonds. The gardens and those who participate in community gardening contribute to the preservation of open space and can return under used or vacant lots into a productive and sustainable use of land. They can also promote environmental awareness and provide community education. While allowing community gardens throughout the City, there is a need to regulate such land uses to protect neighborhoods, prevent nuisances, protect property values, protect the environment, and ensure the health and safety of the City.

### **Conformance with Comprehensive Plan**

1. Enhance the aesthetic quality of the Downtown area (Downtown, Goal #5, p. 22).
2. Evaluate both the short term and long term recreational and/or open space potential of all tax acquired properties that the city has at its disposal . . . (Recreation and Open Space, Policy 1, Strategy B7, p 96).
3. Evaluate tax-acquired properties for their potential as preserved open space for recreational or environmental preservation purposes (Recreation and Open Space, Policy 10 Strategy a3, p.111).
4. Implement non-athletic field components of Franklin Pasture Master Plan. Continue to work on trail system and other outdoor areas for nature interpretation, assembly and public gardens (Land Use Issues, #17, p. 124).
5. Explore amending the Zoning and Land Use Codes to provide more incentives for preservation of open space in new development (Long Range Planning, Policy 3, Strategy B, p. 133).