

CITY OF LEWISTON
PLANNING BOARD MEETING
Monday, October 22, 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) Request for an extension of approval of the conditional use permit for Apple Valley Estates Subdivision.
- b) An application by A.R.C.C. Land Surveyors Inc. on behalf of the Masjidul Salaam Mosque to establish a religious facility and accessory parking at 240 Bartlett Street.
- c) Proposed amendment to the Zoning and Land Use Code to repeal Article XIII. Development Review Standards, Section 14, Additional standards for large-scale retail development.
- d) Proposed amendment to the Zoning and Land Use Code, Article II. Definitions, Section 2 Definitions and Article XI. District Regulations, Sections 1 through 21. Said amendment will result zoning district regulations being placed in table format, clarification of permitted uses, and clarification and modifications to space and bulk standards applicable to district regulations.
- e) Proposed amendment to the Zoning and Land Use Code, Article XI. District Regulations, Section 22 to create a Parks and Recreation District to govern land uses for those properties managed or owned by the City of Lewiston for park and recreation purposes.

V. OTHER BUSINESS:

- a) Request by City Council that the Planning Board consider establishing a Business Transition Zone and recommend areas where such a zone might be appropriate.
- b) Planning Board representative to CDBG committee
- c) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

VI. READING OF THE MINUTES: Motion to adopt the draft minutes from the September 24, 2012 meeting.

VII. ADJOURNMENT



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: October 18, 2012
RE: October 22, 2012 Planning Board Agenda Item IV(a)

Request for an extension of approval of the conditional use permit for Apple Valley Estates Subdivision.

On November 26, 2007 the Planning Board granted approval for development of a planned community with 48 single-family detached buildings and a recreation building located at 317 Pinewoods Road. The Board found the development to be substantially similar to a compatible with permitted and conditional uses in the Rural Agricultural district. Approval consisted of several conditions, which have been met. At this time, the roads have been accepted by the City within the first phase of the development. The Planning Board has granted the developer a number of extensions, the last being in October 2011 for an extension of development review approval pursuant to Article XII, Section 11 of the Zoning and Land Use Code, in that if the entire development is not completed by November 26, 2017 said approval shall expire and the applicant must reapply for a new approval.

The Board also granted a one year extension of the conditional use permit with an expiration of November 26, 2012 pursuant to Article X, Section 5 of the Zoning and Land Use Code. Because the Board found the development to be substantially similar to and compatible with permitted and conditional uses in the Rural Agricultural district, the subdivision was approved with a conditional use permit, pursuant to Article V, Section 3(g). The Board granted a conditional use permit to be valid for a period of two years to be consistent with the development review expiration of two years. Typically, development review approval granted by the Planning Board provides the applicant two years to start the development and five years to complete. However, since this development was approved as a conditional use, Article X, Section 5 states that one (1) or more extensions of said time, each not to exceed one (1) year, may be granted by the Planning Board if the facts which supported the granting of the conditional use permit have not materially changed. Therefore, the requested extension is limited to one year until construction is completed.

No changes are being proposed from the plan last approved by the Board. Therefore, staff recommends the granting of a one year extension of the conditional use permit with an expiration of November 26, 2013. The projects development review approval will remain effective until November 26, 2017 at which time the applicant must reapply for new development review approval.

ACTIONS NECESSARY

1. Make a motion to consider a request by Gard Crow on behalf of Apple Valley Estates, LLC for an extension of approval for Apple Valley Subdivision.
2. Obtain input on the request.
3. Make a motion to grant one year extension of the conditional use permit with an expiration of November 26, 2013 pursuant to Article X, Section 5 of the Zoning and Land Use Code to Gard Crow on behalf of Apple Valley Estates, LLC, for Apple Valley Subdivision, a planned community with 48 single-family detached buildings and a recreation building located at 317 Pinewoods Road.



Apple Valley

GOLF COURSE, INC

316 Pinewoods Road
Lewiston, ME 04240
207-784-9773

October 9, 2012

Ms. Lucy Bisson, Chairman
Lewiston Planning Board
City of Lewiston
27 Pine Street
Lewiston, Maine 04240

RE: Request for extension of Approval

Dear Lucy,

As a local developer and businessman I continue to wait for the economy to strengthen. Some will have you believe they are seeing signs of improvement, if so; it has not been enough where it has helped my development. So, I again submit this letter as required and ask that the Planning Board grant us another extension of Approval.

For the benefit of those that may be unfamiliar with my development I offer the following history and time line. The Apple Valley Estates subdivision was approved on November 26, 2007. Work began immediately after receiving our approval. The roads in phase one, approximately 500 feet of Vista Bella Drive and all of Macintosh Lane were built to city specifications and accepted by and transferred to the City of Lewiston in late November of 2008. To date we have built two homes, the home on Lot 1 serves as our Model home and the other home on Lot 7 was sold and is occupied. We have also built a 4,480 sq/ft community/Recreation Center, two tennis courts and several nature trails.

If you have any questions or should you require any additional information please don't hesitate to contact me.

Sincerely,

Gard Crow
Manager, Apple Valley Estates

Cc David Hediger, City Planner

CITY OF LEWISTON CONDITIONS OF APPROVAL

1) THE RECORDING OF THIS PLAN SHALL BE LOCATED WITHIN THE 30' BUFFER ZONE OF THE CITY BOUNDARY.

2) THE CITY WILL BE RESPONSIBLE FOR THE COSTS OF THE RECORDING OF THIS PLAN AND THE COSTS OF THE CITY ENGINEER'S REVIEW OF THE PLAN.

3) THE CITY ENGINEER'S REVIEW OF THE PLAN SHALL BE LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND SHALL NOT BE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED IN THE PLAN.

4) THE DEVELOPER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THE PLAN AND SHALL BE RESPONSIBLE FOR THE COSTS OF THE RECORDING OF THIS PLAN.

5) THE CITY ENGINEER'S REVIEW OF THE PLAN SHALL BE LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND SHALL NOT BE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED IN THE PLAN.

APPROVAL

APPROVED BY THE CITY OF LEWISTON PLANNING BOARD

Steph J. Moore 11-5-10

11.5.10

RECORDING DATA

RECORDING COUNTY: LEWISTON

RECORDING DISTRICT: 23

RECORDING BOOK: 31

RECORDING PAGE: 5

RECORDING DATE: 11-5-10

MAINE DEP. CONDITIONS OF APPROVAL

1) THE DEVELOPER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THE PLAN AND SHALL BE RESPONSIBLE FOR THE COSTS OF THE RECORDING OF THIS PLAN.

2) THE CITY ENGINEER'S REVIEW OF THE PLAN SHALL BE LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND SHALL NOT BE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED IN THE PLAN.

NOTES

1) THIS DEVELOPMENT IS SUBJECT TO THE CITY OF LEWISTON'S ZONING ORDINANCE AND THE CITY ENGINEER'S REVIEW OF THE PLAN.

2) THE DEVELOPER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THE PLAN AND SHALL BE RESPONSIBLE FOR THE COSTS OF THE RECORDING OF THIS PLAN.

3) THE CITY ENGINEER'S REVIEW OF THE PLAN SHALL BE LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND SHALL NOT BE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED IN THE PLAN.

LEGEND

BOUNDARY: DASHED LINE

LOT: SOLID LINE

STREET: SOLID LINE WITH CENTER LINE

WATER: Wavy Line

RAILROAD: DASHED LINE WITH CROSS-TICKS

UTILITY: DASHED LINE WITH CROSS-TICKS

PROPOSED: DASHED LINE WITH DOTS

EXISTING: SOLID LINE

INDEX OF DRAWINGS

1. MASTER PLAN

2. BOUNDARY PLAN

3. SITE PLAN

SHEET INDEX

SHEET 1 OF 5

LOCATION MAP

SCALE: 1" = 100'

SEBAGO TECHNICS

1000 BROADWAY, SUITE 200, LEWISTON, ME 04240

TEL: (603) 753-1111 FAX: (603) 753-1112

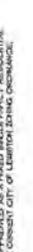
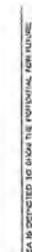
WWW.SEBAGO-TECHNICS.COM

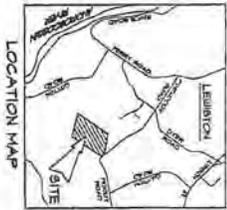
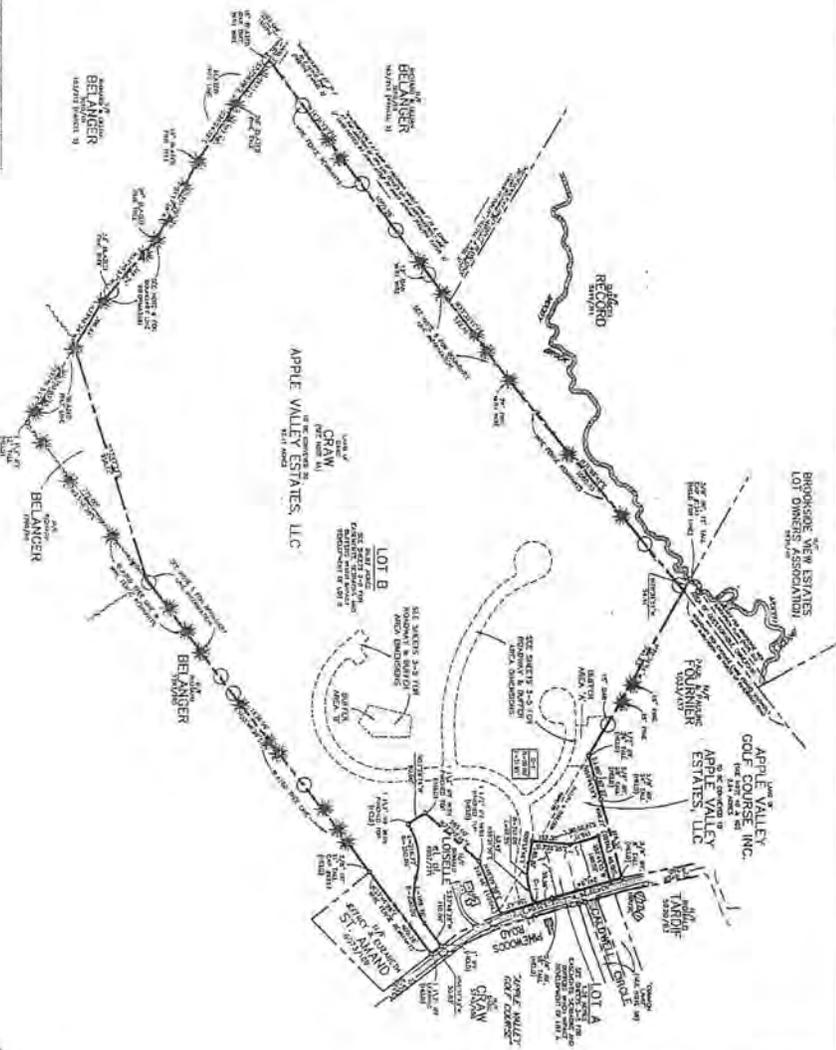
APPLE VALLEY ESTATES, LLC

1000 BROADWAY, SUITE 200, LEWISTON, ME 04240

TEL: (603) 753-1111 FAX: (603) 753-1112

WWW.APPLE-VALLEY-ESTATES.COM





NOTES

1) ALL DIMENSIONS SHOWN TO CORNER POINTS AS CONTROLLED BY THE RECORDING INSTRUMENTS OF RECORD.

2) ALL DIMENSIONS SHOWN TO CORNER POINTS AS CONTROLLED BY THE RECORDING INSTRUMENTS OF RECORD.

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NOTES (CONTINUED)

11) ALL DIMENSIONS SHOWN TO CORNER POINTS AS CONTROLLED BY THE RECORDING INSTRUMENTS OF RECORD.

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20) ALL DIMENSIONS SHOWN TO CORNER POINTS AS CONTROLLED BY THE RECORDING INSTRUMENTS OF RECORD.

RECORDING DATA

APPROPRIATE COUNTY REGISTRAR OF DEEDS
 RECORDER APPLE VALLEY, ARIZONA
 RECORDING INSTRUMENT NO. 17-1-011-1
 APPROX. 17-1-011-1

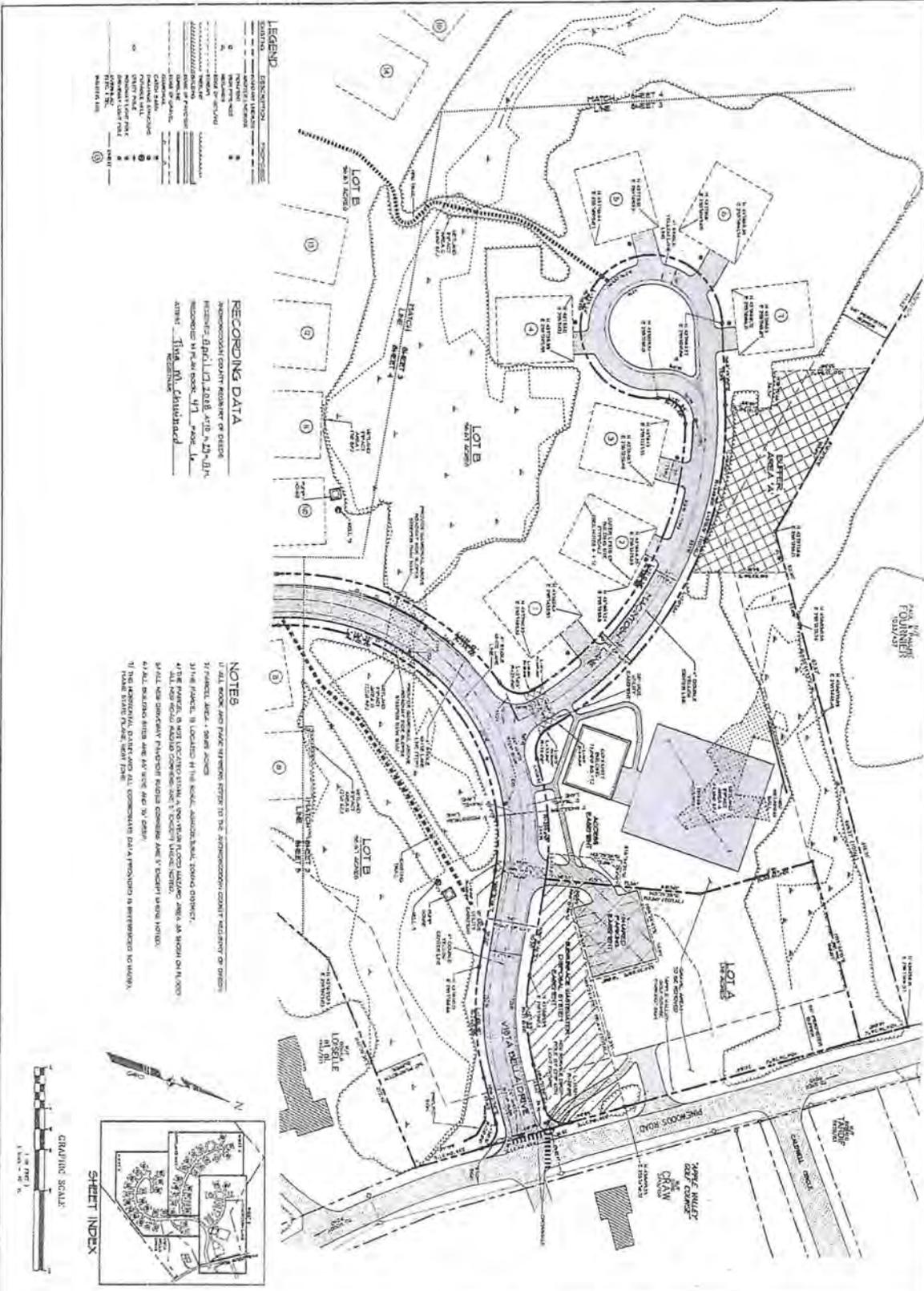


BOUNDARY SURVEY
 APPLE VALLEY ESTATES
 APPLE VALLEY ESTATES, LLC
 BELANGER ROAD
 LEWISTON, ARIZONA

Sebago Technics
 Engineering Expense You Can Build On
 200 Canyon Blvd., Ashland, MA 01810
 TEL: (413) 885-4444 FAX: (413) 885-4445

| NO. | DATE | BY | STATUS |
|-----|--------|----|--------------|
| 1 | 1-1-01 | JK | PLANNING |
| 2 | 1-1-01 | JK | DESIGN |
| 3 | 1-1-01 | JK | CONSTRUCTION |
| 4 | 1-1-01 | JK | FINAL |

Kevin Johnson
 NOT FIELD RECORDED
 RECORDED HERE



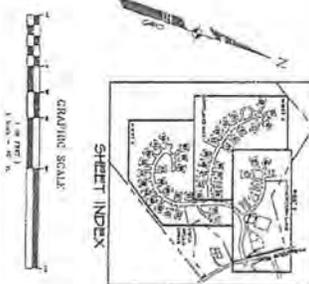
LEGEND

| SYMBOL | DESCRIPTION |
|----------|-----------------------------|
| (Symbol) | Proposed Utility Location |
| (Symbol) | Proposed Street |
| (Symbol) | Proposed Lot |
| (Symbol) | Proposed Building Footprint |
| (Symbol) | Proposed Driveway |
| (Symbol) | Proposed Parking Space |
| (Symbol) | Proposed Fencing |
| (Symbol) | Proposed Landscaping |
| (Symbol) | Proposed Water Line |
| (Symbol) | Proposed Sewer Line |

RECORDING DATA

APPROVED COUNTY RESOLUTION OR ORDER
 RESOLUTION APPROVED 12/18/18 BY THE BOARD OF SUPERVISORS
 APPROVED BY PLANNING COMMISSION 1/11/19
 APPROVED BY THE BOARD OF SUPERVISORS 1/11/19

- NOTES**
1. ALL NOTES AND FIELD NOTES REFER TO THE SUPERVISOR'S COUNTY RESOLUTION OR ORDER.
 2. PAVED AREA - SHALL BE PAVED.
 3. THE PARKING IS LOCATED IN THE SCALE, SHOWN SCALE, SHOWN CORNER.
 4. THE PARKING IS TO BE CONCRETE, A TWO-TONE FLOOR FINISH, AND SHALL BE 10' WIDE ON 10'000.
 5. ALL NEW SIDEWALKS SHALL BE 4' WIDE AND 4' HIGH.
 6. ALL EXISTING SIDEWALKS SHALL BE 4' WIDE AND 4' HIGH.
 7. THE APPROXIMATE QUANTITIES OF MATERIALS AND LABOR SHALL BE DETERMINED BY THE CONTRACTOR.



SITE PLAN
 OF
APPLE VALLEY ESTATES
 LIBERTON ROAD
 APPLE VALLEY ESTATES, LLC
 100 PINEBROOK ROAD
 LIBERTON, OHIO 44130

Sebago Technica
 Engineering Experts You Can Trust
 800 Center Drive - Auburn, Maine 04215
 TEL (207) 775-5116 - FAX (207) 773-2131

PROJECT NO. FIELD BOOK: 0249081 D-102 CORPLAN

DATE: 10/18/18

| | | |
|----|----------|----------------------------|
| BY | DATE | DESCRIPTION |
| JK | 10/18/18 | NEW RECORDING |
| JK | 10/18/18 | REVISED PER 10/18/18 |
| JK | 10/18/18 | ADDRESS CITY AND ZIP CODES |
| JK | 10/18/18 | CITY SUBSTITUTED |

THIS PLAN SHALL NOT BE PREPARED AT THE OPTION OF THE CLIENT WITHOUT THE SIGNATURE OF THE ENGINEER. THE ENGINEER'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT ONLY.

Kevin J. Jansen
 PROJECT ENGINEER



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: October 18, 2012
RE: October 22, 2012 Planning Board Agenda Item IV(b)

An application by A.R.C.C. Land Surveyors Inc. on behalf of the Masjidul Salaam Mosque to establish a religious facility and accessory parking at 240 Bartlett Street.

ARCC Land Surveyors Inc. on behalf of the Masjidul Salaam Mosque has submitted an application to establish a religious facility and accessory parking at 240 Bartlett Street. This property of approximately 40,000 square feet consists of a 4,280 square foot structure that is currently vacant. The last use of this property was for office space, accessory storage and warehousing, and used car sales. The property is located in the Highway Business (HB) district in which religious facilities are a permitted use. This project is being considered for development review pursuant to Article XIII, Section 2(a)(8), Section 3(a)(1)(c) and Section 4 of the Zoning and Land Use Code

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

- This lot was seen as desirable by the mosque as it provides both a structure and lot area that allows for future growth. However, given financial constraints the mosque is proposing a limited occupancy of the structure. Working with Planning and Code Enforcement and Lewiston Fire Prevention, it has been determined that occupancy of the structure shall be limited to 94 persons. In doing so, the city has made it clear that portions of the building may not be used for any purposes. Notes 10, 11, and 12 on the site plan state the following:
 - Maximum occupancy is limited to 94 people.
 - No church, social functions and any other use of the north western portion of the building or basement shall not be allowed. The basement use is limited to the structures mechanical and utilities infrastructure. Any proposed future use of the northwestern portion of the structure or basement will require development review approval.
 - A non-pass through separation wall, in the middle section of the building must be constructed to prohibit through access to the northwestern portion of the structure.
- Given the occupancy limitation of 94 persons, staff has required the applicant to provide a minimum of 24 parking spaces. Article XII, Section 16 of the Zoning and Land Use Code requires community centers, libraries, museums, civic clubs, theatres, places of indoor assembly, amusement or culture, religious facilities, and similar uses to provide one space per four seats where fixed seating is provided plus one space per 200 square feet of area otherwise available for assembly. Recognizing fixed seating is not provided in a mosque, staff is of the opinion that for every four persons one parking space must be

provided. The National Fire Protection Association's *Life Safety Code* references 15 square feet per person for assembly occupancies that do not have fixed seating. Based upon measurements taken by Lewiston Fire Prevention, the square footage of area to be used shall be limited to 94 persons. Assuming one space per four seats – or in the case, one space per four persons - 24 spaces are required for this site to be used as proposed. The applicant has provided 25 spaces.

- It should be noted that in several sections of the application, reference is made to a 44 space parking lot. This was in part due to an earlier submission where additional parking and occupancy was being considered. Regardless, the applicant's cover letter and site plan clearly reflect 25 spaces being proposed.
- Much of the area proposed to be used for parking is existing impervious areas. As noted on the plan, existing gravel areas are proposed to be paved and a new paved area is proposed in the rear of the property. The applicant is also proposing to remove pavement and gravel in select areas to be replaced with loam and seed. In doing so, the site will be adding 751 square feet of new impervious area. Public Works has stated that given existing conditions of the site and the minimal amount of new impervious area, an engineered stormwater plan is not needed for the minor improvements shown.
- The site currently has three curb cuts. In effort to improve access management, one of the curb cuts will be closed. Directional signage, arrows, and striping are proposed to assist with on-site circulation.
- With an existing curb cut opening to be closed, Lewiston Fire Prevention has requested that striping on the right side of the property be amended to provide at least a minimum of 16 feet of travel area for fire apparatus to gain access to the right hand side and rear of the property. An amended plan has been provided showing the requested 16 feet of access.
- Lewiston Fire Prevention has provided a number of specific concerns with respect to necessary improvements for occupancy of this property. While many of them are building permit related, the applicant should be mindful that these items will need to be addressed prior to the city issuing a certificate of occupancy. With that in mind, the applicant has added Note 7 referencing the need for a certificate of occupancy:
 - No building or structure, nor any use of land hereafter erected, moved, added to, or structurally altered, and any and all site improvements, nor any use of the land which intensified shall not be permitted until the code enforcement office has issued a certificate of occupancy, certifying that the completed building, structure, site improvements and/or use are in conformance with the terms of this code.

No other concerns have been raised by city staff. As with any project, staff emphasizes the requirement for site improvements to be made in accordance with the approved plan. Staff believes the site plan provided has sufficient detail and notes regarding the restrictions placed on the property. However, staff believes a number of conditions should be considered by the Board. Therefore, approval is recommended with the following conditions:

1. No building or structure, nor any use of land hereafter erected, moved, added to, or structurally altered, and any and all site improvements, nor any use of the land which intensified shall not be permitted until the code enforcement office has issued a certificate of occupancy, certifying that the completed building, structure,

site improvements and/or use are in conformance with the terms of this code and the approved site plan.

2. Maximum occupancy is limited to 94 people.
3. No church, social functions and any other use of the north western portion of the building or basement shall not be allowed. The basement use is limited to the structures mechanical and utilities infrastructure. No storage of any kind is allowed in the north western portion of the building or basement. Any proposed future use of the northwestern portion of the structure or basement will require development review approval.
4. A non-pass through separation wall, in the middle section of the building must be constructed to prohibit through access to the northwestern portion of the structure.
5. Upon applying for a permit, the applicant must address the concerns noted in Lewiston Fire Preventions Plan/Code Review dated October 16, 2012.

ACTIONS NECESSARY

1. Make a motion to consider an application submitted by A.R.C.C. Land Surveyors Inc. on behalf of the Masjidul Salaam Mosque to establish a religious facility and accessory parking at 240 Bartlett Street;
2. Obtain input on the application;
3. Make a determination that the application is complete;
4. Make finding that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Section 4 of the Zoning and Land Use Code and to grant approval to the Masjidul Salaam Mosque to establish a religious facility and accessory parking at 240 Bartlett Street subject to any concerns raised by the Planning Board or staff.



Department of Public Works
David A. Jones, P.E., Director

DATE: October 12, 2012
TO: David Hediger, Planning Director
FROM: Ryan Barnes, P.E., Project Engineer (RJB)
SUBJECT: 240 Bartlett Street (Masjudul Salaam Mosque)

Lewiston Public Works has the following comments at this time upon reviewing the application:

1. The application is based on the full occupancy of the existing building, the plans are based on partial occupancy, the application should be revised to reflect the latest plan.
2. A "Do Not Enter" sign should be installed at the proposed exit to prevent vehicles entering the site from the wrong direction.

From: David Hediger
To: [Steve Morgan](#)
Cc: [Bruce McKay](#); [Paul Ouellette](#); [Gildace Arsenault](#); [Gary Campbell](#); [Paul LeClair](#); "Arthur Montana"
Subject: RE: 240 Bartlett Street Occupancies
Date: Tuesday, September 18, 2012 4:58:00 PM

Steve:

Based upon an occupancy of 94 people, a minimum of 24 parking spaces must be provided for phase 1. Phase 2 with an occupancy of 177 persons requires a minimum of 44 parking spaces.

Thanks

David Hediger
City Planner/Deputy Director Planning and Code Enforcement
City of Lewiston
27 Pine Street
Lewiston, ME 04240-7201
Phone 207.513.3125 ext. 3223
TDD/TTY 207.513.3007
www.lewistonmaine.gov

The City of Lewiston is an EOE. For more information, please visit our website @ www.lewistonmaine.gov and click on the Non-Discrimination policy.

From: Paul Ouellette
Sent: Tuesday, September 18, 2012 1:38 PM
To: David Hediger
Cc: Bruce McKay; Gildace Arsenault; Gary Campbell; Paul LeClair; 'Arthur Montana'; Steve Morgan
Subject: RE: 240 Bartlett Street Occupancies

Dave,

The calculated occupancy for the right "male" side only is 90. To include the two front office spaces would bump it up to 94. We do not calculate the middle section because it is a common path of travel and not for assembly. I spoke with Gary this morning to confirm the numbers.

Paul

p.s. When you speak with Floyd about the machine shop, please advise him that he / they need to provide a set of plans for Code, Fire and State Fire Marshal's Office to review prior to occupancy. The State needs to be notified with the change of use of the property. Floyd was made aware of that the last time they changed the used of the building to a Mosque. Thanks

From: David Hediger
Sent: Tuesday, September 18, 2012 11:06 AM
To: Paul Ouellette
Cc: Bruce McKay; Gildace Arsenault; Gary Campbell; Paul LeClair; 'Arthur Montana'; Steve Morgan
Subject: RE: 240 Bartlett Street Occupancies

Thank you for all the details.

Please clarify, the occupant load of 90 includes the right side and the middle?

Parking: the goal here is for 240 Bartlett Street to provide adequate parking for their needs for both phases. Floyds use of the mosque property is between the mosque and Floyd. However, we need a change of use permit for the machine shop. I'll email Floyd about this.

Thanks

David Hediger
City Planner/Deputy Director Planning and Code Enforcement
City of Lewiston
27 Pine Street
Lewiston, ME 04240-7201
Phone 207.513.3125 ext. 3223
TDD/TTY 207.513.3007
www.lewistonmaine.gov

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From: Paul Ouellette
Sent: Tuesday, September 18, 2012 10:27 AM
To: David Hediger
Cc: Bruce McKay; Gildace Arsenault; Gary Campbell; Paul LeClair; 'Arthur Montana'; Steve Morgan
Subject: RE: 240 Bartlett Street Occupancies

Dave,

Just to also advise you that prior to allowing any occupancy for the center and right hand side of the building, they will still need to have all of the fire safety measures in place; i.e., illuminated exit signs with battery back-up, emergency lighting with battery back-up and egress. We should also do a joint inspection; fire, code & electrical to verify that everything is in place before allowing any occupancy so we are all on the same page.

I believe the determined occupant load for the right hand side had been calculated for 90 people.

Insp. Ouellette

From: David Hediger
Sent: Monday, September 17, 2012 3:42 PM
To: Paul Ouellette
Cc: Bruce McKay; Gildace Arsenault; Gary Campbell; Paul LeClair; 'Arthur Montana'; Steve Morgan
Subject: RE: 240 Bartlett Street Occupancies

Paul:

As you know, the mosque is working through plans to design a site for more parking. They are now looking to phase the project at 240 Bartlett (formerly Elmer Berry's property) to reduce the cost for their initial use of the site. Steve Morgan has suggested two phases:

- Phase 1: looking at the building from the street, occupancy would be limited to the middle section and the right section (space formerly occupied by offices). Occupancy would be prohibited from the left side of the building and the basement. What will the occupancy be of this space?
- Phase 2: use of the entire building with the expectation of the basement. Occupancy has been established at 117.

Please confirm occupancy for Phase 1 of the site. I believe you have a copy of the initial floor plan showing the men's and women's hall. I have a copy if you need one. With a smaller occupancy, the initial need for increased parking and site improvements may be reduced. Once the occupancy is known, Steve plan on presenting a plan for development review approval at the Planning Board representing both phases.

Thanks for your help.

David Hediger
City Planner/Deputy Director Planning and Code Enforcement
City of Lewiston
27 Pine Street
Lewiston, ME 04240-7201
Phone 207.513.3125 ext. 3223
TDD/TTY 207.513.3007
www.lewistonmaine.gov

The City of Lewiston is an EOE. For more information, please visit our website @ www.lewistonmaine.gov and click on the Non-Discrimination policy.

From: Steve Morgan [<mailto:steve@stevemorgangroup.com>]
Sent: Wednesday, August 01, 2012 12:30 PM
To: David Hediger; steve@stevemorgangroup.com
Cc: Bruce McKay; Gildace Arseneault; Gary Campbell; Paul LeClair; Paul Ouellette; 'Arthur Montana'
Subject: RE: 240/256 Bartlett Street Occupancies

David and others

I think we are all on the same page as far as our progress at this point, but your email below may have confused 240 and 256 Bartlett Streets. I think the addresses should be swapped around below and I just wanted to keep everything properly documented.....let me know your thoughts

Shouldn't it be:

240 Bartlett Street: 177 persons- 44 parking spaces

256 Bartlett Street: 100 persons- 25 parking spaces

For this described particular use

Stephen J. Morgan, GRI
The Maine Real Estate Network
34 Center Street
Auburn, Maine 04210
Office (207) 689-9898
Cell (207) 754-2773
Fax (207) 689-9801
www.stevemorgangroup.com
Opening Doors For You!!!!!!

From: David Hediger [<mailto:DHediger@lewistonmaine.gov>]
Sent: Friday, July 20, 2012 1:40 PM
To: Steve@stevemorgangroup.com

Cc: Bruce McKay; Gildace Arsenault; Gary Campbell; Paul LeClair; Paul Ouellette; Arthur Montana
Subject: 240/256 Bartlett Street Occupancies

Steve:

Based upon fire occupancy of the above referenced properties, the following amount of parking will need to be provided and demonstrated for development review approval:

- 240 Bartlett Street: 100 persons-25 parking spaces
- 256 Bartlett Street: 177 persons-44 parking spaces

Once a schematic is drawn showing how parking may be utilized between both sites, please submit to staff for review. We'll provide preliminary comments so that they may be incorporated in a final submission for the planning board's consideration.

Thanks.

David Hediger
City Planner/Deputy Director Planning and Code Enforcement
City of Lewiston
27 Pine Street
Lewiston, ME 04240-7201
Phone 207.513.3125 ext. 3223
TDD/TTY 207.513.3007
www.lewistonmaine.gov

The City of Lewiston is an EOE. For more information, please visit our website @ www.lewistonmaine.gov and click on the Non-Discrimination policy.

From: Paul Ouellette
Sent: Friday, July 20, 2012 8:15 AM
To: David Hediger
Cc: Bruce McKay; Gildace Arsenault; Gary Campbell; Paul LeClair
Subject: 256 Bartlett St.

Dave,

Gary and I met with Floyd yesterday afternoon at 256 Bartlett St. to review the room dimensions of the Mosque to determine the total occupant load.

Floyd used a laser measuring device and we came up with a dimension of 30 X 50 of usable floor space which equals to 1,500 sq ft. Divided by 15, to account for the space used for the floor prayer mats, the total occupant load was determined to be 100 persons.

Gary and I brought up a few other minor items to correct prior to allowing occupancy.

Insp. Ouellette

Paul Ouellette
Fire Inspector /
Certified Fire Investigator
Lewiston Fire Department
Fire Prevention Bureau
2 College St.
Lewiston, ME 04240
Phone # (207) 513-3002 ext.3605
Fax # (207) 783-6138

TTY/TDD: (207) 513-3007

pouellette@ci.lewiston.me.us

The City of Lewiston is an EOE. For more information, please visit our website @ www.ci.lewiston.me.us
(<http://www.ci.lewiston.me.us/>) and click on the Non-Discrimination Policy.

Lewiston Fire Department



Paul M. LeClair
Fire Chief

Bruce McKay
Assistant Chief



Lewiston Fire Prevention Bureau

Plan / Code Review

October 16, 2012

RE: **240 Bartlett St. -Mosque**

Site Plan:

1. With the existing curb cut opening to be closed with granite curbing makes it that more difficult for LFD apparatus to gain access to the right hand side and rear of the property. Utilizing the easement access road pinches off to approximately 12" in the corner. We would like to see that corner expanded to at least a minimum of 16' (feet).

Building Plan:

As mentioned in the notes, occupant load is limited to **94 people**. No church, social functions and any other use of the north western portion of the building or basement shall not be allowed. A non-pass through separation wall in the middle of the building shall be constructed.

1. The basement shall be separated from the first floor with an 1-hour rated wall with a 1- hour self-closing fire rated door.
2. There shall be no use of the basement area for any assembly or storage of any kind unless it is fully sprinklered.
3. Provide emergency lighting and emergency exit signs with battery back-up.
4. The non-pass through (1-hour) fire rated wall must go from floor to the roof underside.
5. Provide exterior illumination for all exit doors. The lighting fixture must have a two bulb system fail safe system, where if one light bulb goes out, the other one still can illuminate the path means of egress.
5. Construction / floor plans must be provided to Code Enforcement Officer Gary Campbell and Inspector Paul Ouellette for review before construction begins. A copy of the plans must also be submitted to the Maine State Fire Marshal's Office for permitting and reviews prior to construction.
6. Occupancy of the building can not be permitted until a final inspection has been completed and the certificate of occupancy has been signed off from all parties.

Paul Ouellette
Fire Inspector / Certified Fire Investigator
Lewiston Fire Prevention Bureau

City of Lewiston

Planning & Code Enforcement

TO: ARCC Land Surveyors
FROM: David Hediger, City Planner
DATE: October 16, 2012
RE: 240 Bartlett Street

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

1. The site plan legend shows symbol for direction of surface drainage. Plan does not show flow. Please clarify. It should be noted that Public Works has stated that given existing conditions of the site and the minimal amount of new impervious area, an engineered stormwater plan is not needed for the minor improvements shown.
2. A note should be added to plan making it clear that parking spaces, traffic direction arrows, and traffic islands must be painted in accordance with the approved plan.
3. Staff recommends note 7 is amended to make clear that all site improvements as shown and noted on plot plan must be completed prior issuance of a certificate of occupancy.
4. Please clarify the difference from the traffic islands, etc. that are being striped for parking circulation versus existing impervious areas to be loamed and seeded.
5. Note 11 contains a typo (i.e. "other; not allowed"). The note should make it clear that basement use is limited to the structures mechanical and utilities infrastructure. Also, any proposed future use of the northwestern portion of the structure or basement will require development review approval.
6. Note 12 should be amended to make it clear "... to prohibit through access..."
7. The application references 44 parking spaces. However the site plan references 25 spaces. Staff is not concerned with the reduction in parking with the understanding that occupancy is limited to 94 person per Lewiston Fire. However, please clarify the difference in references.
8. A traffic analysis has been provided for full use and occupancy of the structure. However, at this time, occupancy is being limited per note 11 on the plan. The analysis provided shows that full occupancy of this structure will not require a traffic movement permit. Therefore, the limited occupancy of the structure at this time will result in even less trip during peak hour of use. Therefore, staff is not requesting an amended analysis. However, please provide clarification on the difference references and what the square footage will be for occupancy at this time.

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 2:00 PM on October 18, 2012:

- Nine copies of the following:
 - Cover letter summarizing the project and any of staff comments.
 - 11 x 17 of the plans.
- Three copies of the following:
 - All of the above with full scaled plans.



Arthur W. Montana PLS 492
Robert W. Gagnon Jr. PLS 2177

October 18, 2012

David Hediger, Deputy Director/City Planner

RE: Mosque at 240 Bartlett Street Lewiston

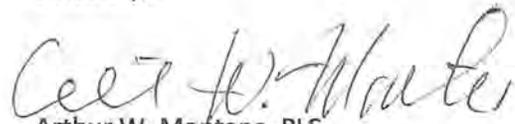
David:

These are response addressing your comments dated October 16, 2012.

1. We have added the drainage flow to the plan.
2. We have added the note concerning the painting of the parking lot.
3. Note 7 have been amended.
4. We have clarified in the legend the difference between the traffic islands and the loam an seed areas
5. We have amended note 5.
6. We have added to prohibit through access to the plan.
7. My cover letter dated September 9, 2102 states that the site will have 25 parking spaces.
8. I have included a letter from Bill Eaton concerning traffic.

I hope that I have answered all your comments.

Sincerely,


Arthur W. Montana, PLS

Masjudul Salaam Mosque

240 Bartlett Street

Lewiston, Maine

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|--------------------------------------|----------------|
| <i>Cover Letter</i> | <i>1 page</i> |
| <i>Application</i> | <i>6 pages</i> |
| <i>Copy of Deed</i> | <i>3 pages</i> |
| <i>Reduced Copy of Site Plan</i> | <i>1 page</i> |
| <i>Letter from Traffic Engineer</i> | <i>2 pages</i> |
| <i>Letter from Androscoggin Bank</i> | <i>1 page</i> |



September 9, 2012

David Hediger, Deputy Director/City Planner
27 Pine Street
Lewiston, ME 04240

Arthur W. Montana PLS 492
Robert W. Gagnon Jr. PLS 2177

Dear David:

Abdullahi M. Omar, President of the Masjidul Salaam Mosque is seeking site plan approval for a parking lot with 25 spaces at 240 Bartlett Street.

I have included 13 copies of the plan and application.

Sincerely,

Arthur W. Montana, PLS



Arthur W. Montana PLS 492
Robert W. Gagnon Jr. PLS 2177

August 14, 2012

David Hediger, Deputy Director/City Planner
27 Pine Street
Lewiston, ME 04240

Dear David:

Abdullahi M. Omar, President of the Masjidul Salaam Mosque is seeking site plan approval for a parking lot with 44 spaces at 240 Bartlett Street.

I have included 13 copies of the plan and application.

Sincerely,



Arthur W. Montana, PLS

PROJECT DATA

The following information is required where applicable, in order to complete the application

IMPERVIOUS SURFACE AREA/RATIO

| | | |
|-----------------------------------|--------|---------------|
| Existing Total Impervious Area | 21,724 | sq. ft. |
| Proposed Total Paved Area | 12,670 | sq. ft. |
| Proposed Total Impervious Area | 72,475 | sq. ft. |
| Proposed Impervious Net Change | 751 | sq. ft. |
| Impervious surface ratio existing | 54.13 | % of lot area |
| Impervious surface ratio proposed | 56.19 | % of lot area |

BUILDING AREA/LOT COVERAGE

| | | |
|---|-----------|---------------|
| Existing Building Footprint | 4,280 | sq. ft. |
| Proposed Building Footprint | NO CHANGE | sq. ft. |
| Proposed Building Footprint Net change | N/A | sq. ft. |
| Existing Total Building Floor Area | 81,800 | sq. ft. |
| Proposed Total Building Floor Area | NO CHANGE | sq. ft. |
| Proposed Building Floor Area Net Change | N/A | sq. ft. |
| New Building | N/A | (yes or no) |
| Building Area/Lot coverage existing | N/A | % of lot area |
| Building Area/Lot coverage proposed | N/A | % of lot area |

ZONING

Existing _____

Proposed, if applicable _____

LAND USE

Existing _____

Proposed _____

RESIDENTIAL, IF APPLICABLE

Existing Number of Residential Units _____

Proposed Number of Residential Units _____

Subdivision, Proposed Number of Lots _____

PARKING SPACES

| | | |
|--------------------------------------|-------|--|
| Existing Number of Parking Spaces | _____ | |
| Proposed Number of Parking Spaces | 25 | |
| Required Number of Parking Spaces | 24 | |
| Number of Handicapped Parking Spaces | 2 | |

ESTIMATED COST OF PROJECT

\$35,000

DELEGATED REVIEW AUTHORITY CHECKLIST

SITE LOCATION OF DEVELOPMENT AND STORMWATER MANAGEMENT

Existing Impervious Area _____ sq. ft.

Proposed Disturbed Area _____ sq. ft.

Proposed Impervious Area _____ sq. ft.

1. *If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with MDEP.*
2. *If the proposed impervious area is greater than one acre including any impervious area crated since 11/16/05, then the applicant shall apply for a MDEP Stormwater Management Permit, Chapter 500, with the City.*
3. *If total impervious area (including structures, pavement, etc) is greater than 3 acres since 1971 but less than 7 acres, then the applicant shall apply for a Site Location of Development Permit with the City. If more than 7 acres then the application shall be made to MDEP unless determined otherwise.*
4. *If the development is a subdivision of more than 20 acres but less than 100 acres then the applicant shall apply for a Site Location of Development Permit with the City. If more than 100 acres then the application shall be made to MDEP unless determined otherwise.*

TRAFFIC ESTIMATE

Total traffic estimated in the peak hour-existing _____ passenger car equivalents (PCE)
(Since July 1, 1997)

Total traffic estimated in the peak hour-proposed (Since July 1, 1997) _____ passenger car equivalents (PCE)
If the proposed increase in traffic exceeds 100 one-way trips in the peak hour then a traffic movement permit will be required.

Zoning Summary

1. Property is located in the HB zoning district.
 2. Parcel Area: _____ acres / 40,000 square feet(sf).

| Regulations | Required/Allowed | Provided |
|------------------------------------|---|------------------------|
| Min Lot Area | <u>NONE</u> | <u>40,000</u> |
| Street Frontage | <u>150'</u> | <u>200'</u> |
| Min Front Yard | <u>20'</u> | <u>NONE</u> |
| Min Rear Yard | <u>20'</u> | <u>65'</u> |
| Min Side Yard | <u>10'</u> | <u>13' AT EXISTING</u> |
| Max. Building Height | <u>N/A</u> | <u>N/A</u> |
| Use Designation | <u>MOSQUE</u> | <u>/</u> |
| Parking Requirement | <u>1 space/ per 200 square feet of floor area</u> | |
| Total Parking: | <u>44</u> | <u>48</u> |
| Overlay zoning districts (if any): | <u>/</u> | <u>/</u> |
| Urban impaired stream watershed? | <u>YES/NO If yes, watershed name _____</u> | |

PAYMENT 10' AT NEW
 PAYMENT ON NLY SIDE
 10' ON SLY SIDE

DEVELOPMENT REVIEW APPLICATION SUBMISSION

Submission shall include payment of fee and fifteen (15) complete packets containing the following materials:

1. Full size plans containing the information found in the attached sample plan checklist.
2. Application form that is completed and signed.
3. Cover letter stating the nature of the project.
4. All written submittals including evidence of right, title and interest.
5. Copy of the checklist completed for the proposal listing the material contained in the submitted application.

Refer to the application checklist for a detailed list of submittal requirements.

L/A's development review process and requirements have been made similar for convenience and to encourage development. Each City's ordinances are available online at their prospective websites:

Auburn: www.auburnmaine.org under City Departments/ Planning and Permitting/Land Use Division/Zoning Ordinance
Lewiston: <http://www.ci.lewiston.me.us/clerk/ordinances.htm> Refer to Appendix A of the Code of Ordinances

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, I certify that the City's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for development review only; a Performance Guarantee, Inspection Fee, Building Permit Application and other associated fees and permits will be required prior to construction.

| | |
|--|-------------------------------|
| Signature of Applicant: <u>MUKTAR Ali</u> | Date: <u>2 AUGUST 2012</u> |
|--|-------------------------------|

Development Review Checklist

City of Auburn Planning and Permitting Department
City of Lewiston Department of Planning and Code Enforcement



THE FOLLOWING INFORMATION IS REQUIRED WHERE APPLICABLE TO BE SUBMITTED FOR AN APPLICATION TO BE COMPLETE

PROJECT NAME: MASIJUDUL SALAAM MOSQUE

PROPOSED DEVELOPMENT ADDRESS and PARCEL #: 240 BARTLETT 196-172

| Required Information | | Check Submitted | | Applicable Ordinance | |
|-----------------------|---|-----------------|-------|----------------------|--------|
| | | Applicant | Staff | Lewiston | Auburn |
| Site Plan | | | | | |
| | Owner's Names/Address | ✓ | | | |
| | Names of Development | ✓ | | | |
| | Professionally Prepared Plan | ✓ | | | |
| | Tax Map or Street/Parcel Number | ✓ | | | |
| | Zoning of Property | ✓ | | | |
| | Distance to Property Lines | ✓ | | | |
| | Boundaries of Abutting land | ✓ | | | |
| | Show Setbacks, Yards and Buffers | | | | |
| | Airport Area of Influence (Auburn only) | | | | |
| | Parking Space Calcs | | | | |
| | Drive Openings/Locations | | | | |
| | Subdivision Restrictions | | | | |
| | Proposed Use | | | | |
| | PB/BOA/Other Restrictions | | | | |
| | Fire Department Review | | | | |
| | Open Space/Lot Coverage | | | | |
| | Lot Layout (Lewiston only) | | | | |
| | Existing Building (s) | | | | |
| | Existing Streets, etc. | | | | |
| | Existing Driveways, etc. | | | | |
| | Proposed Building(s) | | | | |
| | Proposed Driveways | | | | |
| Landscape Plan | | | | | |
| | Greenspace Requirements | ✓ | | | |
| | Setbacks to Parking | ✓ | | | |
| | Buffer Requirements | | | | |
| | Street Tree Requirements | ✓ | | | |
| | Screened Dumpsters | ✓ | | | |
| | Additional Design Guidelines | | | | |

| | | | | | |
|--|---|---|--|--|--|
| | Planting Schedule | | | | |
| Stormwater & Erosion Control Plan | | | | | |
| | Compliance w/ chapter 500 | | | | |
| | Show Existing Surface Drainage | | | | |
| | Direction of Flow | | | | |
| | Location of Catch Basins, etc. | | | | |
| | Drainage Calculations | | | | |
| | Erosion Control Measures | | | | |
| | Maine Construction General Permit | | | | |
| | Bonding and Inspection Fees | | | | |
| | Post-Construction Stormwater Plan | | | | |
| | Inspection/monitoring requirements | | | | |
| | Third Party Inspections (Lewiston only) | | | | |
| Lighting Plan | | ✓ | | | |
| | Full cut-off fixtures | ✓ | | | |
| | Meets Parking Lot Requirements | | | | |
| Traffic Information | | | | | |
| | Access Management | | | | |
| | Signage | | | | |
| | PCE - Trips in Peak Hour | ✓ | | | |
| | Vehicular Movements | | | | |
| | Safety Concerns | | | | |
| | Pedestrian Circulation | | | | |
| | Police Traffic | | | | |
| | Engineering Traffic | | | | |
| Utility Plan | | | | | |
| | Water | | | | |
| | Adequacy of Water Supply | ✓ | | | |
| | Water main extension agreement | | | | |
| | Sewer | | | | |
| | Available city capacity | ✓ | | | |
| | Electric | | | | |
| | Natural Gas | | | | |
| | Cable/Phone | | | | |
| Natural Resources | | | | | |
| | Shoreland Zone | | | | |
| | Flood Plain | | | | |
| | Wetlands or Streams | | | | |
| | Urban Impaired Stream | | | | |
| | Phosphorus Check | | | | |
| | Aquifer/Groundwater Protection | | | | |
| | Applicable State Permits | | | | |
| | No Name Pond Watershed (Lewiston only) | | | | |

| | | | | | |
|---|---|----------|--|--|--|
| | Lake Auburn Watershed (Auburn only) | | | | |
| | Taylor Pond Watershed (Auburn only) | | | | |
| Right Title or Interest | | | | | |
| | Verify | ✓ | | | |
| | Document Existing Easements, Covenants, etc. | ✓ | | | |
| Technical & Financial Capacity | | | | | |
| | Cost Est./Financial Capacity | ↑ 35,000 | | | |
| | Performance Guarantee | | | | |
| State Subdivision Law | | | | | |
| | Verify/Check | | | | |
| | Covenants/Deed Restrictions | | | | |
| | Offers of Conveyance to City | | | | |
| | Association Documents | | | | |
| | Location of Proposed Streets & Sidewalks | | | | |
| | Proposed Lot Lines, etc. | | | | |
| | Data to Determine Lots, etc. | | | | |
| | Subdivision Lots/Blocks | | | | |
| | Specified Dedication of Land | | | | |
| Additional Subdivision Standards | | | | | |
| | Single-Family Cluster (Lewiston only) | | | | |
| | Multi-Unit Residential Development (Lewiston only) | | | | |
| | Mobile Home Parks | | | | |
| | Private Commercial or Industrial Subdivisions (Lewiston only) | | | | |
| | PUD (Auburn only) | | | | |
| A jpeg or pdf of the proposed site plan | | | | | |
| Final sets of the approved plans shall be submitted digitally to the City, on a CD or DVD, in AutoCAD format R 14 or greater, along with PDF images of the plans for archiving | | | | | |

116-173

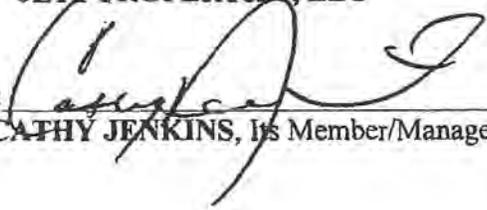
QUITCLAIM DEED WITH COVENANT

JETT PROPERTIES, LLC, a Maine limited liability company of Lewiston, County of Androscoggin, State of Maine, for consideration paid, grants to MASIJUDUL SALAAM MOSQUE., a Maine non-profit corporation of Lewiston, County of Androscoggin, State of Maine, with Quitclaim Covenant, the real property located at 240 Bartlett Street in Lewiston, County of Androscoggin, State of Maine, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN

IN WITNESS WHEREOF, Jett Properties, LLC has caused this instrument to be seal with the company seal and signed in the company name by Cathy Jenkins, its Member/Manager, thereunto duly authorized, this 15th day of September, 2011.

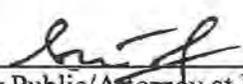
JETT PROPERTIES, LLC

By: 
CATHY JENKINS, Its Member/Manager

WITNESS

STATE OF MAINE
ANDROSCOGGIN, SS.

The foregoing instrument was acknowledged before me this 15th day of September, 2011 by **Cathy Jenkins**, Member/Manager of Jett Properties, LLC, a Maine limited liability company, on behalf of the Company.


Notary Public/Attorney at Law

Printed Name: Richard L. Trafton

MAINE REAL ESTATE
TRANSFER TAX PAID

EXHIBIT "A"

240 Bartlett Street, Lewiston, Maine

Four (4) parcels of land together with all improvements thereon, situated in Lewiston, County of Androscoggin, State of Maine, described as follows:

PARCEL ONE

Commencing in the easterly line of Bartlett Street two hundred fifty (250) feet southerly from the southwesterly corner of land conveyed by the Franklin Company to Cecile Poulin by Deed 1964, dated February 4, 1957; thence at right angles in an easterly direction one hundred (100) feet; thence at right angles in a southerly direction one hundred (100) feet; thence at right angles in a westerly direction one hundred (100) feet to the said easterly line of Bartlett Street; thence in a northerly direction by the said easterly line of Bartlett Street one hundred (100) feet to the point of beginning.

SUBJECT to the restrictions that no buildings erected thereon shall be placed nearer the line of Bartlett Street than twelve (12) feet; also subject to the restrictions that if used for dwelling houses, such dwelling houses shall be constructed to house not more than two families each and not more than two such dwelling houses shall be erected upon the above-described lot.

PARCEL TWO

Commencing in the easterly line of Bartlett Street at the southwesterly corner of a parcel of land conveyed by the Franklin Company to George T. Marcoux and Robert L. Vachon by Deed 1972, dated October 29, 1957; thence in an easterly direction by land of George T. Marcoux and Robert L. Vachon, one hundred (100) feet; thence in a southerly direction parallel with the said easterly line of Bartlett Street and by other land of Franklin Company, fifty (50) feet; thence in a westerly direction parallel with the first described line one hundred (100) feet to the said easterly line of Bartlett Street; thence in a northerly direction by the said easterly line of Bartlett Street fifty (50) feet to the point of beginning.

SUBJECT to the restrictions that no buildings erected thereon shall be placed nearer the line of Bartlett Street than twelve (12) feet; also subject to the restrictions that if used for a dwelling house, such dwelling house shall be constructed to house not more than two (2) families.

PARCEL THREE

Commencing at the southeasterly corner of a parcel of land conveyed by the Franklin Company to Mar-Vac Photo Service, Inc, by Deed 2047 dated August 28, 1963, recorded in said

Registry of Deeds in Book 901, Page 81, said point of commencement also being located one hundred (100) feet easterly from the easterly line of Bartlett Street and seven hundred (700) feet southerly from the southerly line of Birch Street; thence in a northerly direction parallel with the easterly line of Bartlett Street and by the easterly line of said land conveyed by the Franklin Company to Mar-Vac Photo Service, Inc., and continuing northerly by the same course by the easterly line of a parcel of land conveyed by the Franklin Company to George I. Marcoux and Robert Vachon by Franklin Company Deed 1972, dated October 29, 1957, a distance of one hundred fifty (150) feet to the northeasterly corner of said land; thence in an easterly direction parallel with the said southerly line of Birch Street and by a projection easterly of land, now or formerly of Marcoux and Vachon's northerly line, one hundred (100) feet; thence in a southerly direction parallel with the first described line one hundred fifty (150) feet; thence in a westerly direction one hundred (100) feet to the point of beginning.

SUBJECT, however, to an easement to maintain a sewer across said lot as conveyed by Screen Printing To., Inc. to the City of Lewiston by Deed 1210, dated October 22, 1975, if said sewer does encroach upon said lot.

PARCEL FOUR

Commencing in the easterly line of Bartlett Street at the northwesterly corner of a parcel of land conveyed by the Franklin Company to Robert L. Vachon and George T. Marcoux by Deed 1972, dated October 29, 1957; thence in a northerly direction by the said easterly line of Bartlett Street, fifty (50) feet; thence in an easterly direction parallel with the northerly line of said Vachon and Marcoux land and by other land of Franklin Company, two hundred (200) feet; thence in a southerly direction parallel with the said easterly line of Bartlett Street and by other land of Franklin Company, fifty (50) feet to the northeasterly corner of said Vachon and Marcoux land; thence in a westerly direction by said Vachon and Marcoux land two hundred (200) feet to the point of beginning.

FOR SOURCE OF TITLE see a deed from the Androscoggin Savings Bank to Jett Properties, LLC, dated September 14, 2011, recorded in said Registry of Deeds in Book 8236, Page 152.

EXCEPTING from the above-described premises an easement or right of way from Bartlett Street to the premises known as 256 Bartlett Street, described in a deed from ATL Holdings LLC to Joseph V. Jenkins, dated February 11, 2004, recorded in said Registry of Deeds in Book 5797, Page 250, for both pedestrian and vehicular ingress and egress to the parking and driveway areas of said 256 Bartlett Street, which easement is twenty feet (20') in width over the currently existing driveway and parking areas adjacent to said 256 Bartlett Street property.

*Masjudul Salaam Mosque
Quitclaim Deed with Covenant
Page 3 of 3*

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS



EATON TRAFFIC ENGINEERING
 67 Winter Street Suite 1 • Topsham • Maine • 04086
 Tel/Fax 207.725.9805 Cell 207.841.4200

To: Arthur Montana, ARCC
 Fm: William C Eaton, PE, Eaton Traffic Engineering
 Re: Traffic Assessment for Proposed Bartlett Street Mosque – Lewiston, Maine
 Dt: August 13, 2012

Per your request I have conducted a brief traffic assessment of a proposed 4,280 square foot mosque to be located in an existing building located at 250 Bartlett Street in Lewiston Maine. The publication Trip Generation (Institute of Transportation Engineers, 2008) does not have any data relating to Mosques; however, an internet search revealed several traffic impact studies for mosques, which essentially reflected the same type of trip generation magnitudes as a church, with the exception that the peak traffic flow is not on Sunday, but rather on Friday at noon. Accordingly, the trip generation estimates for a 4,280 square foot church (ITE Land Use Code 560) is shown below;

| Time Period | |
|--------------------------|-----|
| Weekday (Daily) | 39 |
| AM Peak Hour (7-9 AM) | 3 |
| PM Peak Hour (4-6 PM) | 3 |
| AM Peak Hour (Generator) | 4 |
| PM Peak Hour (Generator) | 4 |
| Saturday (Daily) | 44 |
| Saturday (Peak Hour) | 15 |
| Sunday (Daily) | 157 |
| Sunday (Peak Hour) | 50 |

Thus for the peak day of the week for a mosque, daily trip generation is estimated at 157 trips (half enter, half exit), with a peak hour volume of 50 trips (half enter, half exit) probably occurring between 11:30 AM and 12:30 PM.

I trust that this addresses your needs in this matter. If you have any questions or concerns, please do not hesitate to contact me.

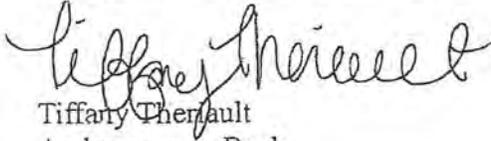
AndroscogginBank

August 16th 2012

To whom it may concern ,

This letter is to verify that Masjidul Salaam Mosque account with Androscoggin Bank has Sufficient funds to cover all outside construction projected in the 240 Bartlett St project.

Any questions please contact me at 207-777-6642



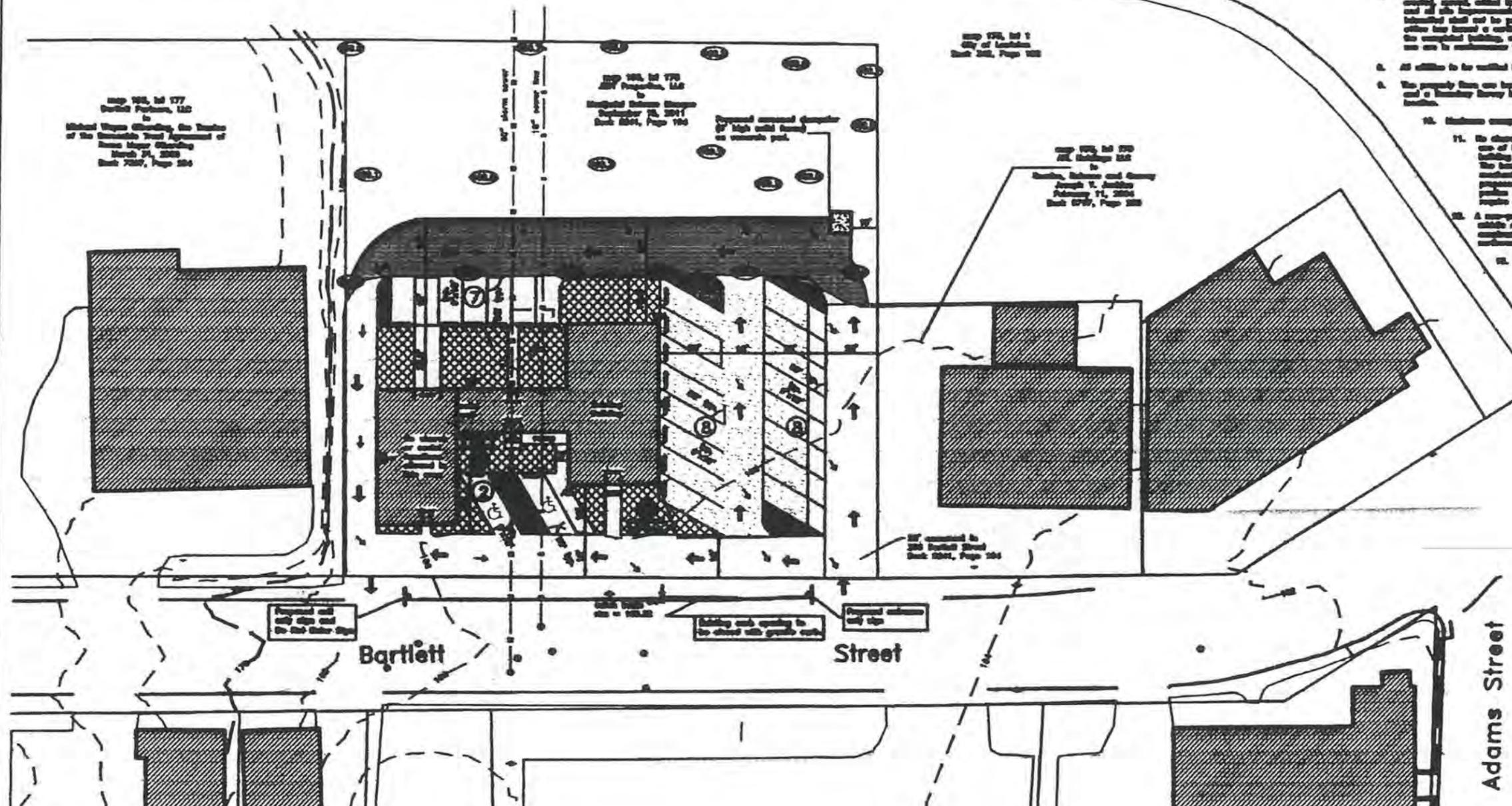
Tiffany Therault
Androscoggin Bank
Customer Service
649 Turner St
Auburn ME 04210

Legend :

- Existing Building
- Proposed Building
- Existing Street
- Proposed Street
- Existing Utility
- Proposed Utility
- Existing Easement
- Proposed Easement
- Existing Fence
- Proposed Fence
- Existing Driveway
- Proposed Driveway
- Existing Parking
- Proposed Parking
- Existing Landscape
- Proposed Landscape



- Notes:**
1. All work to be done in accordance with the City of Louisville Ordinance...
 2. All work to be done in accordance with the City of Louisville Ordinance...
 3. All work to be done in accordance with the City of Louisville Ordinance...
 4. All work to be done in accordance with the City of Louisville Ordinance...
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 16. All work to be done in accordance with the City of Louisville Ordinance...
 17. All work to be done in accordance with the City of Louisville Ordinance...
 18. All work to be done in accordance with the City of Louisville Ordinance...
 19. All work to be done in accordance with the City of Louisville Ordinance...
 20. All work to be done in accordance with the City of Louisville Ordinance...



Approved Louisville Planning Board :

 Suburban Planning Board

 Approval Date :

 Signature Date :



Masjudul Salaam Mosque
 206 Bartlett Street
 Andersonville Community Center, Louisville, KY 40204

Plot Plan

One



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: October 18, 2012
RE: October 22, 2012 Planning Board Agenda Item IV(C)

Proposed amendment to the Zoning and Land Use Code to repeal Article XIII. Development Review Standards, Section 14, Additional standards for large-scale retail development.

On September 10, 2012 the Planning Board voted to initiate and for staff to prepare an amendment to the Zoning and Land Use Code to repeal Article XIII. Development Review Standards, Section 14, Additional standards for large-scale retail development.

The Informed Growth Act (IGA), enacted by the Legislature in 2007 and mandating local planning board review of "big box" retail development based on its potentially adverse economic impact, has effectively been repealed. Public Law 2011, c. 89 (eff. September 28, 2011) amends the IGA to make local participation voluntary. The IGA does not apply now unless a municipality adopts an ordinance specifically adopting by reference the provisions of 30-A M.R.S.A. §§ 4365-4372.

Lewiston adopted additional standards for large-scale retail development in May 2008 for "big box" retail development working to make the mandated State regulations as business friendly as possible while still being defensible as substantially similar.

With the State repeal of the mandate, this amendment will repeal a local ordinance no longer required upon the city through state legislation. Developments of this size and scope will remain subject to approval from Lewiston Planning Board, local development review ordinances, and other applicable sections of the Zoning and Land Use Code.

ACTIONS NECESSARY

1. Make a motion to consider an amendment to the Zoning and Land Use Code to repeal Article XIII. Development Review Standards, Section 14, Additional standards for large-scale retail development.
2. Obtain input on the 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 Zoning and Land Use Code to repeal Article XIII. Development Review Standards, Section 14, Additional standards for large-scale retail development.



Executive Department
Lincoln Jeffers
Economic and Community Development Director



To: Planning Board
From: Lincoln Jeffers
RE: Proposed Repeal of Lewiston Informed Growth Act Ordinance
Date: October 16, 2012

The state of Maine passed the Informed Growth Act (IGA) in 2007. The legislation grew out of anti-big box sentiment in the mid-coast area. Briefly, the legislation placed another level of review, inexact and poorly defined in nature, on new retail developments of 75,000 s.f. or larger. Developers had to evaluate whether the project would have any adverse impacts on the community, neighboring towns, or existing businesses, and deny the application if adverse impacts were found.

The determination of whether the impacts of the criteria to be evaluated were positive or negative were subjective in nature. If 100 net jobs were added to a community but retail wages went down 25 cents per hour, is that positive or negative? If a locally owned shop saw sales decrease, but area residents benefitted from significantly lower prices and more choices, is that positive or negative? Is competition good or bad?

Under the IGA developers were to make a \$40,000 payment to the Maine State Planning Office, who took an administrative fee, then passed it through to the municipality where a project was proposed. The community would choose and pay for a consultant to conduct the study from a list approved by the state planning office. All large scale retail development had to pass through this screen, whether it was located at Exit 80 or Bates Mill #5.

The city provided testimony against the legislation during its hearings, and asked that the legislation have an "opt in" provision, rather than being applied uniformly across the state. The City argued there are places, such as service centers, where large scale retail development may be appropriate. It should be up to each community to determine if they wish to adopt the Informed Growth criteria, rather than having every community in the state be bound by ordinances that evolved out of a zoning conflict in Damariscotta.

The IGA was passed without an "opt in" provision, but a small measure of flexibility was provided by a clause stating that the IGA wouldn't apply in

communities that had local ordinances that were substantially similar to the IGA. Lewiston created a local ordinance, working to make it as business friendly as possible while still being defensible as substantially similar.

In 2011 the IGA was amended with the following provision:

**Title 30-A: MUNICIPALITIES AND COUNTIES HEADING:
PL 1987, C. 737, PT. A, §2 (NEW)
Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2
(NEW)
Subpart 6-A: PLANNING AND LAND USE REGULATION
HEADING: PL 1989, C. 104, PT. A, §45 (NEW)
Chapter 187: PLANNING AND LAND USE REGULATION
HEADING: PL 1989, C. 104, PT. A, §45 (NEW)
Subchapter 3-A: INFORMED GROWTH ACT**

§4365-A. Municipal opt-in

The provisions of this subchapter do not apply to a municipality unless the municipality has adopted an ordinance that specifically adopts by reference the provisions of this subchapter. Nothing in this subchapter limits the home rule authority of municipalities to adopt ordinances on the same subject matter as this subchapter. [2011, c. 89, §1 (NEW).]

This change in legislation provides what Lewiston first asked for. Because we have a local ordinance on the books that was modeled on the IGA, it still applies in Lewiston. Staff recommends that the Planning Board make a recommendation to the City Council that the pertinent section of our local ordinance be repealed. Doing so will remove a local ordinance created solely to mitigate some of the impacts forced upon the city through state legislation.

10.22.12

**AN ORDINANCE PERTAINING TO THE REPEAL OF ADDITIONAL STANDARDS
FOR LARGE SCALE RETAIL DEVELOPMENT**

THE CITY OF LEWISTON HEREBY ORDAINS:

APPENDIX A

ZONING AND LAND USE CODE

Article XIII. Development Review and Standards

Sec. 14. Reserved. Additional standards for large-scale retail development.

~~In addition to the criteria set forth in article XIII, section 4, applications for large-scale retail development as defined below, shall meet the following additional standards of this section:~~

- (a) ~~Purpose. The State of Maine passed the Informed Growth Act (30-A MRSA Chapter 187, Sub-Chapter, 3-A) to add additional development review criteria that evaluate the economic impact of large-scale retail development. Subsection 4371 of the Informed Growth Act provides an exemption to municipalities that have (adopted economic and community impact review criteria that apply to large-scale retail development land use permit applications and that require a study of the comprehensive economic and community impacts of the proposed large-scale retail development for consideration among other evidence in applying the review criteria to the application. (The following ordinance provisions meet that criteria, exempting large-scale retail projects proposed in Lewiston from 30-A MRSA Chapter 187, Sub-Chapter, 3-A.~~
- (b) ~~Definitions:~~
- ~~(1) Comprehensive economic impact area means the geographic area affected by a proposed large-scale retail development. The area includes Lewiston and may include abutting municipalities.~~
 - ~~(2) Comprehensive economic impact study means a study that estimates the effects of a large-scale retail development on the local economy, downtown and community. It will identify the economic effects of large-scale retail development on existing retail operations; supply and demand for retail space; number and locations of existing retail establishments where there is overlap of goods and services offered; projected net job creation/loss; projected net retail related payroll increase/decrease; captured share of existing retail sales; sales revenue retained and reinvested in the comprehensive economic impact area; municipal revenues generated; increased municipal costs caused by the development's construction and operation, including municipal costs of roads, water, sewer, police and fire; and the costs or return on investment of any public subsidies including tax-increment financing; and public water, sewer and solid waste disposal capacity.~~
 - ~~(3) Land use permit means approval granted by the planning board for major developments pursuant to article XIII, subsections 3(b) and (c) of this Code. This~~

definition of land use permit applies to any large-scale retail development approved by the planning board prior to September 20, 2007.

- (4) — Large-scale retail development means any single retail business establishment having a gross floor area of 75,000 square feet or more in one or more building at the same location and any expansion or renovation of an existing building that will result in a single retail business having a gross floor area of 75,000 square feet or more except when the expansion or renovation is 20,000 square feet or less.
- (c) — Preparation of comprehensive impact study. As part of its review of a land use permit application for a large-scale retail development the planning board shall require the preparation and submittal of a comprehensive impact study.
 - (1) — Qualified preparer. A comprehensive economic impact study must be prepared by a person or firm, other than the applicant, that is qualified by education, training and experience to prepare such a study.
 - (2) — Selection of preparer. The applicant shall choose the preparer and directly pay the preparer for their services.
 - (3) — Peer review. The city may choose to have the study peer reviewed, at the applicant's expense, by a consultant of the city's choice.
 - (d) — Public hearing.
 - (1) — Public hearing required. As part of the development review process the planning board shall provide the public with at least one public hearing to be heard prior to the approval of a land use permit for a large-scale retail development.
 - (2) — Notice. Notice of the public hearing on the land use permit application for a large-scale retail development must state that the comprehensive economic impact study will be presented at the hearing and that the planning board will take testimony on the comprehensive impact of the proposed project. The notice shall advertise said public hearing in a newspaper of general circulation in the city at least two times, the date of the first publication to be at least six days prior to the date of the hearing. Notice of the hearing will be sent by regular mail to abutters within 1,000 feet of the proposed development and to the municipal officers of abutting municipalities.
 - (e) — Land use permit process approval. The applicant must complete and submit for planning board review and findings a comprehensive impact study. At the applicants option, the study can be completed and submitted for planning board review and determination prior to or concurrent with other development review criteria set forth in article XIII. If the study is submitted independently of other development review criteria, the development review process will be a two-step process. Each step of the two-step processes must meet the above referenced notice requirements.
 - (f) — Land use permit approval. In addition to other applicable development review criteria required by this Code, the planning board shall evaluate the impacts of the proposed large-scale retail development based on the comprehensive economic impact study, other materials submitted to the planning board by the city's peer review consultant, and other persons and entities, including the applicant, state agencies, nonprofit organizations and

~~members of the public; and testimony received during the public hearing to determine whether the overall negative effects of the proposed project outweigh the overall positive effects. The planning board may deny the land use permit on the basis of economic impact only if it determines that there is likely to be a significant adverse impact.~~

(Ord. No. 08-03, 5-15-08)

Reason For Proposed Amendment

The Informed Growth Act (IGA), enacted by the Legislature in 2007 and mandating local planning board review of “big box” retail development based on its potentially adverse economic impact, has effectively been repealed.

Public Law 2011, c. 89 (eff. September 28, 2011) amends the IGA to make local participation voluntary. The IGA does not apply now unless a municipality adopts an ordinance specifically adopting by reference the provisions of 30-A M.R.S.A. §§ 4365-4372. Lewiston adopted additional standards in May 2008 for large scale retail development working to make the mandated State regulations as business friendly as possible while still being defensible as substantially similar.

With the State repeal of the mandate, this amendment will repeal a local ordinance no longer required upon the city through state legislation. Developments of this size and scope will remain subject to approval from Lewiston Planning Board, local development review ordinances, and other applicable sections of the Zoning and Land Use Code.

Conformance with the Comprehensive Plan

Review permitting and licensing policies and practices to see where they can be streamlined in order to better service the development community. . . (See Economy, Policy 1, Strategy C, p 39).

PUBLIC Law, Chapter 89

HP0255
LD 322

Signed on 2011-05-17 00:00:00.0 - First Regular Session -
125th Maine Legislature

[Bill Tracking](#), [Additional Documents](#) [Chamber Status](#)

An Act To Amend the Informed Growth Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4365-A is enacted to read:

§ 4365-A. Municipal opt-in

The provisions of this subchapter do not apply to a municipality unless the municipality has adopted an ordinance that specifically adopts by reference the provisions of this subchapter. Nothing in this subchapter limits the home rule authority of municipalities to adopt ordinances on the same subject matter as this subchapter.

Sec. 2. 30-A MRSA §4366, sub-§8, as enacted by PL 2007, c. 347, §1, is repealed.

Sec. 3. 30-A MRSA §4366, sub-§10, as enacted by PL 2007, c. 347, §1, is amended to read:

10. Undue adverse impact. "Undue adverse impact" means that, within the comprehensive economic impact area, the estimated overall negative effects on the factors listed for consideration in section 4367, subsection 4 outweigh the estimated overall positive effects on those factors ~~and that the estimated negative effects of at least 2 of the factors listed in section 4367, subsection 4, paragraph A outweigh the positive effects on those factors.~~

Sec. 4. 30-A MRSA §4367, sub-§1, as enacted by PL 2007, c. 347, §1, is amended to read:

1. Qualified preparer. A comprehensive economic impact study must be prepared by a person, other than the applicant for a large-scale retail development, ~~listed by the office as~~ qualified by education, training and experience to prepare such a study. ~~The office shall provide the list of qualified preparers to a municipal reviewing authority and land use permit applicant upon request. The office shall adopt routine technical rules under Title 5, chapter 375, subchapter 2-A to carry out the purposes of this subsection.~~

Sec. 5. 30-A MRSA §4367, sub-§3, as enacted by PL 2007, c. 347, §1, is amended to read:

3. Payment. The applicant for the permit shall pay a fee of \$40,000 to the office to be deposited into a dedicated revenue account municipality. The municipality shall establish the amount of the fee. The development application is not complete for processing until the office confirms that the fee has been paid.

~~The office shall disburse to the municipality from the dedicated account an amount equal to the municipality shall use the fee to cover the municipality's projected costs of the comprehensive economic impact study contract, notice of the public hearing and related municipal staff support. The municipality's contract for the study must be defined and priced to ensure that the \$40,000 fee will be sufficient to cover both the costs of the study and the costs listed in this subsection. The office may charge against the fee an amount sufficient to cover its costs to record, administer and disburse the fee, but which may not exceed \$1,000. Any unexpended funds from the \$40,000 fee must be returned to the applicant.~~

Sec. 6. 30-A MRSA §4367, sub-§4, ¶A, as enacted by PL 2007, c. 347, §1, is amended to read:

A. The municipality may require that the comprehensive economic impact study, using existing studies and data and through the collection and analysis of new data, ~~must~~ identify the economic effects of the large-scale retail development on existing retail operations; supply and demand for retail space; number and location of existing retail establishments where there is overlap of goods and services offered; employment, including projected net job creation and loss; retail wages and benefits; captured share of existing retail sales; sales revenue retained and reinvested in the comprehensive economic impact area; municipal revenues generated; municipal capital, service and maintenance costs caused by the development's construction and operation, including costs of roads and police, fire, rescue and sewer services; the amount of public subsidies, including tax increment financing; and public water utility, sewage disposal and solid waste disposal capacity.

Sec. 7. 30-A MRSA §4371, as repealed and replaced by PL 2009, c. 260, §1, is repealed.

Effective 90 days following adjournment of the 125th Legislature, First Regular Session, unless otherwise indicated.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: October 17, 2012
RE: October 22, 2012 Planning Board Agenda Item VI(d)

Proposed amendment to the Zoning and Land Use Code, Article II. Definitions, Section 2 Definitions and Article XI. District Regulations, Sections 1 through 21.

Initiated nearly five years ago by the Planning Board, staff has prepared an amendment to the Zoning and Land Use Code, Article II. Definitions, Section 2 Definitions and Article XI. District Regulations, Sections 1 through 21. Said amendments will result in zoning district regulations being placed in table format, clarification of permitted uses, and clarification and modifications to space and bulk standards within applicable to district regulations.

What started off as an effort to provide a more user friendly document for public and staff lead to discussions of consolidating zoning districts, updating use and space and bulk regulations, discussions about neighborhoods, zoning definitions, code interpretations, district boundaries, etc. Once in a table/matrix format the inconsistencies of Lewiston's district regulations became apparent along with the many nuances involved.

In effort to move the process along, the Board was agreed to limit the changes initially being discussed and directed staff to prepare a table/matrix with the district regulations remaining essentially the same as they exist today in Article XI. This has resulted in 56 pages of ordinance being reduced to approximately 20 pages of text and tables in what should be an easier document for anyone to determine where uses are permitted and what the space and bulk standards are for said uses. The table format will also assist staff and applicants when considering future amendments to the district regulations by providing an easier means of identifying possible conflicts and discrepancies.

The changes that have been made have been lessened from those initially discussed. Staff will be prepared to discuss these amendments. However, there are a number of changes that are worth noting:

- Change to uses within the table have largely been limited to making something that was a permitted use to being regulated as a conditional use or vice-versa.
- Within the space and bulk table, efforts were made in zoning districts with variable setback requirements to establish a single requirement. Also, variable net lot area requirements have been changed to a single square footage measurement. Both are seen as improvement in being able to provide property owners a clearer, easier, and quicker understanding of the standards for a property.
- The Board discussed at length the desire to implement space and bulk requirements in the spirit of form based codes. This was considered by establishing maximum setback and

yard requirements. Upon further consideration, staff is concerned that additional time and consideration should be given to establishing such provisions. The comprehensive planning process set to begin in January should provide this opportunity. However, in part to address the Board's concern, staff is recommending the existing uniform setback requirements of the Neighborhood Conservation "A" (NCA) and Neighborhood Conservation "B" (NCB) district be included in the Downtown Residential (DR), Centreville (CV), Mill (M), and Riverfront (RF) districts.

- The Board discussed minimum height requirements in the CV district. Staff has attempted to address this with a minimum 20' height requirement as measured along the principal façade of the structure.

This process has also resulted in the need to update Article II, Section 2 Definitions of the Zoning and Land Use Code. As the Board will note, amendments to definitions have been limited to updating out of date references and providing clarification of use descriptions.

Overall, staff believes this process has been beneficial for the Board and staff in providing a better understanding of Lewiston's district regulations. That said, even with the limited changes being proposed from earlier discussions, the conversion of 56 pages text document into a table has been challenging. Staff expects in the coming months oversights and omissions may be found requiring Planning Board and City Council action. With that understood, staff recommends approval of the proposed amendments to the Zoning and Land Use Code, Article II. Definitions, Section 2 Definitions and Article XI. District Regulations, Sections 1 through 21.

ACTIONS NECESSARY

1. Make a motion to consider a proposed amendment to the Zoning and Land Use Code, Article II. Definitions, Section 2 Definitions and Article XI. District Regulations, Sections 1 through 21;
2. Obtain input on the proposed amendments;
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 Zoning and Land Use Code, Article II. Definitions, Section 2 Definitions and Article XI. District Regulations, Sections 1 through 21, subject to any concerns raised by the Planning Board or staff.

10.22.11

AN ORDINANCE PERTAINING TO THE ZONING AND LAND USE DISTRICT
REGULATIONS

THE CITY OF LEWISTON HEREBY ORDAINS:

APPENDIX A

ZONING AND LAND USE CODE

ARTICLE XI. DISTRICT REGULATIONS

Sec. 1. Rural-agricultural district (RA).

- (a) *Statement of purpose.* The purpose of the rural-agricultural district is to provide areas within the city for the development of very low density residential uses while protecting the rural character of these portions of the city. Within the rural-agricultural district the retention of active agricultural uses is encouraged. Development which occurs within the district should be sensitive to the rural nature of the district and should preserve open space and agricultural land to the maximum extent possible.
- ~~(b) Applicability. The standards of the rural-agricultural district shall apply to all land shown on the "Official Zoning Map, City of Lewiston" as being located within a rural-agricultural district.~~
- ~~(c) Permitted uses. In a rural-agricultural district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:~~
- ~~(1) Agricultural uses including the gardening and farming of field crops, row crops, orchards, truck gardens, plant nurseries, pastures and fields with all land, buildings and structures, equipment and machinery necessary thereto including the storage of farm equipment in other than required front setback areas;~~
 - ~~(2) The keeping of farm animals, poultry, fur bearing animals and other nondomestic animals;~~
 - ~~(3) The agricultural use of manure, fertilizers, pesticides and herbicides in accordance with the provisions of article XII in conjunction with an agricultural operation;~~
 - ~~(4) The processing, handling or storage of agricultural products produced on the premises of an agricultural operation;~~
 - ~~(5) Farm stands for the retail sales of farm products of which at least 50 percent, by total dollar sales, must be produced on the premises;~~
 - ~~(6) Farm dwellings on the premises of an agricultural operation;~~
 - ~~(7) Single family detached dwellings on individual residential lots;~~
 - ~~(8) Mobile homes on individual residential lots;~~

- ~~(9) — Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages, and church-affiliated community-purpose facilities;~~
- ~~(10) — Forest management and timber harvest activities in accordance with the standards of article XII;~~
- ~~(11) — Cemeteries;~~
- ~~(12) — Family day care homes;~~
- ~~(13) — Kennels or veterinary hospitals;~~
- ~~(14) — Home occupations;~~
- ~~(15) — Accessory buildings, structures and uses;~~
- ~~(16) — Single-family cluster developments;~~
- ~~(17) — In-law apartments in accordance with the standards of article XII.~~
- ~~(d) — Conditional uses. In a rural agricultural district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~
 - ~~(1) — Single-family attached dwellings in accordance with the standards of article XIII;~~
 - ~~(2) — Mixed single-family residential developments in accordance with the standards of article XIII;~~
 - ~~(3) — Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~
 - ~~(4) — Transformer stations, high-voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use;~~
 - ~~(5) — Earth material removal;~~
 - ~~(6) — Airports or heliports;~~
 - ~~(7) — Campgrounds;~~
 - ~~(8) — Public or private facilities for nonintensive outdoor recreation;~~
 - ~~(9) — Group care facilities;~~
 - ~~(10) — Small day care facilities;~~
 - ~~(11) — Day care centers;~~
 - ~~(12) — Municipal buildings and facilities;~~
 - ~~(13) — Nursing or convalescent homes.~~
- ~~(e) — Space and bulk standards. Any building, structure or use of land or the creation of new lots within the rural agricultural district shall conform with the following requirements:~~

Minimum lot size

single family detached dwellings and mobile homes on individual lots and group care facilities for eight (8) or fewer people

60,000 square feet

| | |
|---|---------------------|
| farms | 120,000 square feet |
| the keeping of animals | 120,000 square feet |
| religious facilities, kennels, veterinary hospitals | 120,000 square feet |
| single family cluster developments | 20 acres |
| single family attached dwellings | 20 acres |
| mixed single family residential developments | 20 acres |
| all other uses | 40,000 square feet |

Minimum net lot area per dwelling unit

all dwelling units including detached and attached single family homes, farm housing, single family cluster developments, mixed single family residential developments and mobile homes

Minimum frontage

single family detached dwellings or mobile home on individual lots

single family attached dwellings, single family cluster developments or mixed single family residential developments with a single vehicular access

single family attached dwellings, single family cluster developments or mixed single family residential developments with multiple vehicular access

60,000 square feet

200 feet

300 feet

50 feet/access

| | |
|-------------------------------|--------------|
| farms or religious facilities | 250 feet all |
| other uses | 200 feet |

Minimum front setback

single family detached dwellings or mobile homes on individual lots

single family attached dwellings, single family cluster developments or mixed single family residential developments 25 feet

50 feet

| | |
|--------------------------------------|-------------|
| agricultural buildings or structures | 50 feet all |
| other uses | 25 feet |

Minimum front yard

single family detached dwellings or mobile homes on individual lots

single family attached dwellings, single family cluster developments or mixed single family residential developments

25 feet

50 feet

| | |
|----------------|---------|
| all other uses | 25 feet |
|----------------|---------|

Minimum side and rear setbacks

single family detached dwellings, mobile homes on individual lots or group care facilities for eight (8) or fewer people

| | | |
|--------------------|---|--------------------------|
| | single-family attached dwellings, single-family cluster developments or mixed single-family residential developments | |
| 25 feet | | |
| 50 feet | structures or facilities for the keeping of animals | 100 feet all- |
| | other uses | 50 feet |
| | Minimum side and rear yards | |
| | single-family detached dwellings, mobile homes on individual lots or group care facilities for eight (8) or fewer people | |
| | single-family attached dwellings, single-family cluster developments or mixed single-family residential developments | |
| 10 feet | | |
| 50 feet | structures or facilities for the keeping of animals | 25 feet all |
| | other uses | 25 feet |
| | Maximum building height | |
| | agricultural buildings 75 feet all other buildings 35 feet | |
| | Maximum lot coverage ratio | 0.15 |

~~(f) Additional standards. Any building, structure or use of land within the rural agricultural district shall comply with the following standards:~~

~~(1) The general standards of performance of article XII shall apply.~~

~~(2) Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code.~~

~~(Ord. No. 89-3, 4-7-89; Ord. No. 89-11, 9-15-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-10, 10-4-90; Ord. No. 91-8, 10-3-91; Ord. No. 92-27, 11-19-92; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 98-7, 9-10-98; Ord. No. 00-27, 1-11-01)~~

Sec. 2. Low-density residential district (LDR).

~~(a) *Statement of purpose.* The purpose of the low-density residential district is to provide areas within the city for the development of single-family homes on individual residential lots and well planned mixed residential developments in environments which protect them from the adverse impacts of incompatible land uses. The standards of the district provide for residential development of up to six units per acre with the availability of public sewerage.~~

~~(b) *Applicability.* The standards of the low density residential district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within a low-density residential district.~~

~~(c) *Permitted uses.* In a low-density residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or~~

enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:

- ~~(1) — Single family detached dwellings on individual residential lots;~~
 - ~~(2) — Mixed residential developments in accordance with the standards of article XIII;~~
 - ~~(3) — In-law apartments in accordance with the standards of article XII;~~
 - ~~(4) — Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages, and church-affiliated community purpose facilities;~~
 - ~~(5) — Forest management and timber harvest activities in accordance with the standards of article XII;~~
 - ~~(6) — Cemeteries;~~
 - ~~(7) — Family day care homes;~~
 - ~~(8) — Home occupations;~~
 - ~~(9) — Accessory buildings, structures and uses;~~
 - ~~(10) — Single family cluster developments;~~
 - ~~(11) — Small day care facilities accessory to public schools, religious facilities, multifamily or mixed residential developments, and mobile home parks.~~
- ~~(d) — Conditional uses. In a low density residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~
- ~~(1) — Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~
 - ~~(2) — Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use;~~
 - ~~(3) — Public or private facilities for nonintensive outdoor recreation;~~
 - ~~(4) — Municipal buildings and facilities;~~
 - ~~(5) — Day care centers accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile [home] parks.~~
- ~~(e) — Space and bulk standards. Any building, structure or use of land or the creation of new lots within the low density residential district shall conform with the following requirements:~~
- ~~Minimum lot size~~
- | | |
|---|-------------------------------|
| single family detached dwellings and group care facilities for eight (8) or fewer people serviced by public sewerage | 10,000 square feet |
| single family detached dwellings and group care facilities for eight (8) or fewer people not serviced by public sewerage | 40,000 square feet |

~~religious facilities~~ 40,000 square feet
~~single-family cluster developments and mixed residential~~ 5 acres
~~developments~~

| | |
|--|--|
| all other uses serviced by public sewerage | 20,000 square feet |
| all other uses not serviced by public sewerage | 40,000 square feet or greater if required by the Maine Subsurface Waste Water Disposal Rules, as amended |

Minimum net lot are per dwelling unit
 mixed residential development serviced by public sewerage
 mixed residential development not serviced by public sewerage
 Minimum frontage

7,000 square feet

20,000 square feet

| | |
|--|----------------|
| single family detached dwellings | 100 feet |
| religious facilities | 200 feet |
| single family cluster developments and mixed residential developments with a single vehicular access | |
| single family cluster developments and mixed residential developments with multiple vehicular accesses | 200 feet |
| | 50 feet/access |

| | |
|--|----------|
| all other uses | 100 feet |
| Minimum front setback | |
| single family detached dwellings | 20 feet |
| religious facilities | 50 feet |
| single family cluster developments and mixed residential developments | 50 feet |
| all other uses | 20 feet |
| Minimum front yard | |
| single family detached dwellings | 20 feet |
| religious facilities | 20 feet |
| single family cluster developments and mixed residential developments | 50 feet |
| all other uses | 20 feet |
| Minimum side and rear setbacks | |
| single family detached dwellings and group care facilities for eight (8) or fewer people | 10 feet |
| religious facilities | 50 feet |
| single family cluster developments and mixed residential developments | 30 feet |
| all other uses | 25 feet |
| Minimum side and rear yards | |
| single family detached dwellings and group care facilities for eight (8) or fewer people | 10 feet |
| religious facilities | 25 feet |

| | | |
|---------|---|---------|
| 30 feet | single-family cluster developments and mixed residential developments | |
| | all other uses | 25 feet |
| | Maximum building height all buildings | 35 feet |
| | Maximum lot coverage ratio | 0.30 |
| | Minimum distance between principal buildings on the same lot | |

BOCA Requirements

- ~~(f) Additional standards. Any building, structure or use of land within the low density residential district shall comply with the following standards:~~
- ~~(1) The general standards of performance of article XII shall apply.~~
 - ~~(2) Lots created as part of single family cluster developments shall meet the minimum lot size, frontage and setback requirements set forth in article XIII.~~
 - ~~(3) Any front, side or rear yard of a mixed residential development shall maintain a 35-foot wide buffer strip in the front yard and a 25-foot wide buffer strip in the side and rear yards, all in accordance with the buffer standards of article XIII.~~
 - ~~(4) Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code.~~

(Ord. No. 89-3, 4-7-89; Ord. No. 89-11, 9-15-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-10, 10-4-90; Ord. No. 91-8, 10-3-91; Ord. No. 92-27, 11-19-92; Ord. No. 96-6, 7-4-96; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-27, 1-11-01)

Sec. 3. Suburban residential district (SR).

- (a) *Statement of purpose.* The purpose of the suburban residential district is to provide areas within the city for the development of high quality single-family homes on individual residential lots in environments which protect them from the adverse impacts of incompatible land uses. The standards of the district provide for residential development of up to two units per acre with the availability of public sewerage.
- ~~(b) Applicability. The standards of the suburban residential district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within a suburban residential district.~~
- ~~(c) Permitted uses. In a suburban residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following as a matter of right:~~
 - ~~(1) Single-family detached dwellings on individual residential lots;~~
 - ~~(2) Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;~~
 - ~~(3) Forest management and timber harvest activities in accordance with the standards~~

of article XII:

- (4) — ~~Cemeteries;~~
 - (5) — ~~Family day care homes;~~
 - (6) — ~~Home occupations;~~
 - (7) — ~~Accessory buildings, structures and uses;~~
 - (8) — ~~Single family cluster developments;~~
 - (9) — ~~Small day care facilities accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks;~~
 - (10) — ~~In law apartments in accordance with the standards of article XII.~~
- (d) — ~~Conditional uses. In a suburban residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~
- (1) — ~~Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~
 - (2) — ~~Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use;~~
 - (3) — ~~Public or private facilities for nonintensive outdoor recreation;~~
 - (4) — ~~Municipal buildings and facilities;~~
 - (5) — ~~Day care centers accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks.~~
- (e) — ~~Space and bulk standards. Any building, structure or use of land or the creation of new lots within the suburban residential district shall conform with the following requirements:~~
- | | |
|---|---|
| Minimum lot size | |
| single family detached dwellings serviced by public sewerage | 20,000 square feet |
| single family detached dwellings not serviced by public sewerage | 40,000 square feet |
| religious facilities | 40,000 square feet |
| single family cluster developments | 10 acres |
| all other uses serviced by public sewerage | 20,000 square feet |
| all other uses not serviced by public sewerage | 40,000 square feet or greater if required by the Maine Subsurface Waste Water Disposal Rules, as amended |
| Minimum frontage | |
| single family detached dwellings | 125 feet |
| religious facilities | 200 feet |

~~single family cluster developments with a single vehicular access~~
~~single family cluster developments with multiple vehicular accesses~~ 250 feet

50 feet/access

~~all other uses~~ 125 feet

~~Minimum front setback~~

~~single family detached dwellings~~ 25 feet

~~religious facilities~~ 50 feet

~~single family cluster developments~~ 50 feet

~~all other uses~~ 25 feet

~~Minimum front yard~~

~~single family detached dwellings~~ 25 feet

~~religious facilities~~ 25 feet

~~single family cluster developments~~ 50 feet

~~all other uses~~ 25 feet

~~Minimum side and rear setbacks~~

~~single family detached dwellings and group care facilities for eight (8) or fewer people~~

15 feet

~~religious facilities~~ 50 feet

~~single family cluster developments~~ 30 feet

~~all other uses~~ 30 feet

~~Minimum side and rear yards~~

~~single family detached dwellings and group care facilities for eight (8) or fewer people~~
 15 feet

~~religious facilities~~ 30 feet

~~single family cluster developments~~ 30 feet

~~all other uses~~ 30 feet

~~Maximum building height all buildings~~ 35 feet

~~Maximum lot coverage ratio~~ .20

(f) ~~Additional standards. Any building, structure or use of land within the suburban residential district shall comply with the following standards:~~

(1) ~~The general standards of performance of article XII shall apply.~~

(2) ~~Lots created as part of single family cluster developments shall meet the minimum lot size, frontage and setback requirements set forth in article XIII.~~

(3) ~~Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX and XIII of this Code.~~

(Ord. No. 89-3, 4-7-89; Ord. No. 89-11, 9-15-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-10, 10-4-90; Ord. No. 91-8, 10-3-91; Ord. No. 92-27, 11-19-92; Ord. No. 96-6, 7-4-96; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 98-7, 9-10-98; Ord. No. 00-27, 1-11-01)

Sec. 4. Medium-density residential district (MDR).

(a) *Statement of purpose.* The purpose of the medium-density residential district is to provide

areas within the city for the development of good quality multifamily housing at densities up to eight units per acre, and good quality single-family housing, at densities of up to two units per acre, including mobile homes where appropriate, while protecting established neighborhoods from undesirable impacts from these uses.

- (b) ~~Applicability. The standards of the medium density residential district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within a medium density residential district.~~
- (c) ~~Permitted uses. In a medium density residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:~~
 - (1) ~~Single family detached dwellings and mobile homes on individual residential lots;~~
 - (2) ~~Multifamily dwellings in accordance with the standards of article XIII;~~
 - (3) ~~Single family attached dwellings in accordance with the standards of article XIII;~~
 - (4) ~~Two family dwellings;~~
 - (5) ~~Mixed single family residential developments in accordance with the standards of article XIII;~~
 - (6) ~~Mixed residential developments in accordance with the standards of article XIII;~~
 - (7) ~~Neighborhood stores as part of a multifamily development, mixed single family residential development or mixed residential development provided that the gross floor area devoted to retail use shall not exceed ten percent of the total floor area of the development;~~
 - (8) ~~Reserved;~~
 - (9) ~~Group care facilities;~~
 - (10) ~~In-law apartments in single family detached dwellings in accordance with the standards of article XII;~~
 - (11) ~~Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;~~
 - (12) ~~Forest management and timber harvest activities in accordance with the standards of article XII;~~
 - (13) ~~Cemeteries;~~
 - (14) ~~Family day care homes;~~
 - (15) ~~Home occupations;~~
 - (16) ~~Accessory buildings, structures and uses;~~
 - (17) ~~Single family cluster developments;~~
 - (18) ~~Small day care facilities accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks.~~

(d) ~~Conditional uses. In a medium density residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~

- ~~(1) Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~
- ~~(2) Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use;~~
- ~~(3) Public or private facilities for nonintensive outdoor recreation;~~
- ~~(4) Day care centers accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks;~~
- ~~(5) Private or commercial schools including business colleges without residential facilities;~~
- ~~(6) Municipal buildings and facilities;~~
- ~~(7) Nursing or convalescent homes;~~
- ~~(8) Reserved.~~

(e) ~~Space and bulk standards. Any building, structure or use of land or the creation of new lots within the medium density residential district shall conform with the following requirements:~~

~~Minimum lot size~~

| | |
|---|---|
| individual single family detached dwellings, group care facilities for eight (8) or fewer people, and mobile homes serviced by public sewerage | 10,000 square feet |
| individual single family detached dwellings and mobile homes serviced by a common, on site septic system which is part of an approved subdivision | 20,000 square feet |
| individual single family detached dwellings, group care facilities for eight (8) or fewer people, and mobile homes not serviced by public sewerage | 40,000 square feet |
| two family dwellings serviced by public sewerage | 15,000 square feet |
| two family dwellings not serviced by public sewerage | 80,000 square feet |
| single family attached dwellings serviced by public sewerage | 20,000 square feet |
| single family attached dwellings not serviced by public sewerage | Not permitted |
| multifamily dwellings serviced by public sewerage | 20,000 square feet |
| multifamily dwellings or group care facilities for nine (9) or more people not serviced by public sewerage permitted | Not permitted |
| mixed single family residential, mixed residential and single family cluster developments | 5 acres |
| mixed residential developments | 5 acres |
| all other principal uses serviced by public sewerage | 20,000 square feet |
| all other principal uses not serviced by public sewerage | 40,000 square feet or greater if required by the |

Maine Subsurface
Waste Water
Disposal Rules, as
amended

Minimum net lot area per dwelling unit
single family attached dwellings, multifamily dwellings, mixed
single family residential developments and mixed residential
developments serviced by public sewerage
mixed single family residential developments not serviced by
public sewerage
Minimum frontage

5,000 square feet

20,000 square feet

individual single-family detached dwellings and mobile homes — 100 feet
 two-family dwellings — 125 feet
 single-family attached dwellings, single-family cluster developments, multifamily dwellings, mixed single-family residential developments and mixed residential developments with a single vehicular access
 single-family attached dwellings, single-family cluster developments, multifamily dwellings, mixed single-family residential developments and mixed residential developments with multiple vehicular accesses

200 feet

50 feet/access

all other uses — 100 feet

Minimum front setback

individual single-family detached dwellings, group care facilities for eight (8) or fewer people and mobile homes — 20 feet

two-family dwellings — 20 feet

multifamily dwellings — 30 feet

mixed single-family residential, mixed residential, and single-family cluster developments — 30 feet

all other uses — 50 feet

Minimum front yard

individual single-family detached dwellings, group care facilities for eight (8) or fewer people and mobile homes — 20 feet

two-family dwellings — 20 feet

single-family attached dwellings — 20 feet

multifamily dwellings — 30 feet

mixed single-family residential developments, mixed residential, and single-family cluster developments — 30 feet

all other uses — 30 feet

Minimum side and rear setbacks

individual single-family detached dwellings, group care facilities for eight (8) or fewer people and mobile homes — 10 feet

two-family dwellings — 30 feet

single-family attached dwellings — 30 feet

multifamily dwellings — 30 feet

mixed single-family residential developments, mixed residential, and single-family cluster developments — 10 feet

all other uses — 10 feet

Minimum side and rear yards

individual single-family detached dwellings and group care facilities for eight (8) or fewer people — 30 feet

two-family dwellings — 30 feet

single-family attached dwellings — 30 feet

multifamily dwellings — 30 feet

mixed single-family residential developments, mixed residential developments, and single-family cluster developments — 30 feet

| | |
|--|--------------------|
| all other uses | 30 feet |
| Maximum building height all buildings | 35 feet |
| Maximum lot coverage ratio | 0.30 |

- ~~(i) Additional standards. Any building, structure or use of land within the medium density residential district shall comply with the following standards:~~
- ~~(1) The general standards of performance of article XII shall apply;~~
 - ~~(2) Lots created as part of mixed single family residential, mixed residential, or single family cluster developments shall meet the minimum lot size, frontage and setback requirements set forth in article XIII;~~
 - ~~(3) The construction of attached single family dwellings or multifamily dwellings shall be permitted only if they are serviced by public sewerage;~~
 - ~~(4) Prior to the division of any existing lot of record having a gross lot area of five or more acres, the owner shall file a master development plan with the planning director. The plan shall show in a conceptual manner significant manmade and natural features of the site, prime development areas and potential points of adequate vehicular access. The purpose of the plan is to assure that the remaining vacant land will remain suitable for the development of high quality multifamily and mixed residential housing and to preliminarily demonstrate how the standards of article XIII will be met. If the planning director finds that the master development plan does not meet the above requirements, the plan will be forwarded to the planning board for their review and determination of acceptability;~~
 - ~~(5) The placement of mobile homes on individual residential lots, as outlined under subsection (c)(1) of this section, is permitted only in areas within a mobile home park overlay district;~~
 - ~~(6) Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code.~~

~~(Ord. No. 89-3, 4-7-89; Ord. No. 89-11, 9-15-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-10, 10-4-90; Ord. No. 91-8, 10-3-91; Ord. No. 92-4, 2-20-92; Ord. No. 92-27, 11-19-92; Ord. No. 92-31, 1-7-93; Ord. No. 96-6, 7-4-96; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-27, 1-11-01; Ord. 10-13, 12-23-10)~~

Sec. 5. Riverfront (RF).

- ~~(a) *Statement of purpose.* The purpose of the riverfront district is to promote redevelopment of the riverfront area for recreation, employment and mixed-age and mixed-income housing by encouraging the development of new buildings or the reuse or conversion of existing buildings and other areas that will enhance the use of the Androscoggin River as an amenity.~~
- ~~(b) *Applicability.* The standards of the riverfront district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within a riverfront~~

district.

- (c) ~~Permitted uses. In a riverfront district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:~~
- ~~(1) Academic institutions, including buildings or structures for classroom, administrative laboratory, art, theater, dining services, library, bookstores and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures;~~
 - ~~(2) Accessory buildings and uses;~~
 - ~~(3) Drinking place;~~
 - ~~(4) Art and craft studios;~~
 - ~~(5) Business offices;~~
 - ~~(6) Commercial outdoor recreation;~~
 - ~~(7) Commercial parking facilities;~~
 - ~~(8) Day care centers;~~
 - ~~(9) Multifamily dwellings in accordance with the standards of article XIII;~~
 - ~~(10) Single family attached dwellings in accordance with the standards of article XIII;~~
 - ~~(11) Restaurants (excluding drive-in restaurants);~~
 - ~~(12) Family day care homes;~~
 - ~~(13) Home occupations;~~
 - ~~(14) Hotels, motels and inns;~~
 - ~~(15) Hospitals and medical clinics;~~
 - ~~(16) Mixed use structures;~~
 - ~~(17) Movie theaters (with three or fewer screens);~~
 - ~~(18) Municipal buildings and facilities;~~
 - ~~(19) Museums, libraries and nonprofit art galleries and theaters;~~
 - ~~(20) Nursing or convalescent homes;~~
 - ~~(21) Office buildings;~~ (22)
 - ~~Personal services;~~
 - ~~(23) Photography studios;~~
 - ~~(24) Places of indoor assembly, amusement or culture;~~
 - ~~(25) Private or commercial schools including business colleges;~~
 - ~~(26) Professional offices;~~

- ~~(27) — Public community meeting and civic function buildings including auditoriums;~~
- ~~(28) — Public or private facilities for nonintensive outdoor recreation;~~
- ~~(29) — Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;~~
- ~~(30) — Retail stores;~~
- ~~(31) — Student dormitories;~~
- ~~(32) — Reserved;~~
- ~~(33) — Transit and ground transportation facilities;~~
- ~~(34) — Retail bakeries;~~
- ~~(35) — Water dependant uses, e.g. piers, docks and wharfs;~~
- ~~(36) — Congregate care/assisted living facilities.~~

~~(d) — Conditional uses. In a riverfront district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~

- ~~(1) — Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~
- ~~(2) — Utility structures Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use.~~

~~(e) — Spaces and bulk standards.~~

| | |
|---|-------------------|
| Minimum lot size | |
| all uses | 5,000 square feet |
| Minimum lot area per dwelling unit | |
| all residential uses | 1,500 square feet |
| For new residential construction with 25% or more of the units reserved for low to moderate income housing as defined by H.U.D, or if the housing development is owner occupied | 1,000 square feet |
| Minimum frontage | |

| | |
|---|-------------------|
| all uses | 50 feet |
| Minimum front setback | |
| all uses | None |
| Minimum front yard | |
| all uses | None |
| Minimum side and rear setbacks | |
| all uses | 10 feet |
| Minimum side and rear yards (required on one side only) | |
| all uses | 10 feet |
| Maximum impervious surface ratio | 0.75 |
| Minimum open space ration | 0.25 |
| Maximum building height | |
| all uses | 75 feet |
| Minimum distance between buildings on the same lot | BOCA requirements |

- (f) ~~Additional standards. Any building, structure or use of land within the riverfront district shall comply with the following standards:~~
- (1) ~~The general performance standards of article XII shall apply.~~
 - (2) ~~Modifications (i.e. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code.~~
 - (3) ~~All new residential construction shall comply with the design standards in article XII, section 22.~~

(Ord. No. 00-19, 10-5-00; Ord. No. 05-07, 3-17-05; Ord. No. 12-04, 04-05-12)

Editor's note: See editor's note at article XI.

Sec. 6. Neighborhood conservation "A" district (NCA).

- (a) *Statement of purpose.* The purpose of the neighborhood conservation "A" district is to promote neighborhood stability by requiring the development of new buildings or the reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. The standards of the district restrict housing to single-family detached dwellings unless the existing pattern of use in the immediate neighborhood is two-family or predominantly multifamily dwellings.
- (b) ~~Applicability. The standards of the neighborhood conservation "A" district shall apply to all land shown on the "official zoning map of the City of Lewiston" as being located within a neighborhood conservation "A" district.~~
- (c) ~~Permitted uses. In a neighborhood conservation "A" district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:~~
 - (1) ~~Single-family detached dwellings and their accessory structures on individual residential lots;~~

- (2) — ~~In-law apartments in accordance with the standards of article XII;~~
 - (3) — ~~Two family dwellings provided the locational criteria of subsection (f) are met;~~
 - (4) — ~~Multifamily dwellings provided the locational criteria of subsection (f) are met;~~
 - (5) — ~~Single family attached dwellings provided that the locational criteria of subsection (f) are met;~~
 - (6) — ~~Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;~~
 - (7) — ~~Forest management and timber harvest activities in accordance with the standards of article XII;~~
 - (8) — ~~Cemeteries;~~
 - (9) — ~~Family day care homes;~~
 - (10) — ~~Home occupations;~~
 - (11) — ~~Accessory buildings and uses;~~
 - (12) — ~~Small day care facilities accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks.~~
- (d) — ~~Conditional uses. In a neighborhood conservation "A" district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~
- (1) — ~~Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~
 - (2) — ~~Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use;~~
 - (3) — ~~Public or private facilities for nonintensive outdoor recreation;~~
 - (4) — ~~Single family cluster developments;~~
 - (5) — ~~Municipal buildings and facilities;~~
 - (6) — ~~Day care centers accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks.~~
 - (7) — ~~Reserved.~~
- (e) — ~~Space and bulk standards. The following space and bulk regulations shall apply to the development of existing lots of record as of the date of adoption of this Code having 20,000 square feet or more of lot area and to the creation of new lots after the date of adoption of this Code and the subsequent development of those lots:~~
- | | |
|---|--------------------------------------|
| Minimum lot size | |
| single family detached dwellings and group care facilities for eight (8) or fewer people serviced by public sewerage | eight (8) or fewer people |
| single family detached dwellings and group care facilities for | not serviced |

| | |
|--|--------------------|
| by public sewerage | 7,500 square feet |
| religious facilities | 20,000 square feet |
| single-family cluster developments | 20,000 square feet |
| single-family attached and multifamily dwellings | 5 acres |
| two-family dwellings | 20,000 square feet |
| all other uses | 12,500 square feet |
| all other uses | 20,000 square feet |
| Minimum lot area per dwelling unit | |
| all residential uses other than detached single-family dwellings | 5,000 square feet |
| Minimum frontage | |
| single-family detached dwellings and group care facilities for eight (8) or fewer people | 75 feet |
| religious facilities | 125 feet |
| single-family cluster developments with a single vehicular access | 200 feet |
| single-family cluster developments with multiple vehicular accesses | 50 feet/access |

| | |
|--|----------|
| single family attached and multifamily dwellings | 125 feet |
| two family dwellings | 125 feet |
| all other uses | 125 feet |
| Minimum front setback | |
| single family detached dwellings | 20 feet |
| religious facilities | 50 feet |
| | |
| single family cluster developments | 50 feet |
| two family, single family attached and multifamily dwellings | 20 feet |
| all other uses | 20 feet |
| Minimum front yard | |
| single family detached dwellings | 20 feet |
| religious facilities | 20 feet |
| single family cluster developments | 50 feet |
| two family, single family attached and multifamily dwellings | 20 feet |
| all other uses | 20 feet |
| Minimum side and rear setbacks | |
| single family detached dwellings and group care facilities for eight (8) or fewer people | 10 feet |
| religious facilities | 30 feet |
| single family cluster developments | 30 feet |
| single family attached and multifamily dwellings | 30 feet |
| two family dwellings | 15 feet |
| all other uses | 30 feet |
| Minimum side and rear yards | |
| single family detached dwellings and group care facilities for eight (8) or fewer people | 10 feet |

| | |
|--|---------|
| religious facilities | 30 feet |
| single family cluster developments | 30 feet |
| single family attached and multifamily dwellings | 30 feet |
| two family dwellings | 15 feet |
| all other uses | 30 feet |
| Maximum building height – all buildings | 35 feet |
| Maximum lot coverage ratio | 0.30 |

The following space and bulk regulations shall apply to the development of existing lots of record as of the date of adoption of this Code having less than 20,000 square feet of lot area:

Minimum lot size _____ None

Minimum lot area per dwelling unit. The minimum lot area for a two-family, multifamily or attached single-family dwelling shall be determined by computing the total lot area of all developed impacted properties divided by the total number of dwelling units legally existing on these lots as of the date of adoption of this Code and rounding up to the nearest 100 square feet. In determining the total area of the impacted properties, the tax records of the City of Lewiston shall be used unless the applicant or the owner of an impacted property presents definitive evidence to the contrary.

| | |
|--------------------------------|---|
| Minimum street frontage | 50 feet |
| Minimum front setback | 15 feet unless otherwise provided for in subsection (f) |
| Minimum front yard | 15 feet unless otherwise provided for in subsection (f) |
| Minimum side and rear setbacks | 10 feet |
| Minimum side and rear yard | 5 feet |

Maximum building height. The maximum building height for lots within the district shall be the average of the number of stories of the principal structures on all developed impacted properties rounded to the nearest whole story.

Maximum lot coverage ratio _____ .50

(f) Additional standards.

- (1) The use of an existing building or structure shall be changed to another allowed use only if there is adequate off-street parking to meet the requirements of article XII for the new use without variation.
- (2) The expansion of an existing use by either the enlargement of the building or structure or the creation of additional dwelling units within an existing building shall be permitted only if off-street parking is provided in accordance with article XII for the additional space or units.
- (3) Notwithstanding the setback and yard requirements of subsection (e) and the

~~provisions of article XII, subsection 17(f)(3), the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall be maintained as a yard area, except that only one of the two following options may be instituted:~~

~~a. — Access roads or drives in this area are permitted only when a minimum of 40 feet of front yard area can be maintained; or~~

~~b. — No more than one parking space shall be created in this area.~~

~~(4) — In areas where the existing buildings have an established uniform setback relationship to the street, any new building or modification to an existing building may maintain this established relationship notwithstanding the provisions of subsection (e). An established uniform setback relationship is deemed to exist when the distances between the front face of the building and the edge of the travel way in the adjoining street for the two adjacent parcels fronting on the same street on each side of the subject parcel are within +/- five feet of mean of this distance for the four parcels. For the purposes of this provision, lots shall be deemed to be adjacent even if separated by a street or public easement.~~

~~(5) — Any required side or rear yard area for uses other than residential located within 50 feet of a lot containing a dwelling or a residential zoning district shall be maintained as a buffer area meeting the standards of article XIII.~~

~~(6) — A parcel may be developed with a two family dwelling, only if both of the following criteria are met:~~

~~a. — More than 50 percent of the impacted properties that are developed contain residential structures with two or more dwelling units; and~~

- ~~b. More than 50 percent of the adjoining properties that are developed contain residential structures with two or more dwelling units.~~
- ~~(7) An existing single family dwelling may be converted to a two family dwelling only if both of the following criteria are met:

 - ~~a. Forty percent or more of the impacted properties that are developed contain residential structures with two or more dwelling units; and~~
 - ~~b. Forty percent or more of the adjoining properties that are developed contain residential structures with two or more dwelling units.~~~~
- ~~(8) A parcel may be developed with a multifamily dwelling or with a single family attached dwelling, an existing building may be converted to a multifamily dwelling or an existing multifamily structure may be altered to create additional units, only if both of the following criteria are met:

 - ~~a. More than 50 percent of the impacted properties that are developed contain residential structures with three or more dwelling units; and~~
 - ~~b. More than 50 percent of the adjoining properties that are developed contain residential structures with three or more dwelling units.~~~~
- ~~(9) Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code.~~

(Ord. No. 89-3, 4-7-89; Ord. No. 89-11, 9-15-89; Ord. No. 90-3, 5-17-90; Ord. No. 91-8, 10-3-91; Ord. No. 92-25, 11-5-92; Ord. No. 92-27, 11-19-92; Ord. No. 92-34, 1-7-93; Ord. No. 95-12, 9-14-95; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-18, 8-17-00; Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 03-18, 1-1-04)

Editor's note: See editor's note at article XI.

Sec. 7. Neighborhood conservation "B" district (NCB).

- ~~(a) *Statement of purpose.* The purpose of the neighborhood conservation "B" district is to promote the stability and improvement of older multifamily residential neighborhoods by requiring the development of new buildings or the replacement, reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. The standards of the district allow multifamily housing while encouraging the upgrading of this housing stock.~~
- ~~(b) *Applicability.* The standards of the neighborhood conservation "B" district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within a neighborhood conservation "B" district.~~
- ~~(c) *Permitted uses.* In a neighborhood conservation "B" district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:~~

- (1) — ~~One individual single-family detached dwelling on an existing lot of record as of the date of adoption of this Code;~~
 - (2) — ~~Multifamily dwellings in accordance with the standards of article XIII;~~
 - (3) — ~~Single-family attached dwellings in accordance with the standards of article XIII;~~
 - (4) — ~~Two-family dwellings;~~
 - (5) — ~~Mixed single-family residential developments in accordance with the standards of article XIII;~~
 - (6) — ~~Mixed residential developments in accordance with the standards of article XIII;~~
 - (7) — ~~Neighborhood stores as part of a multifamily development, mixed single-family residential development or mixed residential development provided that the gross floor area devoted to retail use shall not exceed ten percent of the total floor area of the development;~~
 - (8) — ~~Reserved;~~
 - (9) — ~~Group care facilities;~~
 - (10) — ~~In-law apartments in single-family detached dwellings in accordance with the standards of article XII;~~
 - (11) — ~~Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;~~
 - (12) — ~~Forest management and timber harvest activities in accordance with the standards of article XII;~~
 - (13) — ~~Cemeteries;~~
 - (14) — ~~Family day care home;~~
 - (15) — ~~Home occupations;~~
 - (16) — ~~Accessory buildings and uses;~~
 - (17) — ~~Small day care facilities;~~
 - (18) — ~~Lodging houses;~~
- (d) — ~~Conditional uses. In a neighborhood conservation "B" district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~
- (1) — ~~Personal services;~~
 - (2) — ~~Professional offices;~~
 - (3) — ~~Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~
 - (4) — ~~Transformer stations, high-voltage power transmission lines, substations;~~

~~telephone exchanges, microwave towers or other public utility or communications use;~~

~~(5) — Public or private facilities for nonintensive outdoor recreation;~~

~~(6) — Day care centers accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks;~~

~~(7) — Nursing or convalescent homes;~~

~~(8) — Private or commercial schools including business colleges without residential facilities;~~

~~(9) — Hospitals and medical clinics;~~

~~(10) — Neighborhood retail stores;~~

~~(11) — Fraternal lodge or other social, civic or recreational use of a nonprofit organization or membership club (but not including any use, the chief activity of which is one customarily conducted as a gainful business);~~

~~(12) — Municipal buildings and facilities;~~

~~(13) — Shelters;~~

~~(14) — Reserved;~~

~~(15) — Commercial parking facilities.~~

~~(e) — Space and bulk standards. Any building, structure or use of land within the neighborhood conservation "B" district shall conform with the following requirements:~~

~~Minimum lot size _____ None~~

~~Minimum lot area per dwelling unit. The required minimum lot area per dwelling unit for any residential use in the neighborhood conservation "B" district shall be 120 percent of the average lot area per dwelling unit of impacted properties as of the date of adoption of this Code.~~

~~The maximum number of dwelling units that can be placed on a parcel in the district shall be figured by the following procedures:~~

~~The total lot area of all developed impacted properties shall be calculated. In determining the total area of the impacted properties, the tax records of the City of Lewiston shall be used unless the applicant or the owner of an impacted property presents definitive evidence to the contrary. The total number of legally existing dwelling units as of the date of adoption of this Code shall be calculated. The total lot area shall be multiplied by 120 percent and then divided by the total number of dwelling units existing on the impacted properties. This figure divided into the lot area of the subject parcel yields the total dwelling units which can be placed on the lot.~~

~~If less than 50 percent of the impacted properties are in residential use, the minimum lot area per dwelling unit shall be the greater of:~~

~~(1) — One thousand five hundred square feet per dwelling unit; or~~

~~(2) — The minimum area derived by the procedure outlined above.~~

| | |
|--|--------------------|
| Minimum street frontage | 50 feet |
| Minimum front setback unless otherwise provided for in subsection (f) | 10 feet |
| Minimum front yard unless otherwise provided for in section (f) | 10 feet |
| Minimum side and rear yard setbacks | 10 feet |
| Minimum side and rear yards | 5 feet |
| Maximum building height | 65 feet |
| Maximum lot coverage ratio | 0.65 |
| Maximum impervious surface ratio | 0.85 |
| Minimum open space ratio | 0.15 |

~~(f) — Additional standards.~~

- ~~(1) — The use of an existing building or structure shall be changed to another allowed use only if there is adequate off-street parking to meet the requirements of article XII for the new use without variation.~~
- ~~(2) — The expansion of an existing use by either the enlargement of the building or structure or the creation of additional dwelling units within an existing building shall be permitted only if off-street parking is provided in accordance with article XII for the additional space or units.~~
- ~~(3) — Notwithstanding the setback and yard requirements of subsection (e) and the provisions of article XII, subsection 17(f)(3), the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall be maintained as a yard area, except that only one of the two following options may be instituted:
 - ~~a. — Access roads or drives in this area are permitted only when a minimum of 20 feet of front yard area can be maintained; or~~
 - ~~b. — No more than one parking space shall be created in this area.~~~~
- ~~(4) — In areas where the existing buildings have an established uniform setback relationship to the street, any new building or modification to an existing building shall maintain this established relationship notwithstanding the provisions of subsection (e). An established uniform setback relationship is deemed to exist when the distances between the front face of the building and the edge of the travel way in the adjoining street for the two adjacent parcels fronting on the same street on each side of the subject parcel are within \pm five feet of mean of this distance for the four parcels. For the purposes of this provision, lots shall be deemed to be adjacent even if separated by a street or public easement.~~
- ~~(5) — Any required side or rear yard area for uses other than residential located within 50 feet of a residential zoning district shall be maintained as a buffer area meeting the standards of article XIII.~~
- ~~(6) — Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot~~

~~coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code.~~

~~(Ord. No. 89-3, 4-7-89; Ord. No. 89-11, 9-15-89; Ord. No. 90-6, 5-17-90; Ord. No. 91-8, 10-3-91; Ord. No. 92-34, 1-7-93; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 10-02, 3-4-2010; Ord. 10-13, 12-23-10)~~

~~Editor's note: See editor's note at Article XI.~~

Sec. 8. Office-residential district (OR).

- (a) *Statement of purpose.* The purpose of the office-residential district is to provide for the orderly transition of older residential areas along major traffic arteries to low-intensity nonresidential uses and multifamily housing. The conversion of existing properties from residential to nonresidential use should occur in a manner which preserves the architectural character of the neighborhood, provides controlled traffic access and adequate parking and protects adjoining residential neighborhoods from undesirable impacts.
- ~~(b) Applicability. The standards of the office-residential district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within an office-residential district.~~
- ~~(c) Permitted uses. In an office-residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:~~
- ~~(1) Single-family detached dwellings;~~
 - ~~(2) Two-family dwellings;~~
 - ~~(3) Single-family attached dwellings;~~
 - ~~(4) Multifamily dwellings;~~
 - ~~(5) Reserved;~~
 - ~~(6) Reserved;~~
 - ~~(7) Mixed residential developments;~~
 - ~~(8) Fraternal and philanthropic organizations;~~
 - ~~(9) In-law apartments in accordance with the standards of article XII;~~
 - ~~(10) Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;~~
 - ~~(11) Professional offices;~~
 - ~~(12) Office buildings and business offices;~~
 - ~~(13) Tradesman's offices;~~

- (14) — Veterinary facilities;
 - (15) — Mortuary or funeral parlor;
 - (16) — Hospitals, medical clinics and related facilities;
 - (17) — Nursing or convalescent homes;
 - (18) — Home occupations;
 - (19) — Accessory buildings and uses;
 - (20) — Reserved;
 - (21) — Family day care home;
 - (22) — Photography studios;
 - (23) — Forest management and timber harvesting activities in accordance with the standards of article XII;
 - (24) — Small day care facilities;
 - (25) — Day care centers;
 - (26) — Group care facilities.
- (d) — Conditional uses. In an office residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:
- (1) — Private or commercial schools including business colleges;
 - (2) — Academic institutions, including buildings or structures for classroom, administrative, laboratory, art, theater, dining, service, library, bookstore and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures;
 - (3) — Student dormitories;
 - (4) — Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;
 - (5) — Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use;
 - (6) — Public or private facilities for nonintensive outdoor recreation;
 - (7) — Municipal buildings and facilities;
 - (8) — Beauty shops, barber shops and shoe repair shops;
 - (9) — Fitness and recreational sports centers as listed under North American Industry Classification System Code 713940.
- (e) — Space and bulk standards.

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| Minimum lot size | |
| single-family detached dwellings serviced by public sewerage | 7,500 square feet |
| single-family detached dwellings not serviced by public sewerage | 20,000 square feet |
| two-family dwellings serviced by public sewerage | 10,000 square feet |
| two-family dwellings not serviced by public sewerage | 40,000 square feet |
| single-family attached and multi-family dwellings serviced by public sewerage | 12,000 square feet |
| single-family attached and multi-family dwellings not serviced by public sewerage | 80,000 square feet |
| mixed residential developments serviced by public sewerage | 5 acres |
| mixed residential developments not serviced by public sewerage | 10 acres |
| nonresidential uses serviced by public sewerage | 7,500 square feet |
| nonresidential uses not serviced by public sewerage | 20,000 square feet |
| Minimum net lot area per dwelling unit | |
| single-family attached dwellings, multifamily dwellings and mixed residential developments serviced by public sewerage | 3,000 square feet |
| single-family attached dwellings, multi-family dwellings and mixed residential developments serviced by public sewerage | 3,000 square feet |
| single-family attached dwellings, multifamily dwellings and mixed residential developments not serviced by public sewerage | 20,000 square feet |
| Minimum frontage | |
| single-family detached dwellings | 100 feet |
| two-family dwellings | 100 feet |
| single-family attached dwellings, multifamily dwellings and mixed residential developments with a single vehicular access | 100 feet |
| single-family attached dwellings, multifamily dwellings and mixed residential developments with multiple vehicular accesses | 50 feet/access |
| nonresidential uses | 100 feet |
| Minimum front setback – all uses | 20 feet unless otherwise required by subsection (f) |
| Minimum front yard – all uses | 10 feet except as required by subsection (f) |
| Minimum side and rear setback residential uses | 15 feet |
| All other uses | 20 feet |
| Minimum side and rear yard – all uses | 10 feet except where buffers required in accordance with subsection (f) |
| Maximum lot coverage ratio | 0.30 |
| Maximum impervious surface ratio | 0.60 |
| Minimum open space ratio | 0.40 |
| Maximum building height | 35 feet |

(f) ~~Additional standards.~~

- (1) ~~The use of an existing building or structure shall be changed to another allowed use only if there is adequate off-street parking to meet the requirements of article XII for the new use without variation.~~
- (2) ~~The enlargement of an existing building or structure shall be permitted only if the entire project will comply with the off-street parking requirements of article XII upon completion of the expansion.~~
- (3) ~~Fifty percent of the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall not be used for parking and shall be maintained as additional yard area, except that access roads or drives and sidewalks are permitted in this area.~~
- (4) ~~In areas where the existing buildings have an established uniform setback relationship to the street, any new building or modification to an existing building shall maintain this established relationship notwithstanding the provisions of subsection (e). An established uniform setback relationship is deemed to exist when the distances between the front face of the building and the edge of the travel way in the adjoining street for the two adjacent parcels fronting on the same street on each side of the subject parcel are within +/- five feet of mean of this distance for the four parcels. For the purposes of this provision, lots shall be deemed to be adjacent even if separated by a street or public easement.~~
- (5) ~~Any required side or yard area for uses other than residential located within 50 feet of a lot containing a dwelling or a residential zoning district shall be maintained as a buffer area meeting the standards of article XIII.~~
- (6) ~~Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code except those properties as noted in subsection (f)(7).~~
- (7) ~~The land on the on the east side of Main Street from Brooks Avenue to the Russell Street overpass, including 579 Main Street and 15-18 Pettingill Street, is subject to the following additional standards:~~
 - a. ~~Modifications of the space and bulk standards contained in subsection (e) may not be granted by the board of appeals, planning board, staff review committee or code enforcement officials. Modifications of the space and bulk standards contained in subsection (e) may not be granted by granted by the board of appeals, planning board, staff review committee or code enforcement officials, with the exception of side and rear yards where the abutting use is nonresidential.~~
 - b. ~~In all cases, trees on the entire site with a diameter of greater than six inches shall be preserved unless removal is necessary for development activity as determined by the appropriate reviewing authority.~~

- e. ~~The front yard must be planted with deciduous street trees (not including flowering ornamental trees) at intervals of 15 to 30 feet on center, shall have a minimum two and one-half inch caliber, and shall be at least eight to 12 feet high at the time of planting. Existing impervious front yard areas must be revegetated to these standards, when a property is subject to development review.~~
- d. ~~Each premises is permitted one freestanding ground sign not exceed 72 square feet. Each business entity is permitted a wall sign not to exceed five percent of the ground floor principal facade area of that business or a minimum of 16 square feet, whichever is greater. Ground signs are encouraged to be pedestal type ground signs not exceeding eight feet in height.~~
- e. ~~Access is prohibited onto Brooks Avenue, with the exception of single family homes.~~
- f. ~~The following design standards are encouraged for any project subject to development review; however, may be waived by the appropriate reviewing authority due to site limitations and the nature of the development:~~
 - (1) ~~Off street parking is to be located on the side and rear of buildings;~~
 - (2) ~~Any new development or renovations shall generally relate in design features to the surrounding building, showing respect for the local context of Main Street, as seen from Holland Street to Montello Street;~~
 - (3) ~~Gable or hipped roofs should be used to the greatest extent possible with any new development or renovations. Flat and shed style are roofs are discouraged, unless architectural features are applied to minimize the roofs appearance from Main Street (i.e., false fronts, parapets, etc.)~~
 - (4) ~~Shared driveway entrances shall be encouraged with adjacent sites, in order to minimize curb cuts.~~
 - (5) ~~Additional landscaping, buffering, and screening is encouraged to minimize views of parking areas from streets and abutting properties.~~

(Ord. No. 89-3, 4-7-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-11, 10-4-90; Ord. No. 91-8, 10-3-91; Ord. No. 92-18, 9-10-92; Ord. No. 92-27, 11-19-92; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 99-9, 4-15-99; Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 04-19, 7-15-04; Ord. 10-13, 12-23-10)

Sec. 9. Downtown residential district (DR).

- (a) *Statement of purpose.* The purpose of the downtown residential district is to promote the improvement of older residential neighborhoods within the downtown by encouraging a transition to more mixed use neighborhoods, including owner-occupied, mixed-age and mixed-income housing with less density where desired and appropriate. low-intensity

nonresidential uses, more open space and other neighborhood amenities, creating diverse, mixed-use neighborhoods. The standards of the district will encourage the upgrading of the existing neighborhoods by removing blight and vacancy, providing an opportunity for new residential and commercial development, and fostering a sense of community and place through neighborhood meeting, gathering and cultural places.

- (b) ~~Applicability. The standards of the downtown residential district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within a downtown residential district.~~
- (c) ~~Permitted uses. In a downtown residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:~~
 - (1) ~~Academic institutions, including buildings or structures for classroom, administrative laboratory, art, theater, dining services, library, bookstores and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures;~~
 - (2) ~~Accessory buildings and uses;~~
 - (3) ~~Art and craft studios;~~
 - (4) ~~Lodging houses;~~
 - (5) ~~Business offices;~~
 - (6) ~~Day care centers;~~
 - (7) ~~Single family detached dwellings;~~
 - (8) ~~Two family dwellings;~~
 - (9) ~~Multifamily dwellings in accordance with the standards of article XIII;~~
 - (10) ~~Single family attached dwellings in accordance with the standards of article XIII;~~
 - (11) ~~Restaurants (except drive-in restaurants);~~
 - (12) ~~Family day care homes;~~
 - (13) ~~Group care facilities;~~
 - (14) ~~Home occupations;~~
 - (15) ~~Hotels, motels and inns;~~
 - (16) ~~In-law apartments in single family detached dwellings in accordance with the standards of article XIII;~~
 - (17) ~~Medical clinics;~~
 - (18) ~~Mixed use structures;~~
 - (19) ~~Mortuary or funeral parlors;~~
 - (20) ~~Movie theaters (with fewer than three screens);~~

- ~~(21) Municipal buildings and facilities;~~
- ~~(22) Museums, libraries and nonprofit art galleries and theaters;~~
- ~~(23) Nursing or convalescent homes;~~
- ~~(24) Office buildings;~~ ~~(25)~~
- ~~—— Personal services;~~
- ~~(26) Photography studios;~~
- ~~(27) Private or commercial schools including business colleges;~~
- ~~(28) Professional offices;~~
- ~~(29) Public community meeting and civic function buildings including auditoriums;~~
- ~~(30) Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;~~
- ~~(31) Retail stores;~~
- ~~(32) Student dormitories;~~
- ~~(33) Reserved;~~
- ~~(34) Transit and ground transportation facilities;~~
- ~~(35) Retail bakeries;~~
- ~~(36) Congregate care/assisted living facilities.~~
- ~~(d) Conditional uses. In a downtown residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~
 - ~~(1) Commercial parking facilities (no more than two parking levels are permitted in the DR district);~~
 - ~~(2) Public or private facilities for nonintensive outdoor recreation;~~
 - ~~(3) Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~
 - ~~(4) Utility structures Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use.~~
 - ~~(5) Shelters.~~
- ~~(e) Spaces and bulk standards.~~

Minimum lot size

all uses _____ 5,000 square feet

Minimum lot area per dwelling unit

| | |
|---|-------------------|
| all residential uses other than detached single family dwellings | 1,500 square feet |
| For new residential construction with 25% or more of the units reserved for low to moderate income housing as defined by H.U.D. or if the housing development is owner-occupied | 1,000 square feet |
| Minimum frontage | |
| all uses | 50 feet |
| Minimum front setback | |
| all uses | None |
| Minimum front yard | |
| all uses | None |
| Minimum side and rear setbacks | |
| all uses | 10 feet |
| Minimum side and rear yards (required on one side only) | 10 feet |
| Maximum impervious surface ratio | 0.75 |
| Minimum open space ratio | 0.25 |
| Maximum building height | |
| Residential uses | 50 feet |
| Mixed use structures and commercial uses | 65 feet |
| Minimum distance between buildings on the same lot | BOCA requirements |

(f) ~~Additional standards. Any building, structure or use of land within the downtown residential district shall comply with the following standards:~~

~~(1) The general performance standards of article XII shall apply.~~

~~(2) Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code.~~

~~(3) All new residential construction shall comply with the design standards in article XII, section 22.~~

(Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 05-07, 3-17-05; Ord. 10-13, 12-23-10; Ord. No. 12-04, 04-05-12)

Sec. 10. Institutional-office (IO).

(a) *Statement of purpose.* The purpose of the institutional-office district is to provide areas within the city for the location of major community facilities including hospitals, schools, colleges and similar institutions. The standards of the district are designed to provide these institutions with flexibility within their property limits but to establish safeguards to protect adjoining residential areas from undesirable impacts associated with these uses.

~~(b) Applicability. The standards of the institutional-office district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within an institutional-office district.~~

~~(c) Permitted uses. In an institutional-office district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or~~

enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:

- (1) ~~One individual single family detached dwelling on an existing lot of record as of the date of adoption of this Code;~~
- (2) ~~Multifamily dwellings in accordance with the standards of article XIII;~~
- (3) ~~Hotels, motels and inns with less than 25 rooms;~~
- (4) ~~Single family attached dwelling in accordance with the standards of article XIII;~~
- (5) ~~Restaurant in conjunction with another permitted use;~~
- (6) ~~Professional offices;~~
- (7) ~~Office buildings and business offices;~~
- (8) ~~Tradesman's offices;~~
- (9) ~~Academic institutions, including buildings or structures for classroom, administrative, laboratory, art, theater, dining, service, library, bookstore and student recreational uses, and athletic or recreation buildings, structures, fields, or facilities together with buildings accessory to the foregoing permitted principal buildings or structures;~~
- (10) ~~Hospitals, including institutions for the handicapped;~~
- (11) ~~Religious facilities including churches, synagogues, and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;~~
- (12) ~~Nursing and convalescent homes;~~
- (13) ~~Day care centers;~~
- (14) ~~Museums, libraries and nonprofit art galleries and theaters;~~
- (15) ~~Public community meeting and civic function buildings including auditoriums;~~
- (16) ~~Dormitories which are situated greater than 125 feet from all district boundaries;~~
- (17) ~~Group care facilities;~~
- (18) ~~Personal services;~~
- (19) ~~Research, experimental or testing laboratories related to a permitted use;~~
- (20) ~~Veterinary facilities;~~
- (21) ~~Mortuary or funeral parlor;~~
- (22) ~~Private or commercial schools including business colleges;~~
- (23) ~~Home occupations;~~
- (24) ~~Accessory buildings and uses;~~
- (25) ~~Forest management and timber harvesting activities in accordance with the standards of article XII;~~

~~(26) — Family day care homes;~~

~~(27) — Small day care facilities.~~

~~(d) — Conditional uses. In an institutional office district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~

~~(1) — Clubhouses for qualified charitable, but not merely nonprofit, corporations, provided that the primary use of the premises is not for the conduct of profit-making ventures;~~

~~(2) — Fraternal and social clubrooms and facilities for organizations which are not qualified charitable corporations, but which are directly affiliated with a use permitted under subsection (c), provided that the primary use of the premises is not for the conduct of profit-making ventures;~~

~~(3) — Housing facilities on the premises of institutions permitted under subsection (c) for staff members of such institutions;~~

~~(4) — Service buildings or structures ancillary to and affiliated with permitted institutional uses including, but not limited to, pharmacies and medical supply outlets;~~

~~(5) — Dormitories which are located 125 feet or less from any district boundary;~~

~~(6) — Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~

~~(7) — Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use;~~

~~(8) — Commercial parking facilities;~~

~~(9) — Municipal buildings and facilities.~~

~~(e) — Space and bulk standards:~~

~~Minimum lot size~~

~~multifamily dwellings ————— 10,000 square feet~~

~~single-family attached dwellings ————— 10,000 square feet~~

~~nonresidential uses serviced by public sewerage ————— 10,000 square feet~~

~~nonresidential uses not serviced by public sewerage ————— 20,000 square feet~~

~~Minimum net lot area per dwelling unit — all residential uses ————— 3,000 square feet~~

~~Minimum frontage~~

~~multifamily and attached single family ————— 100 feet~~

~~nonresidential uses ————— 100 feet~~

~~Minimum front setback~~

~~hospital, nursing homes and medical offices ————— see (f)(4), below~~

~~all other uses ————— 30 feet~~

~~Minimum front yard~~

~~hospital, nursing homes and medical offices ————— see (f)(4), below~~

| | |
|--|-------------------|
| all other uses | 10 feet |
| Minimum side and rear setback | |
| residential uses | 15 feet |
| nonresidential uses | 20 feet |
| Minimum side and rear yard— all uses | 10 feet |
| Maximum lot coverage ratio | |
| hospital, nursing homes and medical offices | 1.00 |
| all other uses | 0.50 |
| Maximum impervious surface ratio | |
| hospital, nursing homes and medical offices | 1.00 |
| all other uses | 0.75 |
| Minimum open space ratio | |
| hospital, nursing homes and medical offices | none |
| all other uses | 0.25 |
| Maximum building height | |
| hospital, nursing homes and medical offices | 120 feet |
| all other uses | 75 feet |
| Minimum distance between principal buildings on the same lot | BOCA requirements |

(f) ~~Additional standards.~~

- (1) ~~Any required side or rear yard area for uses other than residential located within 50 feet of a lot containing a dwelling or a residential zoning district shall be maintained as a buffer area meeting the standards of article XIII.~~
- (2) ~~For the purpose of determining compliance with front, rear and side setback and yard requirements, an enclosed walkway connecting structures on abutting lots in the institutional office (IO), whether it be underground, elevated or at grade, shall not be considered a structure but shall be considered a walkway.~~

~~Similarly, awnings and canopies installed on lots in the institutional office (IO) district that provide shelter from the elements, whether made of permanent or nonpermanent material shall not be considered as structures and may extend into the front, side, and rear yard areas to the extent necessary to provide adequate shelter from the elements as long as the installation will not result in undue impact on adjacent properties, due to the placement of the awnings or canopies, location of service, parking or storage areas, or blocking of solar access, and shall in no way interfere with utilities or with the convenient and safe use of the sidewalk and street right of way by all pedestrians and vehicles, but in no case may the canopy be closer than two feet from the property line.~~

~~The enclosed walkways, awnings and canopies shall be safely made, fixed, supported and maintained and shall comply with NFPA and BOCA requirements for such structures.~~

- (3) ~~Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code.~~

- (4) ~~The minimum front setback and front yard requirements for hospitals, nursing homes and medical offices are zero provided the lot directly across the street is in the institutional office (IO) district.~~

(Ord. No. 89-3, 4-7-89; Ord. No. 90-3, 5-17-90; Ord. No. 92-11, 6-4-92; Ord. No. 92-18, 9-10-92; Ord. No. 92-27, 11-19-92; Ord. No. 93-8, 6-17-93; Ord. No. 95-6, 6-1-95; Ord. No. 97-2, 4-17-97; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 05-07, 3-17-05; Ord. No. 09-09, 12-31-09)

Editor's note: See editor's note at article XI.

Sec. 11. Community business district (CB).

- (a) *Statement of purpose.* The purpose of the community business district is to provide areas within the city for the location of major shopping facilities, including shopping centers which serve the wider community. The standards of the district are intended to encourage well planned commercial developments which have controlled vehicular access and high standards of site design.
- (b) ~~Applicability. The standards of the community business district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within a community business district.~~
- (c) ~~Permitted uses. In a community business district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:~~
- ~~(1) Multifamily dwellings;~~
 - ~~(2) Hotels, motels and inns;~~
 - ~~(3) Restaurants;~~
 - ~~(4) Drive in restaurants as part of and subordinate to eating and drinking establishments;~~
 - ~~(5) Retail stores;~~
 - ~~(6) Places of indoor assembly, amusement or culture;~~
 - ~~(7) Movie theaters;~~
 - ~~(8) Art and craft studios;~~
 - ~~(9) Professional offices;~~
 - ~~(10) Office buildings and business offices;~~
 - ~~(11) Tradesman's offices;~~
 - ~~(12) Personal services;~~
 - ~~(13) Gasoline service stations which are a part of and subordinate to a retail use;~~
 - ~~(14) Veterinary facilities;~~

- (15) — Mortuary or funeral parlor;
 - (16) — Municipal buildings and facilities;
 - (17) — Hospitals and medical clinics;
 - (18) — Home occupations;
 - (19) — Accessory buildings and uses;
 - (20) — Religious facilities including churches, synagogues, and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;
 - (21) — Business offices;
 - (22) — Fully enclosed automotive services, except repair, involving no exterior storage;
 - (23) — Family day care homes;
 - (24) — Small day care facilities;
 - (25) — Day care centers;
 - (26) — Private or commercial schools, including business colleges;
 - (27) — Private industrial/commercial developments;
 - (28) — Forest management and timber harvesting activities in accordance with the standards of article XII;
 - (29) — Mixed use structures.
- (d) — Conditional uses. In a community business district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:
- (1) — Lumber and building material dealers;
 - (2) — Drinking place;
 - (3) — Adult business establishments;
 - (4) — Commercial parking facilities;
 - (5) — Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;
 - (6) — Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications uses;
 - (7) — Drive in theaters.
- (e) — Space and bulk standards.

Minimum lot size

| | |
|---|---|
| multifamily dwellings | none |
| nonresidential uses serviced by public sewerage | none |
| nonresidential uses not serviced by public sewerage | 20,000 square feet |
| Minimum net lot area per dwelling unit— all residential uses | 3,000 square feet |
| Minimum frontage | |
| all residential uses | 100 feet |
| nonresidential uses | 125 feet |
| Minimum front setback— all uses | 30 feet |
| Minimum front yard— all uses | 15 feet |
| Minimum side and rear setback | |
| all other uses | 20 feet |
| Minimum side and rear yard— all uses | 10 feet or such lesser distance as may be approved in connection with development review pursuant to Article XIII hereof |
| Maximum lot coverage ratio | 0.40 |
| Maximum impervious surface ratio | 0.75 |
| Minimum open space ratio | 0.25 |
| Maximum building height | 50 feet |
| Minimum distance between principal buildings on the same lot | BOCA requirements |

~~(f) Additional standards.~~

- ~~(1) Where the side or rear yard area for uses other than residential is located within 50 feet of a residential zoning district, any required side or rear yard area shall be maintained as a buffer in accordance with the buffer standards of article XIII.~~
- ~~(2) Any required side or rear yard area for uses other than residential, located within 50 feet of a residential zoning district shall be maintained as a buffer area meeting the standards of article XIII.~~
- ~~(3) Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code except those properties as noted in subsection (f)(4).~~
- ~~(4) The land on the west side of Main Street to the Maine Central Railroad right of way, from Strawberry Avenue south to the Russell Street overpass is subject to the following additional standards:

 - ~~a. Modifications of the space and bulk standards contained in subsection (e) may not be granted by the board of appeals, planning board, staff review committee or code enforcement officials, with the exception of side and rear yards where the abutting use is nonresidential.~~
 - ~~b. In all cases, trees on the entire site with a diameter of greater than six inches shall be preserved unless removal is necessary for development activity as determined by the appropriate reviewing authority.~~~~

~~e. The front yard must be planted with deciduous street trees (not including flowering ornamental trees) at intervals of 15 to 30 feet on center, shall have a minimum two and one-half inch caliber, and shall be at least eight to 12 feet high at the time of planting. Existing impervious front yard areas must be revegetated to these standards, when a property is subject to development review.~~

~~d. Each premises is permitted one freestanding ground sign not exceed 72 square feet. Each business entity is permitted a wall sign not to exceed five percent of the ground floor principal facade area of that business or a minimum of 16 square feet, whichever is greater. Ground signs are encouraged to be pedestal-type ground signs not exceeding eight feet in height.~~

~~e. The following design standards are encouraged for any project subject to development review; however, may be waived by the appropriate reviewing authority due to site limitations and the nature of the development:~~

~~*Off-street parking is to be located on the side and rear of buildings;~~

~~*Any new development or renovations shall generally relate in design features to the surrounding building, showing respect for the local context of Main Street, as seen from Holland Street to Montello Street;~~

~~*Gable or hipped roofs should be used to the greatest extent possible with any new development or renovations. Flat and shed style roofs are discouraged, unless architectural features are applied to minimize the roofs appearance from Main Street (i.e., false fronts, parapets, etc.)~~

~~*Shared driveway entrances shall be encouraged with adjacent sites, in order to minimize curb cuts.~~

~~*Additional landscaping, buffering and screening is encouraged to minimize views of parking areas from streets and abutting properties.~~

(Ord. No. 89-3, 4-7-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-8, 8-10-90; Ord. No. 92-12, 6-4-92; Ord. No. 92-18, 9-10-92; Ord. No. 92-27, 11-19-92; Ord. No. 96-3, 4-18-96; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-10, 6-15-00; Ord. No. 00-19, 10-5-00; Ord. No. 04-18, 7-15-04; Ord. No. 05-07, 3-17-05)

Editor's note: See editor's note at article XI.

Sec. 12. Highway business district (HB).

(a) *Statement of purpose.* The purpose of the highway business district is to provide areas within the city for the location of businesses which are dependent on automobile borne customers and which require large parking areas to be successful. The standards of this district are intended to allow commercial uses while requiring controlled highway access, good quality site design and protection of adjacent residential property. In addition, the standards require the preparation of a master development plan prior to the development of large parcels.

(b) *Applicability.* The standards of the highway business district shall apply to all land shown

on the "Official Zoning Map of the City of Lewiston" as being located within a highway-business district.

- (e) ~~Permitted uses. In a highway business district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:~~
- ~~(1) — Hotel, motel, or inn;~~
 - ~~(2) — Restaurant;~~
 - ~~(3) — Drive-in restaurants;~~
 - ~~(4) — Places of indoor assembly, amusement or culture;~~
 - ~~(5) — Retail stores;~~
 - ~~(6) — Arts and crafts studios;~~
 - ~~(7) — Professional offices;~~
 - ~~(8) — Office buildings and business offices;~~
 - ~~(9) — Tradesman's offices;~~
 - ~~(10) — Personal services;~~
 - ~~(11) — Lumber and building material dealers;~~
 - ~~(12) — Building and construction contractors provided there is no exterior storage of materials or equipment visible from a public street or abutting property;~~
 - ~~(13) — Transportation facilities; (14)~~
~~— New and used car dealers;~~
 - ~~(15) — Recreational vehicle dealers;~~
 - ~~(16) — Mobile home dealers;~~
 - ~~(17) — Gasoline service stations;~~
 - ~~(18) — Auto and equipment repair garages;~~
 - ~~(19) — Equipment dealers;~~
 - ~~(20) — Commercial parking facilities;~~
 - ~~(21) — Veterinary facilities including kennels;~~
 - ~~(22) — Mortuary or funeral parlor;~~
 - ~~(23) — Academic institutions, including buildings or structures for classroom, administrative, laboratory, art, theater, dining, service, library, bookstore and student recreational uses, and athletic buildings or structures in which the number of spectators permitted under the fire code of the City of Lewiston shall not exceed the combined staff and resident student population of the institution; together with buildings accessory to the foregoing permitted principal buildings or~~

structures;

- ~~(24) Hospitals, including institutions for the handicapped;~~
 - ~~(25) Religious facilities including churches, synagogues, and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;~~
 - ~~(26) Municipal buildings and facilities;~~
 - ~~(27) private or commercial schools including business colleges;~~
 - ~~(28) Home occupations;~~
 - ~~(29) Accessory buildings and uses;~~
 - ~~(30) Wholesale sales, warehousing and distribution facilities;~~
 - ~~(31) Fully enclosed light industrial uses involving no exterior storage of materials, equipment or products;~~
 - ~~(32) Business offices;~~
 - ~~(33) Automotive services, except repair;~~
 - ~~(34) Small day care facilities;~~
 - ~~(35) Private industrial/commercial developments;~~
 - ~~(36) Forest management and timber harvesting activities in accordance with the standards of article XII;~~
 - ~~(37) Movie theaters;~~
 - ~~(38) Family day care homes;~~
 - ~~(39) Day care centers;~~
 - ~~(40) Group care facilities;~~
 - ~~(41) Mixed use structures involving the adaptive reuse of an existing building;~~
 - ~~(42) Registered primary caregivers engaged in the cultivation of medical marijuana for two to five registered patients;~~
- ~~(d) Conditional uses. In a highway business district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~
- ~~(1) Commercial outdoor recreation;~~
 - ~~(2) Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~
 - ~~(3) Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications uses;~~

- (4) — Drinking place;
- (5) — Drive-in theaters;
- (6) — Registered dispensary (only one registered dispensary is allowed in the City of Lewiston)

(e) — Space and bulk standards.

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|--|--|
| Minimum lot size | |
| uses serviced by public sewerage | none |
| uses not serviced by public sewerage | 20,000 square feet |
| Minimum frontage — all uses | 150 feet |
| Minimum front setback — all uses | 30 feet |
| Minimum front yard — all uses | 20 feet |
| Minimum side and rear setback | |
| structures measuring less than 125 square feet accessory to residential uses | 10 feet |
| all other uses | 20 feet or such lesser distance in accordance with subsection (f) |
| Minimum side and rear yard — all uses | 10 feet or such lesser distance as may be approved in connection with development review pursuant to Article XIII hereof |
| Maximum lot coverage ratio | 0.50 |
| Maximum impervious surface ratio | 0.75 |
| Minimum open space ratio | 0.25 |
| Maximum building height | 65 feet |
| Minimum distance between principal buildings on the same lot | BOCA requirements |

(f) — Additional standards.

- (1) — Where the side or rear yard area adjoins a residential zoning district or a property in residential use, any required side or rear yard area shall be maintained as a buffer in accordance with the buffer standards of article XIII.
- (2) — Existing lots of record having 150 feet or less of frontage on a street functionally classified as an arterial shall be limited to one point of vehicular access to the arterial to service all development on the lot including the division of the lot into additional lots.
- (3) — Existing lots of record having more than 150 but less than 500 feet of frontage on a street functionally classified as an arterial shall be limited to two points of vehicular access to the arterial to service all development on the lot including the division of the lot into additional lots.
- (4) — Existing lots of record having 500 feet or more of frontage on a street functionally classified as an arterial shall be limited to two points of vehicular access to the arterial for up to 1,000 feet of frontage, plus one additional point of access to the arterial for each additional 500 feet of frontage on the arterial or portion thereof. These points of access

shall service all development on the lot, including the division of the lot into additional lots:

- (5) ~~Prior to the division of any existing lot of record having a gross lot area of five acres or more or 500 or more feet of street frontage on a road functionally classified as an arterial or the submission of a development plan for all or a portion of the lot, the owner shall file a master development plan with the planning board.~~
- (6) ~~Notwithstanding the aforementioned standards, owners of legally existing lots of record that were developed at the adoption date of this Code may reduce the side and rear setbacks for additions to the extent necessary in conjunction with development review pursuant to article XII hereof. The development review committee may not reduce said setbacks unless it finds that the following standards have been met:
 - a. ~~If the requested addition is to be five feet or less from the property line the applicant must secure a maintenance agreement with the abutter, to be reviewed and approved by the development review committee, prior to the approval of the setback reduction;~~
 - b. ~~The proposed addition cannot be otherwise located on the lot to satisfy the Code requirements for which relief is sought;~~
 - c. ~~The granting of the reduction will not result in undue impact on adjacent properties due to the placement of the addition or building, diversion of surface water or blocking of solar access; and~~
 - d. ~~The proposed development must meet all other space and bulk standards of the district, and the environmental performance standards listed under article XII, section 19 of this Code.~~~~

~~The master development plan shall be conceptual in nature and shall be based upon a site inventory plan identifying the major development opportunities and constraints associated with the site. This inventory shall be prepared by a registered landscape architect or registered professional engineer and shall show in a conceptual manner natural drainage features, environmentally sensitive areas, prime development areas, potential points of vehicular access and other significant manmade and natural features of the site.~~

~~The master development plan shall address the overall use of the parcel, the overall vehicular circulation system within the parcel, the coordination of accesses onto the arterial street, the general layout of utilities and drainage and provisions for buffering. The master development plan shall also demonstrate how the requirements of the highway business district and the standards of article XII will be met.~~

~~Once the master development plan has been filed with the planning board, any division of land or application for approval shall be consistent with the plan unless a revised master development plan is filed.~~

- (7) ~~Existing nonconforming single family dwellings in lawful existence as of January 9, 1988 may be converted to a two family dwelling as long as the conversion is done within the existing building envelope.~~

(Ord. No. 89-3, 4-7-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-17, 1-11-91; Ord. No. 92-12, 6-4-92; Ord. No. 92-18, 9-10-92; Ord. No. 94-14, 10-20-94; Ord. No. 96-3, 4-18-96; Ord. No. 97-7, 9-11-97; Ord. No. 98-2, 3-19-98; Ord. No. 98-6, 7-2-98; Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 02-07, 5-2-02; Ord. No. 05-07, 3-17-05; Ord. No. 10-14, 1-6-11)

Editor's note: See editor's note at Article XI.

Sec. 13. Centreville district (CV).

- (a) *Statement of purpose.* The purpose of the Centreville district is to encourage a concentration of economic enterprises in the central business district that is convenient and attractive for a wide range of retail, service, financial, government, professional, entertainment and appropriate residential uses in a setting conducive to a high volume of pedestrian traffic. The standards of the district will initiate economic revitalization through increased occupancy of downtown properties, improved real estate values, increased consumer activity, and encourage the restoration and preservation of historic buildings and honor the rich Franco-American cultural heritage of the community.
- ~~(b) — Applicability. The standards of the centreville district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within a Centreville district.~~
- ~~(c) — Permitted uses. In a Centreville district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:~~
- ~~(1) — Academic institutions, including buildings or structures for classroom, administrative laboratory, art, theater, dining services, library, bookstores and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures;~~
 - ~~(2) — Reserved;~~
 - ~~(3) — Drinking place;~~
 - ~~(4) — Accessory buildings and uses;~~
 - ~~(5) — Art and craft studios;~~
 - ~~(6) — Reserved;~~
 - ~~(7) — Business offices;~~
 - ~~(8) — Clubhouses for qualified charitable corporations (but not merely nonprofit), provided that the primary use of the premises is not for the conduct of profit making ventures;~~
 - ~~(9) — Commercial parking facilities;~~
 - ~~(10) — Day care centers;~~
 - ~~(11) — Multifamily dwellings in accordance with the standards of article XIII;~~
 - ~~(12) — Restaurants (except drive in restaurants);~~
 - ~~(13) — Family day care homes;~~

- (14) — Gasoline service stations which are part of and subordinate to a retail use;
- (15) — Group care facilities;
- (16) — Home occupations;
- (17) — Hospitals, including institutions for the handicapped;
- (18) — Hotels, motels and inns;
- (19) — In-law apartments in single-family detached dwellings in accordance with the standards of article XIII;
- (20) — Medical clinics;
- (21) — Mixed use structures;
- (22) — Mortuary or funeral parlors;
- (23) — Movie theaters (with fewer than three screens);
- (24) — Municipal buildings and facilities;
- (25) — Museums, libraries and nonprofit art galleries and theaters;
- (26) — Nursing or convalescent homes;
- (27) — Office buildings; (28)
—— Personal services;
- (29) — Photography studios;
- (30) — Places of indoor assembly, amusement or culture;
- (31) — Private or commercial schools including business colleges;
- (32) — Professional offices;
- (33) — Public community meeting and civic function buildings including auditoriums;
- (34) — Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;
- (35) — Research, experimental or testing laboratories related to a permitted use;
- (36) — Retail stores;
- (37) — Student dormitories;
- (38) — Reserved;
- (39) — Transit and ground transportation facilities;
- (40) — Commercial bakeries;
- (41) — Retail bakeries;
- (42) — Printing facilities including newspaper publishers and information services;
- (43) — Congregate care/assisted living facilities.

~~(d) Conditional uses. In a Centreville district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~

~~(1) Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~

~~(2) Utility structures Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use.~~

~~(e) Spaces and bulk standards:~~

~~Minimum lot size~~

~~all uses _____ None~~

~~Minimum lot area per dwelling unit~~

~~all residential uses other than detached single family dwellings _____ None~~

~~Minimum frontage~~

~~all uses _____ 25 feet~~

~~Minimum front setback~~

~~all uses _____ None~~

~~Minimum front yard~~

~~all uses _____ None~~

~~Minimum side and rear setbacks~~

~~all uses _____ None~~

~~Minimum side and rear yards (required on one side only)~~

~~all uses _____ None~~

~~Maximum lot coverage ratio _____ 100.0~~

~~Minimum open space ration _____ None~~

~~Maximum building height~~

~~All uses _____ 150 feet~~

~~Minimum distance between buildings on the same lot _____ BOCA requirements~~

~~(f) Additional standards. Any building, structure or use of land within the Centreville district shall comply with the following standards:~~

~~(1) The general performance standards of article XII shall apply.~~

~~(2) Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code.~~

~~(3) For those historic buildings and structures identified in Appendix A, Article XV, Sections 6 through 10 of this Code located in the Centreville district, a nonconforming use may be reestablished to its original use pursuant to Article VI, Section 4 of this Code.~~

(Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 04-07, 4-15-04; Ord. No. 05-07, 3-17-05;

Ord. No. 10-09, 10-7-10; Ord. 10-13, 12-23-10; Ord. No. 12-04, 04-05-12)

Sec. 14. Office service (OS).

- (a) *Statement of purpose.* The purpose of the office-service district is to set aside areas within the city for the development of major economic activities which do not have significant environmental issues associated with them. The standards of the district provide for well-planned developments with attention to controlled traffic access and buffering of adjacent residential areas. The standards of this district also require that a master development plan be prepared for large parcels prior to the development of the site.
- (b) ~~Applicability.~~ The standards of the office-service district shall apply to all land shown on the "Official Zoning Map, City of Lewiston" as being located within an office-service district.
- (c) ~~Permitted uses.~~ In an office-service district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:
- (1) ~~Hotels, motels, and inns;~~
 - (2) ~~Restaurant;~~
 - (3) ~~Places of indoor assembly, amusement or culture;~~
 - (4) ~~Art and craft studios;~~
 - (5) ~~Professional offices;~~
 - (6) ~~Office buildings and business offices;~~
 - (7) ~~Tradesman's offices;~~
 - (8) ~~Personal services;~~
 - (9) ~~Wholesale sales, warehousing and distribution facilities;~~
 - (10) ~~Building and construction contractors provided there is no exterior storage of materials or equipment visible from a public street or abutting property;~~
 - (11) ~~Self-storage facilities;~~
 - (12) ~~Research, experimental or testing laboratories;~~
 - (13) ~~Light industrial uses;~~
 - (14) ~~Veterinary facilities including kennels;~~
 - (15) ~~Mortuary or funeral parlor;~~
 - (16) ~~Academic institutions, including buildings or structures for classroom, administrative, laboratory, art, theater, dining service, library, bookstore and student recreational uses, and athletic buildings or structures in which the number of spectators permitted under the fire code of the City of Lewiston shall not exceed the combined staff and resident student population of the institution;~~

together with buildings accessory to the foregoing permitted principal buildings or structures;

- ~~(17) Hospitals, including institutions for the handicapped;~~
 - ~~(18) Religious facilities including churches, synagogues, and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;~~
 - ~~(19) Municipal buildings and facilities;~~
 - ~~(20) Private or commercial schools including business colleges;~~
 - ~~(21) Home occupations;~~
 - ~~(22) Accessory buildings and uses;~~
 - ~~(23) Family day care homes;~~
 - ~~(24) Small day care facilities;~~
 - ~~(25) Day care centers;~~
 - ~~(26) Forest management and timber harvesting activities in accordance with the standards of article XII;~~
 - ~~(27) Movie theaters;~~
 - ~~(28) Group care facilities.~~
 - ~~(29) Registered primary caregivers engaged in the cultivation of medical marijuana for two to five registered patients.~~
- (d) ~~Conditional uses. In an office service district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~
- ~~(1) Dormitories;~~
 - ~~(2) Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~
 - ~~(3) Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use;~~
 - ~~(4) Earth material removal;~~
 - ~~(5) Private industrial/commercial developments;~~
 - ~~(6) Motor freight transportation facilities;~~
 - ~~(7) Drive-in theaters.~~
 - ~~(8) Registered dispensary (only one registered dispensary is allowed in the City of Lewiston)~~
- (e) ~~Space and bulk standards.~~

| | |
|--|---|
| Minimum lot size — all uses | 20,000 square feet |
| Minimum frontage — all uses | 100 feet |
| Minimum front setback — all uses | 50 feet |
| Minimum front yard — all uses | 20 feet |
| Minimum side and rear setback — all uses | 25 feet |
| Minimum side and rear yard — all uses | 10 feet except where buffers required in accordance with subsection (f) |
| Maximum lot coverage ratio | 0.50 |
| Maximum impervious surface ratio | 0.75 |
| Minimum open space ratio | 0.25 |
| Maximum building height | 75 feet |
| Minimum distance between principal buildings on the same lot | BOCA requirements |

(f) Additional standards:

- (1) Where the side or rear yard area is located within 50 feet of a residential zoning district, a 50-foot wide buffer strip shall be maintained in accordance with the buffer standards of article XIII. Any required side or rear yard area located within 50 feet of a lot containing a dwelling not in a residential zoning district shall be maintained as a buffer area meeting the standards of article XIII.
- (2) Existing lots of record having 150 feet or less of frontage on a street functionally classified as an arterial shall be limited to one point of vehicular access to the arterial to service all development on the lot including the division of the lot into additional lots.
- (3) Existing lots of record having more than 150, but less than 500 feet of frontage on a street functionally classified as an arterial shall be limited to two points of vehicular access to the arterial to service all development on the lot including the division of the lot into additional lots.
- (4) Existing lots of record having 500 feet or more of frontage on a street functionally classified as an arterial shall be limited to two points of vehicular access to the arterial for up to 1,000 feet of frontage, plus one additional point of access to the arterial for each additional 500 feet of frontage on the arterial or portion thereof. These points of access shall service all development on the lot, including the division of the lot into additional lots.
- (5) Prior to the division of any existing lot of record having a gross lot area of five acres or more or 500 or more feet of street frontage on a road functionally classified as an arterial or the submission of a development plan for all or a portion of the lot, the owner shall file a master development plan with the planning board. The master development plan shall be conceptual in nature and shall be based upon a site inventory plan identifying the major development opportunities and constraints associated with the site. This inventory shall be prepared by a registered landscape architect or registered professional engineer and shall show in a conceptual manner natural drainage features, environmentally sensitive areas, prime development areas, potential points of vehicular access, and other significant manmade and natural features of the site.

~~The master development plan shall address the overall use of the parcel, the overall vehicular circulation system within the parcel, the coordination of accesses onto the arterial street, the general layout of utilities and drainage and provisions for buffering. The master development plan shall also demonstrate how the requirements of the office service district and the standards of article XIII will be met.~~

~~Once the master development plan has been filed with the planning board, any division of land or application for approval shall be consistent with the plan unless a revised master development plan is filed.~~

- ~~(6) Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code.~~

~~(Ord. No. 89-16, 11-30-89; Ord. No. 90-3, 5-17-90; Ord. No. 92-12, 6-4-92; Ord. No. 92-18, 9-10-92; Ord. No. 93-1, 2-4-93; Ord. No. 96-3, 4-18-96; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 05-07, 3-17-05; Ord. No. 10-14, 1-6-11)~~

Editor's note: See editor's note at article XI.

Sec. 15. Industrial district (I).

- (a) *Statement of purpose.* The purpose of the industrial district is to set aside areas of the city for the development of major economic activities, including manufacturing and processing, and to protect these areas from encroachment from noncompatible residential or commercial uses.
- ~~(b) Applicability. The standards of the industrial district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within an industrial district.~~
- ~~(c) Permitted uses. In an industrial district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:~~
- ~~(1) Eating and drinking places accessory to an allowed use;~~
 - ~~(2) Retail outlet accessory to an allowed use;~~
 - ~~(3) Office buildings, business offices and/or auxiliary business offices;~~
 - ~~(4) Personal services accessory to an allowed use;~~
 - ~~(5) Wholesale sales, warehousing and distribution facilities;~~
 - ~~(6) Building and construction contractors;~~
 - ~~(7) Engineering, research, management and related services;~~
 - ~~(8) Fuel oil dealers and related facilities;~~
 - ~~(9) Light industrial uses;~~

- ~~(10) — Industrial uses;~~
 - ~~(11) — Municipal buildings and facilities;~~
 - ~~(12) — Family day-care homes;~~
 - ~~(13) — Small day-care facilities;~~
 - ~~(14) — Day-care centers;~~
 - ~~(15) — Private industrial/commercial developments;~~
 - ~~(16) — Forest management and timber harvesting activities in accordance with the standards of article XII;~~
 - ~~(17) — Motor freight transportation facilities;~~
 - ~~(18) — Tradesman's offices;~~
 - ~~(19) — Fitness and recreational sports centers as listed under North American Industry Classification System Code 713940;~~
 - ~~(20) — Registered primary caregivers engaged in the cultivation of medical marijuana for two to five registered patients.~~
- ~~(d) — Conditional uses. In an industrial district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~
- ~~(1) — Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~
 - ~~(2) — Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use;~~
 - ~~(3) — Reserved;~~
 - ~~(4) — Equipment dealers and repair garages;~~
 - ~~(5) — Commercial solid waste disposal facilities;~~
 - ~~(6) — Junkyards and auto graveyards;~~
 - ~~(7) — Recycling and reprocessing facilities;~~
 - ~~(8) — Vocational and education buildings;~~
 - ~~(9) — Earth material removal;~~
 - ~~(10) — Registered dispensary (only one registered dispensary is allowed in the City of Lewiston)~~
- ~~(e) — Space and bulk standards:~~

~~Minimum lot size — all uses ————— 40,000 square feet~~

| | |
|--|---|
| Minimum frontage— all uses | 100 feet |
| Minimum front setback— all uses | 50 feet |
| Minimum front yard— all uses | 25 feet |
| Minimum side and rear setback— all uses | 25 feet |
| Minimum side and rear yard— all uses | 10 feet except where buffers required in accordance with subsection (f) |
| Maximum lot coverage ratio | 0.50 |
| Maximum impervious surface ratio | 0.75 |
| Minimum open space ratio | 0.25 |
| Maximum building height | 100 feet |
| Minimum distance between principal buildings on the same lot | BOCA requirements |

(f) ~~Additional standards.~~

(1) ~~Where the side or rear yard area for uses other than residential is located within 50 feet of a residential zoning district, a minimum 50-foot wide buffer area shall be maintained along the side and rear yards in accordance with the buffer standards of article XIII.~~

~~Any required side or rear yard area for uses other than residential located within 50 feet of a lot containing a dwelling not in a residential district shall be maintained as a buffer area meeting the standards of article XIII.~~

~~Where the front yard area for uses other than residential is located across the street from an abutting property in a residential zoning district and in residential use, a 25-foot buffer area shall be maintained in the front yard area meeting the standards of article XIII.~~

(2) ~~The industrially-zoned land on the east side of River Road, from Alfred A. Plourde Parkway to the northwesterly property line of 380 River Road, is subject to the following additional standards:~~

a. ~~The minimum front setback for all uses is 100 feet.~~

b. ~~The minimum front yard for all uses is 100 feet, and shall be maintained as a buffer area meeting the standards of article XIII.~~

c. ~~No new vehicular access points are allowed along the frontage between 326 River Road and that portion of 9 Gendron Drive that has frontage on River Road.~~

d. ~~The above referenced setback, yard, and buffer requirements shall also apply to the that portion of 380 River Road located directly across from 367 River Road, as shown on Exhibit A.~~

e. ~~Only one vehicular access point no wider than 50 feet within the 100-foot buffer of 380 River Road shall be permitted.~~

(3) ~~Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code~~

~~enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code. However, the required buffer areas under subsection (1) above shall not be reduced by modification or variance.~~

(Ord. No. 89-16, 11-30-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-12, 11-16-90; Ord. No. 91-6A, 7-4-91; Ord. No. 92-12, 6-4-92; Ord. No. 92-18, 9-10-92; Ord. No. 93-1, 2-4-93; Ord. No. 96-16, 12-19-96; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-19, 10-5-00; Ord. No. 02-06, 5-2-02; Ord. No. 02-08, 5-16-02; Ord. No. 03-16, 1-1-04; Ord. No. 06-07, 5-18-06; Ord. No. 10-14, 1-6-11)

Editor's note: See editor's note at article XI.

Sec. 16. Urban enterprise district(UE).

- (a) *Statement of purpose.* The purpose of the urban enterprise district is to encourage the improvement, reuse and redevelopment of older mixed use areas of the city by allowing a wide range of uses with appropriate development standards.
- (b) ~~Applicability.~~ The standards of the urban enterprise district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within an urban enterprise district.
- (c) ~~Permitted uses.~~ In an urban enterprise district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:
- (1) ~~Hotels, motels and inns;~~
 - (2) ~~Restaurants;~~
 - (3) ~~Drive-in restaurants;~~
 - (4) ~~Places of indoor assembly, amusement or culture;~~
 - (5) ~~Retail stores;~~
 - (6) ~~Art and craft studios;~~
 - (7) ~~Professional offices;~~
 - (8) ~~Office buildings and business offices;~~
 - (9) ~~Tradesman's offices;~~
 - (10) ~~Personal services;~~
 - (11) ~~Wholesale sales, warehousing and distribution facilities;~~
 - (12) ~~Lumber and building material dealers;~~
 - (13) ~~Building and construction contractors, provided that all exterior storage of materials and equipment are screened to a minimum height of eight feet from all abutting properties and public streets;~~
 - (14) ~~Self-storage facilities;~~
 - (15) ~~Research, experimental and testing laboratories;~~

- ~~(16) — Reserved;~~
- ~~(17) — Transportation facilities;~~
- ~~(18) — Gasoline service stations;~~
- ~~(19) — Auto repair garages;~~
- ~~(20) — Equipment repair garages;~~
- ~~(21) — Commercial parking facilities;~~
- ~~(22) — Light industrial uses;~~
- ~~(23) — Mortuary or funeral parlors;~~
- ~~(24) — Academic institutions, including buildings or structures for classroom, administrative, laboratory, art, theater, dining, service, library, bookstore and student recreational uses, and athletic buildings or structures in which the number of spectators permitted under the fire code of the City of Lewiston shall not exceed the combined staff and resident student population of the institution, together with buildings accessory to the foregoing permitted principal buildings or structures;~~
- ~~(25) — Hospitals, including institutions for the handicapped;~~
- ~~(26) — Religious facilities including churches, synagogues, and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;~~
- ~~(27) — Municipal buildings and facilities;~~
- ~~(28) — Private or commercial schools including business colleges;~~
- ~~(29) — Home occupations;~~
- ~~(30) — Accessory buildings and uses;~~
- ~~(31) — Automotive services, except repair;~~
- ~~(32) — Family day care homes;~~
- ~~(33) — Small day care facilities;~~
- ~~(34) — Day care centers;~~
- ~~(35) — Private industrial/commercial developments;~~
- ~~(36) — Forest management and timber harvesting activities in accordance with the standards of article XII;~~
- ~~(37) — New car dealerships;~~
- ~~(38) — Mixed use structures;~~
- ~~(39) — Movie theaters;~~
- ~~(40) — Veterinary hospitals, Humane Society and related facilities;~~
- ~~(41) — Group care facilities;~~
- ~~(42) — Registered primary caregivers engaged in the cultivation of medical marijuana for two to five registered patients.~~

(d) ~~Conditional uses. In an urban enterprise district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~

~~(1) Reserved;~~

~~(2) Multifamily dwellings;~~

~~(3) Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~

~~(4) Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use;~~

~~(5) Industrial uses;~~

~~(6) Recycling and reprocessing facilities;~~

~~(7) Reserved;~~

~~(8) Reserved;~~

~~(9) Motor freight transportation facilities;~~

~~(10) Used car dealership except for areas of the urban enterprise (UE) district in the downtown portion of the city as defined as north of Gulley Brook and south of Island Avenue;~~

~~(11) Used car dealerships.~~

~~(12) Registered dispensary (only one registered dispensary is allowed in the City of Lewiston)~~

(e) ~~Space and bulk standards:~~

| | |
|--|--|
| Minimum lot size | |
| multifamily dwellings | 5,000 square feet |
| nonresidential uses serviced by public sewerage | 5,000 square feet |
| nonresidential uses not serviced by public sewerage | 20,000 square feet |
| Minimum net lot area per dwelling unit - all residential uses | 1,500 square feet |
| Minimum frontage - all uses | 100 feet |
| Minimum front setback - all uses | 25 feet unless provided for in subsection (f) |
| Minimum front yard - all uses | None |
| Minimum side and rear setback | |
| all other uses | 20 feet |
| Minimum side and rear yard | |
| all uses | 10 feet except where buffers required in accordance with subsection (f) |
| Maximum lot coverage ratio | 0.60 |

| | |
|----------------------------------|---------|
| Maximum impervious surface ratio | 0.80 |
| Minimum open space ratio | 0.20 |
| Maximum building height | 80 feet |

(f) ~~Additional standards:~~

- (1) ~~The use of an existing building or structure shall be changed to another allowed use only if there is adequate off street parking and loading to meet the requirements of article XII for the new use without variation.~~
- (2) ~~The enlargement of an existing building or structure shall be permitted only if the entire project will comply with the off street parking and loading requirements of article XII upon completion of the expansion.~~
- (3) ~~Any required side or rear yard area for uses other than residential located within 50 feet of a residential zoning district shall be maintained as a buffer area meeting the standards of article XIII. Any required side or rear yard area for uses other than residential located within 50 feet of a lot containing a dwelling not in a residential zoning district shall be maintained as a buffer area meeting the standards of article XIII.~~
- (4) ~~In areas where the existing buildings have an established uniform setback relationship to the street, any new building or modification to an existing building may maintain this established relationship notwithstanding the provisions of subsection (e). An established uniform setback relationship is deemed to exist when the distances between the front face of the building and the edge of the travel way in the adjoining street for the two adjacent parcels fronting on the same street on each side of the subject parcel are within +/- five feet of mean of this distance for the four parcels. For the purposes of this provision, lots shall be deemed to be adjacent even if separated by a street or public easement.~~
- (5) ~~Used car dealerships may be deemed an accessory use to gasoline service station, auto repair garages and automotive services, except repair uses, if the following criteria are met:~~
 - a. ~~That all the criteria outlined in the definition of accessory use under article II, section 2 are adhered to;~~
 - b. ~~That the parking and on-site circulation for both the existing and proposed use is reviewed and approved pursuant to development review under article XIII;~~
 - c. ~~That the maximum number of used vehicles for sale on site, at any one item, does not exceed six vehicles.~~
- (6) ~~Used car dealerships which are not an accessory use to gasoline service stations, auto repair garages and automotive services, except repair uses, are permitted only after the issuance of a conditional permit in accordance with article X of this Code, and the project is reviewed and approved pursuant to development review under article XIII.~~
- (7) ~~Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios;~~

~~and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code.~~

~~(Ord. No. 89-3, 4-7-89; Ord. No. 90-3, 5-17-90; Ord. No. 92-12, 6-4-92; Ord. No. 92-18, 9-10-92; Ord. No. 92-27, 11-19-92; Ord. No. 93-1, 2-4-93; Ord. No. 93-2, 2-4-93; Ord. No. 94-9, 8-18-94; Ord. No. 95-8, 7-20-95; Ord. No. 96-3, 4-18-96; Ord. No. 97-3, 5-15-97; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 99-16, 10-12-99; Ord. No. 99-18, 11-20-99; Ord. No. 00-19, 10-5-00; Ord. No. 04-07, 4-15-04; Ord. No. 05-07, 3-17-05; Ord. 10-13, 12-23-10; Ord. No. 10-14, 1-6-11)~~

Editor's note: See editor's note at article XI.

Sec. 17. Mill district (M).

- (a) *Statement of purpose.* The purpose of the mill district is to develop a major employment center in the downtown by fostering the development of mixed use commercial enterprises and appropriate high-density residential areas while preserving and restoring historic buildings and properties. Developments located within this district should enhance the commercial, cultural, educational and residential vitality of the downtown and link the downtown to the riverfront through a series of pedestrian corridors, pocket parks and open spaces, utilizing the historic canal system, with expanded arts and recreational amenities.
- ~~(b) Applicability. The standards of the mill district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within a mill district.~~
- ~~(c) Permitted uses. In a mill district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:~~
- ~~(1) Academic institutions, including buildings or structures for classroom, administrative laboratory, art, theater, dining services, library, bookstores and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures;~~
 - ~~(2) Drinking place;~~
 - ~~(3) Accessory buildings and uses;~~
 - ~~(4) Art and craft studios;~~
 - ~~(5) Building and construction contractors provided there is no exterior storage of materials or equipment visible from all abutting properties and public streets;~~
 - ~~(6) Business offices;~~
 - ~~(7) Commercial parking facilities;~~
 - ~~(8) Day care centers;~~
 - ~~(9) Multifamily dwellings in accordance with the standards of article XIII;~~
 - ~~(10) Restaurants (except drive-in restaurants);~~
 - ~~(11) Family day care homes;~~
 - ~~(12) Fully enclosed automotive services, except repair and involving no exterior~~

storage;

- (13) — Gasoline service stations;
- (14) — Home occupations;
- (15) — Hotels, motels and inns;
- (16) — Light industrial uses;
- (17) — Lumber and building materials dealer;
- (18) — Medical clinics;
- (19) — Mixed use structures;
- (20) — Mortuary or funeral parlors;
- (21) — Movie theaters;
- (22) — Municipal buildings and facilities;
- (23) — Museums, libraries and nonprofit art galleries and theaters;
- (24) — Office buildings;
- (25) — Personal services;
- (26) — Photography studios;
- (27) — Places of indoor assembly, amusement or culture;
- (28) — Private or commercial schools including business colleges;
- (29) — Private industrial/commercial developments;
- (30) — Professional offices;
- (31) — Public community meeting and civic function buildings including auditoriums;
- (32) — Fully enclosed recycling and reprocessing facilities with no outside storage;
- (33) — Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;
- (34) — Research, experimental or testing laboratories related to a permitted use;
- (35) — Retail stores;
- (36) — Self storage facilities;
- (37) — Student dormitories;
- (38) — Reserved;
- (39) — Transportation facilities (except those that include truck transportation as classified under use group 484, NAICS 1997);
- (40) — Transit and ground transportation facilities;
- (41) — Wholesale, warehouse and distribution facilities;

~~(42) — Printing facilities including newspaper publishers and information services;~~

~~(43) — Congregate care/assisted living facilities;~~

~~(d) — Conditional uses. In a mill district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:~~

~~(1) — Industrial uses;~~

~~(2) — Motor freight transportation facilities;~~

~~(3) — Commercial recreation facilities;~~

~~(4) — Nursing or convalescent homes;~~

~~(5) — Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;~~

~~(6) — Utility structures Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use.~~

~~(e) — Spaces and bulk standards:~~

| | |
|--|------------------------------|
| Minimum lot size | |
| all uses | None |
| Minimum lot area per dwelling unit | |
| all residential uses | None |
| Minimum frontage | |
| all uses | 25 feet |
| Minimum front setback | |
| all uses | None |
| Minimum front yard | |
| all uses | None |
| Minimum side and rear setbacks | |
| all uses | None |
| Minimum side and rear yards (required on one side only) | |
| all uses | None |
| Maximum lot coverage ratio | 100.0 |
| Minimum open space ration | None |
| Maximum building height | |
| all uses | 100 feet |
| Minimum distance between buildings on the same lot | BOCA requirements |

~~(f) — Additional standards. Any building, structure or use of land within the mill district shall comply with the following standards:~~

~~(1) — The general performance standards of article XII shall apply.~~

~~(2) — Modifications (ie. relaxation of standards) of setbacks, yards, maximum lot~~

~~coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code.~~

~~(Ord. No. 00-19, 10-5-00; Ord. No. 05-07, 3-17-05; Ord. No. 12-04, 04-05-12)~~

Sec. 18. Resource conservation district (RC).

- (a) *Statement of purpose.* The purpose of the resource conservation district is to protect fragile ecological systems, vulnerable areas and areas of unique natural or scenic value from development or use which would adversely affect water quality, productive or unique wildlife and aquatic habitat, biotic systems, ecological relationships or scenic and natural values or which would create unreasonable risks to the public safety and welfare due to flooding, earth movement or slides or unstable soil conditions. To accomplish this purpose, uses are permitted which avoid disruption of the natural environment and are compatible with the natural risks associated with development within these areas while allowing productive use to be made of the land.
- ~~(b) — Applicability. The standards of the resource conservation district shall apply to all land shown on the "Official Zoning Map, City of Lewiston" as being located within a resource conservation district.~~
- ~~(c) — Permitted uses. In a resource conservation district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:~~
- ~~(1) — Public or private facilities for nonintensive outdoor recreation;~~
 - ~~(2) — Forest management and timber harvesting activities in accordance with the standards of article XII;~~
 - ~~(3) — Agriculture;~~
 - ~~(4) — Preservation of historic areas;~~
 - ~~(5) — Emergency and fire protection activities;~~
 - ~~(6) — Bridges and public roadways;~~
 - ~~(7) — Accessory buildings or uses.~~
- ~~(d) — Conditional uses. In a resource conservation district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of the Code:~~
- ~~(1) — Dams;~~
 - ~~(2) — Public utility structures and facilities;~~
 - ~~(3) — Campgrounds;~~
 - ~~(4) — Piers, docks and marinas;~~

- (5) ~~Nonresidential structures for educational, scientific or nature interpretation purposes containing a maximum floor area of not more than 10,000 square feet;~~
- (6) ~~Municipal buildings and facilities.~~
- (e) ~~Space and bulk standards. Any building, structure or use of land or the creation of new lots within the resource conservation district shall comply with the following requirements:~~

| | |
|---|-------------------------------|
| Minimum lot size | 10,000 square feet |
| Minimum street frontage | 50 feet |
| Maximum building height | 35 feet |
| Maximum building area ratio | 0.1 |
| Maximum impervious surface ratio | 0.1 |
| Minimum open space ratio | 0.9 |
| Minimum frontage on shoreline | 100 feet |
| Minimum setback from shoreline (all structures other than permitted piers, docks, marinas, dams, bridges and other water dependent uses) | 75 feet |
| Minimum front setback | 50 feet |
| Minimum front yard | 20 feet |
| Minimum side and rear setback | 25 feet |
| Minimum side and rear yard | 15 feet |
| Minimum shoreline buffer retained in natural vegetative state | 50 feet |
| Minimum stream buffer retained in natural vegetative state | 25 feet |

- (f) ~~Additional standards:~~
 - (1) ~~The general standards of performance of article XII shall apply.~~
 - (2) ~~Any use involving the construction of nonresidential floor space or the conversion of an existing structure from one use to another shall be subject to the development review requirements of article XIII of the Code.~~

~~(Ord. No. 92-18, 9-10-92; Ord. No. 00-19, 10-5-00)~~

~~Editor's note: See editor's note at article XI.~~

Sec. 19. Groundwater conservation overlay district (GC).

- (a) ~~Statement of purpose. The purpose of the groundwater conservation overlay district is to protect, preserve and maintain the quality and quantity of the existing and potential groundwater supply within the city by controlling the use, storage and disposal of potential contaminants of the groundwater in areas of the city and identified significant sand and gravel aquifers and by assuring the groundwater recharge areas associated with these aquifers are protected from overdevelopment.~~
- (b) ~~Applicability. The standards of the groundwater conservation overlay district shall apply to any land meeting any of the following criteria:~~
 - (1) ~~Is located above a significant sand and gravel aquifer as identified by the Maine Geologic Survey, Maine Department of Conservation, "Hydrogeologic Data for Significant Sand and Gravel Aquifers," Maps 11 and 16; or~~
 - (2) ~~Is located within 100 feet of a significant sand and gravel aquifer; or~~

~~(3) — Is located within the recharge area of a significant sand and gravel aquifer as defined by the extent of permeable stratified sand and gravel and recharging wetlands within them that drain into the aquifer; or~~

~~(4) — Is located within the seasonal high water limits of any stream that flows into a recharge area of a significant sand and gravel aquifer.~~

~~Where the bounds delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should properly be located. At the request of the owner(s), the city may engage a professional geologist, geotechnical engineer, or soil scientist to determine more accurately the location and extent of an aquifer or recharge area, and shall charge the owner(s) for the cost of the investigation.~~

~~These standards shall apply in addition to the standards of the underlying zoning district in which the property is located.~~

~~(e) — Permitted uses. Any use permitted in the underlying zoning district and not prohibited by subsection (e) shall be permitted in the groundwater conservation overlay district.~~

~~(d) — Conditional uses. Any use permitted with a conditional use permit in the underlying zoning district and not prohibited by subsection (e) shall be permitted as a conditional use in the groundwater conservation overlay district.~~

~~(e) — Prohibited uses. Any use prohibited in the underlying zoning district together with the following uses, even if permitted in the underlying zoning district, shall be prohibited in the groundwater conservation overlay district:~~

~~(1) — The disposal of solid wastes, other than brush and stumps in accordance with Solid Waste Disposal Rules and Regulations of the State of Maine;~~

~~(2) — The storage of gasoline or other refined petroleum products except as heating fuel stored within a building or accessory to an allowed use and in accordance with the standards of the Maine Department of Environmental Protection for Permitting Underground Oil Storage Facilities;~~

~~(3) — The storage of road salt or other deicing chemicals;~~

~~(4) — The dumping of snow brought in from outside of the district;~~

~~(5) — The storage or disposal of hazardous wastes as defined by the hazardous waste regulations promulgated by the Bureau of Land Quality Control, Maine Department of Environmental Protection;~~

~~(6) — Automotive and equipment service and repair shops;~~

~~(7) — Junkyards and salvage yards;~~

~~(8) — Cemeteries.~~

~~(f) — Space and bulk standards. Any building, structure or use of land within the groundwater conservation overlay district shall comply with the following requirements in addition to the space and bulk regulations of the underlying zoning district:~~

~~Maximum impervious surface ratio ————— 0.25 or as otherwise~~

provided in subsection

(g)

- ~~(g) — Additional standards. Any building, structure or use of land within the groundwater conservation overlay district shall comply with the following requirements:~~
- ~~(1) — Timber harvesting.~~
 - ~~a. — Over any ten-year period, harvesting shall not remove more than 50 percent of the volume of trees over four inches in diameter. For the purpose of these standards, volume may be considered equivalent to basal area.~~
 - ~~b. — Burning of slash is prohibited. Export of woodchips to wood-to-energy plants or on-site chipping and broadcast application to the land are recommended for slash disposal.~~
 - ~~(2) — Agriculture.~~
 - ~~a. — Land application of sludge and spray irrigation of industrial wastewater or sewage are prohibited in the groundwater conservation district.~~
 - ~~b. — Manure spreading is permitted if carried out in conformance with a conservation plan which meets the standards of the state soil and water conservation commission and is approved by the Androscoggin Valley Soil and Water Conservation District. The conservation plan must include provisions for control of surface water runoff and nonpoint source pollution.~~
 - ~~(3) — Animal husbandry.~~
 - ~~a. — Animal husbandry and associated manure handling must be carried out in conformance with a conservation plan which meets the standards of the state soil and water conservation commission and is approved by the Androscoggin Valley Soil and Water Conservation District. The conservation plan must include provision for control of surface water runoff and nonpoint source pollution.~~
 - ~~(4) — Impervious surface.~~
 - ~~a. — The impervious surface ratio for nonresidential uses may be increased if a groundwater study prepared by a groundwater hydrologist demonstrates that such increase will not have an adverse impact on either the quality or quantity of groundwater or that proposed mitigation measures will result in there being no adverse impact to either the quality or quantity of the groundwater.~~
 - ~~(5) — Industrial and commercial uses.~~
 - ~~a. — Facilities shall be designed so that all stored, spilled or leaked hazardous materials are contained on-site;~~
 - ~~b. — Facilities shall be designed so that no stored, spilled or leaked hazardous materials can infiltrate into the ground;~~

- c. — Permanent disposal of any waste containing hazardous materials shall not be allowed on-site;
- d. — Interior floor drains shall not be directed to any stream, storm drain, dry well or subsurface wastewater disposal system. They shall be directed to holding tanks, treatment systems or the public sewer system;
- e. — Above ground storage tanks for hazardous materials shall be located within a diked area which is impervious to the substance(s) being stored and large enough to contain the entire contents of the tank(s);
- f. — Storage areas for drums shall be contained within a diked area which is impervious to the substances being stored. All drums shall be stored in product tight containers which are protected from leakage, accidental damage and vandalism;
- g. — Commercial or industrial activities which have uncovered storage areas shall have specially designed stormwater drainage facilities which provide for disposal of stormwater in a manner that will not adversely affect groundwater quality;
- h. — Dumpsters used to store industrial or commercial wastes shall be covered;
- i. — The design of storage and containment storage shall be approved by the city engineer for conformance with standard engineering practice.

(6) — Subsurface wastewater disposal systems:

- a. — In areas which are not served by public sewer, no more than one dwelling unit may be connected to a subsurface waste disposal system, and no "engineered systems" are permitted unless a full hydrogeologic study which examines the specific groundwater impacts of the proposed system indicates that there will be no off-site impacts on groundwater quality. The study must be conducted by a state certified geologist with proven experience in hydrogeology.
- b. — Disposal of hazardous materials to wastewater disposal systems is prohibited.

(7) — Earth material extraction:

- a. — Extraction shall not be allowed below the average seasonal high water table. No ditches, trenches, pumping or other methods shall be used to artificially lower the water table to permit more gravel extraction than could occur under natural conditions.
- b. — All petroleum products shall be kept out of the pit. If refueling and oil changes must be conducted in the pit, a special area must be constructed that would prevent the maximum possible spill from entering the ground. Absorbent pads shall be kept onsite to be used immediately, should any petroleum products be spilled on the soil.
- c. — The pit shall not be used for storage or dumping of any substances that could produce a harmful leachate.

- d. ~~Any washing or crushing operations shall be conducted in a manner that will minimize runoff and evaporation.~~
 - e. ~~Access and haul roads into and around the pit shall not be oiled or salted.~~
 - f. ~~Access to the pit shall be strictly controlled at all times with locking gates. When the pit is permanently closed, all vehicular entrances shall be made impassable.~~
 - g. ~~When the pit is permanently closed, it shall be loamed and seeded. Application of fertilizer, manure or other soil amendments to bare soil whose topsoil has been removed is prohibited.~~
- (8) ~~Pesticides and herbicides. The application of pesticides and herbicides for nondomestic or nonagricultural uses shall be carried out with all necessary precautions to prevent hazardous concentrations of pesticides and herbicides in the water and on the land within the groundwater conservation district as a result of such application. Such precautions include, but are not limited to; erosion control techniques, the control of runoff water (or the use of pesticides having low solubility in water), the prevention of volatilization and redeposition of pesticides and the lateral displacement (i.e. wind drift) of pesticides.~~
- (9) ~~Development approval. All nonresidential projects requiring development review shall prepare a groundwater protection plan which shall identify proposed measures for protecting the groundwater from adverse impacts from loss of recharge capacity, exfiltration from sewer pipes and contamination by oils, chemicals or nutrients.~~

(Ord. No. 92-5, 3-5-92; Ord. No. 00-19, 10-5-00)

Editor's note: See editor's note at article XI.

Sec. 20. No name pond conservation overlay district (LC).

- (a) *Statement of purpose.* The purpose of the no name pond conservation overlay district is to protect the water quality of no name pond by controlling the discharge of surface runoff into the lake, thereby limiting nutrient loading to levels which will not result in substantial degradation of the pond's water quality.
- (b) ~~Applicability. The standards of the no name pond conservation overlay district shall apply to any land located within the watershed of no name pond which discharges surface water either directly or indirectly to no name pond, as shown on the Official Zoning Map, City of Lewiston. These standards shall apply in addition to the standards of the underlying zoning district in which the property is located.~~
- (c) ~~Permitted uses. Any use permitted by right in the underlying zoning district shall be permitted in the no name pond conservation overlay district.~~
- (d) ~~Conditional uses. Any use permitted with a conditional use permit in the underlying zoning district shall be permitted as a conditional use in the No Name Pond conservation overlay district.~~
- (e) ~~Prohibited uses. Any use prohibited in the underlying zoning district shall be prohibited in the No Name Pond conservation overlay district.~~

~~(f) — Space and bulk standards. Any building, structure or use of land within the no name pond conservation overlay district shall comply with the following requirements in addition to the space and bulk regulations of the underlying zoning district:~~

| | |
|--|---------------------|
| Minimum setback from shoreline (all structures other than permitted piers, docks, marinas and similar water dependent uses) | 100 feet |
| Minimum shoreline buffer retained in natural vegetated state | 50 feet |
| Minimum shoreline frontage for any abutting on the pond | 100 feet |
| Minimum buffer from perennial or intermittent stream or open stormwater drainage course retained in natural vegetated state | 50 feet |
| Maximum impervious surface ratio | 0.1 |

~~(g) — Additional standards. Any building, structure or use of land within the no name pond conservation overlay district shall comply with the following requirements:~~

~~(1) — Fertilizer use:~~

- ~~a. — The use of fertilizers within the required shoreline, stream or drainage course buffers is prohibited.~~
- ~~b. — The use of solid chemical fertilizers for agricultural or other nondomestic purposes is prohibited.~~
- ~~c. — The use of liquid chemical fertilizers or manure for agricultural or other nondomestic purposes shall be done in accordance with a fertilizing plan approved by the District Conservationist of the Androscoggin Valley Soil and Water Conservation District. This plan shall be filed with the code enforcement official at least 48 hours prior to application of any fertilizer. A plan for a year long or similar time period may be submitted to the code enforcement official to avoid having to file a separate plan for each application.~~

~~(2) — The total area of any lot devoted to lawns and gardens shall not exceed 30 percent of the total area of the lot. Any lot exceeding this requirement as of January 9, 1988 shall be permitted to retain all existing lawn and garden areas. No new lawn or garden area shall be established within the required shoreline, stream or drainage course buffers.~~

~~(3) — Private sewage disposal systems:~~

- ~~a. — For all proposed on-site sewage disposal systems within the no name pond conservation overlay district and within 250 feet of the shoreline of no name pond, the minimum separation distance required by the applicable state subsurface wastewater disposal rules, between the disposal area bottom and the most limiting soil or groundwater condition (seasonable high groundwater table, restrictive layer or bedrock), must be increased by a factor of 1.5.~~
- ~~b. — For all proposed on-site sewage disposal systems within the no name pond conservation overlay district within 1,000 feet but greater than 250 feet of the shoreline of no name pond, the minimum separation distance required by the applicable state subsurface wastewater disposal rules, between the~~

~~disposal area bottom and the most limiting soil condition, must be increased by a factor of 1.25.~~

- ~~e. The installation of any on-site sewage disposal system within 250 feet of the shoreline of no name pond, any perennial or intermittent stream tributary to no name pond or any open stormwater drainage course shall comply with the above standard and all the other requirements of the applicable state subsurface wastewater disposal rules without variance.~~
 - ~~d. The installation of any on-site sewage disposal system with a design capacity in excess of 1,000 gallons per day shall be permitted only if a detailed groundwater hydrology study, acceptable to the city engineer, demonstrates that the system will not have an adverse impact on the water quality of no name pond.~~
 - ~~e. Replacement or reconstruction of lawfully existing private residential sewage disposal systems in existence and in use on the effective date of this ordinance and systems on lots in subdivisions approved prior to the effective date of this ordinance, shall not be subject to the requirements of subsections (3)a and (3)b, but shall be required to comply with the applicable requirements of the state subsurface wastewater disposal rules.~~
- ~~(4) Proposals for the development of all new or existing lots within the no name pond conservation overlay district, including single lot residential development, shall comply with the following additional requirements as part of the approval of the project:~~
- ~~a. The applicant shall demonstrate, using methodology approved in advance by the Maine Department of Environmental Protection, that the proposed development will incorporate appropriate stormwater best management practices based on standards to assure that development within the watershed will not increase the total phosphorous concentration of no name pond by more than 0.75 part per billion. If the analysis demonstrates that this standard will not be met, the applicant shall propose modifications to the plan to bring the project into conformance with the standard.~~
 - ~~b. The applicant shall demonstrate, using the soil conservation service methodology for small urban watersheds for a 25 year, 24 hour storm, that the total volume of stormwater discharged from the site in its post development condition shall not exceed the total runoff in its predevelopment condition by more than 20 percent. If this analysis demonstrates that this standard will not be met, the applicant shall propose modifications to the plan to retain runoff on the site to bring the project into conformance with the standard.~~
 - ~~e. The applicant shall prepare an erosion and sedimentation control plan to minimize, to the maximum extent possible, the discharge of sediments to no name pond. This plan shall be consistent with the practices set forth in the most recent edition of the Environmental Quality Handbook - Maine, published by the Maine Soil and Water Conservation Service and shall be~~

~~reviewed and approved by the District Conservationist of the Androscoggin County Soil and Water Conservation District.~~

~~(5) Projects within the no name pond conservation overlay district that include one acre or more of disturbed area, must comply with the Maine Stormwater Management Law, 38 MRSA Section 420 D, and any regulations issued thereunder, specifically Rules 500 and 502, having an effective date of December 31, 1997, repealed and replaced on November 16, 2005, and further amended on December 21, 2006. Furthermore, all projects within 250 feet distance from the normal high water line from no name pond must meet the standard under article XII, shoreland area standards.~~

~~(h) Conflicts. In any case in which a provision of article XI, section 20 conflicts with provisions contained in other articles of this Code, the more stringent standard shall apply.~~

~~(Ord. No. 92-5, 3-5-92; Ord. No. 00-19, 10-5-00; Ord. No. 02-24, 2-6-03; Ord. No. 06-17, 2-8-07; Ord.No. 08-08, 10-2-08)~~

~~Editor's note: See editor's note at article XI.~~

Sec. 21. Mobile home park overlay district (MH).

~~(a) *Statement of purpose.* The purpose of the mobile home park overlay district is to provide for the accommodation of mobile homes in planned, integrated mobile home parks, and mobile homes on individual residential lots, at a standard consistent with the protection of the health, safety and general welfare of the residents of the city while establishing safeguards to minimize the adverse impacts on neighboring property owners.~~

~~(b) *Applicability.* The standards of the mobile home park overlay district shall apply to all land shown on the "Official Zoning Map, City of Lewiston" as being located within the mobile home park overlay district.~~

~~(c) *Permitted uses.* Any use permitted in the underlying zoning district shall be permitted in the mobile home park overlay district. In addition the following uses shall be permitted whether or not they are permitted in the underlying district:~~

~~(1) Mobile home parks consisting of:~~

~~a. Residential mobile homes and accessory buildings or structures;~~

~~b. Facilities for the operation and maintenance of the mobile home park including:~~

~~1. A dwelling for the owner or manager;~~

~~2. Laundry and restroom facilities;~~

~~3. Offices and common areas for the management of the park;~~

~~4. Indoor recreation facilities, meeting rooms and common facilities for the exclusive use of park residents and their guests;~~

~~5. Outdoor recreation facilities for the exclusive use of park residents and their guests;~~

~~6. Service and utility buildings for the storage and repair of equipment used in the operation and maintenance of the park; and~~

~~7. Storage facilities for the exclusive use of park tenants.~~

~~e. Facilities for the sales of mobile homes including a sales office and not more than five model units for parks having 50 or fewer sites plus one additional model for each 25 additional approved sites in excess of 50 to a maximum of 12 model units.~~

~~(2) Mobile homes on individual residential lots.~~

~~(d) Conditional uses. Any use permitted with a conditional use permit in the underlying zoning district shall be permitted as a conditional use in the mobile home park overlay district unless such use is made a permitted use by subsection (c) above.~~

~~(e) Prohibited uses. Any use prohibited in the underlying zoning district which is not a permitted or conditional use in the mobile home park overlay district shall be prohibited in the district.~~

~~(f) Space and bulk standards. Any use other than a mobile home park shall comply to the space and bulk standards of the underlying district. Mobile home parks shall comply with the following requirements:~~

| | | |
|--|------------------------------|--------------------|
| Minimum lot size | 5 acres | Minimum |
| street frontage | 200 feet | |
| Minimum net lot area per dwelling unit | 6,500 square feet | |
| Minimum setback of mobile home from the perimeter of the site | 50 feet | |
| Minimum front yard | 25 feet | |
| Minimum side and rear yard | 50 feet | |
| Minimum side and rear buffer | 25 feet | |
| Maximum lot coverage ratio | .040 | |

~~(g) Additional standards:~~

~~(1) The general standards of performance of article XII shall apply.~~

~~(2) The expansion or development of a mobile home park shall be subject to the development review requirements of article XIII of this Code.~~

~~(3) The mobile home park shall conform to the off-street parking requirements of article XII.~~

~~(4) The layout, design and construction of individual mobile home sites and related facilities shall conform to the standards set forth in article XII of this Code.~~

~~(5) No development which is approved under this section as a mobile home park may be converted to another use without the approval of the planning board, and meeting the appropriate lot size, frontage, setbacks and other requirements. The plan to be recorded at the registry of deeds and filed with the city shall include the following restrictions as well as any other notes or conditions of approval:~~

~~a. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.~~

- b. ~~No dwelling unit other than a manufactured housing unit shall be located within the park.~~
- e. ~~The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of the park and code compliance with all provisions of the Revised Code of Ordinances of the City of Lewiston for all park owned structures, including recreation and open space areas and mobile home sites.~~

(Ord. No. 90-10, 10-4-90; Ord. No. 92-31, 1-7-93; Ord. No. 00-19, 10-5-00)

Sec. 22. Land Use Requirements

(a) Land Use Requirements - All buildings or structures hereafter erected, reconstructed, altered, enlarged, or relocated, and uses of premises shall be in conformity with the provisions of this Code. No building, structures, land or water area shall be used for any purpose or in any manner except as permitted within the District in which such building, structure, land and water area is located. The District designation for a particular site shall be determined and apply to all land shown on the "Official Zoning Map, City of Lewiston".

(b) Key to Table

| <u>KEY WORD</u> | <u>DEFINITION</u> |
|-----------------|---|
| <u>(P)</u> | <u>Allowed/Permitted (the use must be in conformance comply with all applicable the Zoning and Land Use Code)</u> |
| <u>(C)</u> | <u>Allowed/Permitted only after the issuance of a conditional use permit in accordance with Article X of this Code (the use must be in conformance comply with all applicable the Zoning and Land Use Code)</u> |

(c) Land Use Table - uses appearing in the table are part of this Code and set forth the uses allowed in all districts.

| Land Use Table: All Zoning Districts 10.22.12 | Rural Agricultural (RA) | Low Density Residential (LDR) | Suburban Residential (SR) | Medium Density Residential (MDR) | Riverfront (RF) | Neighborhood Conservation "A" (NCA) | Neighborhood Conservation "B" (NGB) | Office Residential (OR) | Downtown Residential (DR) | Institutional Office (IO) | Community Business (CB) | Highway Business (HB) | Centreville (CV) ⁽³⁰⁾ | Office Service (OS) | Industrial (I) | Urban Enterprise | Mill (M) | Resource Conservation (RC) ⁽¹⁴⁾ | Groundwater or conservation overlay district (GC) ⁽²⁶⁾ | No Name Pond Conservation Overlay District (NNP) ⁽²⁵⁾ | Mobile Home Park overlay district (MH) ⁽¹⁶⁾ |
|--|-------------------------|-------------------------------|---------------------------|----------------------------------|-------------------|-------------------------------------|-------------------------------------|-------------------------|---------------------------|---------------------------|-------------------------|-----------------------|----------------------------------|---------------------|-------------------|------------------|------------|--|---|--|--|
| USES ⁽¹⁵⁾⁽³⁾ | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P | Proposed P |
| Accessory use or structure | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Commercial-Service | | | | | | | | | | | | | | | | | | | | | |
| Veterinary facilities excluding kennels and humane societies | | | | | | | | P | | P | P | P | | | | | | | | | |
| Veterinary facilities including kennels and humane societies | C | | | | | | | | | | | | | P | | P | | | | | |
| Small day care facilities | C | p ⁽²²⁾ | p ⁽²²⁾ | p ⁽²²⁾ | | p ⁽²²⁾ | P | P | P | P | P | P | | P | P | P | | | | | |
| Day care centers | C | | | | P | | | P | P | P | P | P | | P | P | P | | | | | |
| Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks. | | C ⁽²²⁾ | C ⁽²²⁾ | C ⁽²²⁾ | | C ⁽²²⁾ | C ⁽²²⁾ | | | | | | | | | | | | | | |
| Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services | | | | | p ⁽⁹⁾ | | C ⁽¹¹⁾ | p ⁽⁹⁾ | p ⁽⁹⁾ | P | p ⁽⁹⁾ | P | p ⁽¹¹⁾ | P | P | P | | | | | p ⁽⁹⁾ |
| Restaurants | | | | | p ⁽¹¹⁾ | | | | p ⁽¹¹⁾ | P | p ⁽²³⁾ | p ⁽²⁴⁾ | p ⁽¹¹⁾ | P | p ⁽¹⁵⁾ | P | | | | | p ⁽¹¹⁾ |
| Drinking places | | | | | P | | | | | | C | C | | | p ⁽¹⁵⁾ | | | | | | P |
| Adult business establishments | | | | | | | | | | | C | | | | | | | | | | |
| Hotels, motels, inns | | | | | P | | | | C | p ⁽⁴⁾ | P | P | P | P | | | | | | | P |
| Tourist homes containing not more than eight (8) lodging units for rental | | | | | | | | | | | | | | | | | | | | | |
| Movie theaters except drive-in theaters | | | | | P | | | | P | | P | P | P | P | | | | | | | P |
| Places of indoor assembly, amusement or culture | | | | | P | | | | | | P | P | P | P | | | | | | | P |
| Art and crafts studios | | | | | P | | C | | P | C | P | P | P | P | | | | | | | P |
| Personal Services | | | | | P | | P | P | P | P | P | P | P | P | | | | | | | P |
| Retail stores | | | | | P | | | | P | | P | P | P | P | | | | | | | p ⁽¹³⁾ |
| Neighborhood retail stores | | | | | | | C ⁽²¹⁾ | | | C | | | | | | | | | | | p ⁽¹³⁾ |
| Lumber and building materials dealer | | | | | | | | | | | C | P | | | | | | | | | P |
| Gasoline service stations | | | | | | | | | | | | P | | | | | | | | | P |
| Gasoline service stations which are a part of and subordinate to a retail use | | | | | | | | | | | | P | | | | | | | | | P |
| New and used car dealers | | | | | | | | | | | | P | | | | | | | | | p ⁽¹¹⁾ |
| Recreational vehicle, mobile home dealers | | | | | | | | | | | | P | | | | | | | | | P |
| Equipment dealers and equipment repair | | | | | | | | | | | | P | | | | | | | | | P |
| Automotive services including repair | | | | | | | | | | | p ⁽⁴⁾ | P | | | | | | | | | P |
| Registered dispensary ⁽²⁷⁾ | | | | | | | | | | | | C | | C | C | C | | | | | C ⁽⁸⁾ |
| Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients. | | | | | | | | | | | | P | | P | P | P | | | | | |
| Industrial | | | | | | | | | | | | | | | | | | | | | |
| Light industrial uses | | | | | | | | | | | | p ⁽⁸⁾ | | P | P | P | | | | | P |
| Industrial uses | | | | | | | | | | | | | p ⁽¹⁴⁾ | P | P | C | | | | | C |
| Building and construction contractors | | | | | | | | | | | | p ⁽⁶⁾ | | p ⁽⁶⁾ | | | | | | | p ⁽⁶⁾ |
| Fuel of dealers and related facilities | | | | | | | | | | | | | | | P | | | | | | p ^(6,7) |
| Wholesale sales, warehousing and distribution facilities and self-storage facilities | | | | | | | | | | | | P | | P | P | P | | | | | P |
| Self-storage facilities | | | | | | | | | | | | | | | | | | | | | P |
| Commercial solid waste disposal facilities | | | | | | | | | | | | | | | | | | | | | C |
| Junkyards and auto graveyards | | | | | | | | | | | | | | | | | | | | | C |
| Recycling and reprocessing facilities | | | | | | | | | | | | | | | | | | | | | C |
| Private industrial/commercial developments ⁽²⁸⁾ | | | | | | | | | | | P | P | | C | P | P | | | | | p ⁽⁸⁾ |
| Transportation | | | | | | | | | | | | | | | | | | | | | |
| Airports or heliports | C | | | | | | | | | | | | | | | | | | | | |
| Commercial parking facilities | | | | | P | | C | | C ⁽³⁾ | C | C | P | P | | | | | | | | P |
| Transit and ground transportation facilities | | | | | P | | | | C | | | | P | | | | | | | | P |
| Transportation facilities | | | | | | | | | | | | P | | | C | P | P | | | | p ⁽¹⁴⁾ |
| Public and Utility | | | | | | | | | | | | | | | | | | | | | |
| Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| Municipal buildings and facilities | C | C | C | C | P | C | C | C | P | C | P | P | P | P | P | P | P | P | P | P | C |
| Preservation of historic areas, emergency and fire protection activities, bridges and public roadways | | | | | | | | | | | | | | | | | | | | | |
| Dams | | | | | | | | | | | | | | | | | | | | | |

| Land Use Table: All Zoning Districts 10.22.12 | Rural Agricultural (RA) | Low Density Residential (LDR) | Suburban Residential (SR) | Medium Density Residential (MDR) | Riverfront (RF) | Neighborhood Conservation "A" (NCA) | Neighborhood Conservation "B" (NCB) | Office Residential (OR) | Downtown Residential (DR) | Institutional Office (IO) | Community Business (CB) | Highway Business (HB) | Centreville (CV) ⁽²⁶⁾ | Office Service (OS) | Industrial (I) | Urban Enterprise | Mill (M) | Resource Conservation (RC) ⁽¹⁹⁾ | Groundwater conservation overlay district (GC) ⁽²⁵⁾ | No Name Pond Conservation Overlay District (NNP) ⁽²⁷⁾ | Mobile Home Park overlay district (MH) ⁽²⁸⁾ | |
|--|-------------------------|-------------------------------|---------------------------|----------------------------------|---------------------|-------------------------------------|-------------------------------------|-------------------------|---------------------------|---------------------------|-------------------------|-----------------------|----------------------------------|---------------------|----------------|------------------|----------|--|--|--|--|---|
| Institutional | | | | | | | | | | | | | | | | | | | | | | |
| Religious facilities | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | | | | | | | |
| Cemeteries | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | | | | | | | |
| Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities | | | | C | P | | C | P | P | P | P | P | P | P | | | | | | | | |
| Hospitals, medical clinics | | | | | P | | C | P | C | P | P | P | P | P | | | | | | | | |
| Museums, libraries, and non-profit art galleries and theaters | | | | | P | | | | P | P | | | P | | | | | | | | | |
| Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures | | | | C ⁽¹⁵⁾ | P | | C ⁽¹⁵⁾ | C | P | P ⁽¹⁰⁾⁽⁴⁾ | P | P | P | P | P | P | | | | | | |
| Civic and social organizations | | | | | | | C | P | | C | | | P | | | | | | | | | |
| Public community meeting and civic function buildings including auditoriums | | | | | P | | | | P | P | | | P | | | | | | | | P | |
| Residential | | | | | | | | | | | | | | | | | | | | | | |
| Single-family detached dwellings on individual residential lots | P | P | P | P | | P | P ⁽²⁾ | P | P ⁽¹⁾ | P ⁽²⁾ | | | | | | | | | | | | |
| Mobile homes on individual residential lots | P | | | P ⁽²⁾⁽⁴⁾ | | | | | | | | | | | | | | | | | | |
| Two-family dwellings | | | | | | P ⁽²⁾ | P | P | P ⁽¹⁾ | | | P ⁽¹⁾⁽⁴⁾ | | | | | | | | | | |
| Multifamily dwellings in accordance with the standards of Article XII | | | | P ⁽¹⁰⁾ | P ⁽¹⁾ | | P | P | P ⁽¹⁾ | P | P | | P | | | | | | | | P | |
| Single-Family attached dwelling in accordance with the standards of Article XIII | C | | | P ⁽¹⁰⁾ | P ⁽¹⁾ | | P | P | P ⁽¹⁾ | P | | | | | | | | | | | | |
| Mixed single-family residential developments in accordance with the standards of Article XIII | C | P | | P | | | P | | P ⁽¹⁾ | | | | | | | | | | | | | |
| Mixed residential developments in accordance with the standards of Article XIII | | P | | P | | | | P | | | | | | | | | | | | | | |
| Mixed use structures | | | | | P ⁽¹⁾⁽⁵⁾ | | P | P | P ⁽¹⁾⁽⁵⁾ | P | P | P | P | | | | | | | | P | |
| Lodging houses | | | | | | | P | P | P ⁽¹⁾⁽¹⁾ | | | | P | | | | | | | | | |
| Home occupations | P | P | P | P | | P | P | P | P | | P | | | | | | | | | | C | |
| Bed and breakfast establishments as a home occupation | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | | | | | | P | |
| In-law apartments in accordance with the standards of Article XII | P | P | P | P | | P | P | P | P | | | | P | | | | | | | | P | |
| Single family cluster development | P | P | P | P | | P | | P | P | | | | | | | | | | | | | |
| Family day care home | P | P | P | P | P | P | | P | P | P | P | P | P | | | | | | | | P | |
| Shelters | | | | | | | C | | C | | | | | | | | | | | | | |
| Natural Resource | | | | | | | | | | | | | | | | | | | | | | |
| Agriculture | P | P | | | | | | | | | | | | | | | | | | | P | |
| Farm Stands | P | | | | | | | | | | | | | | | | | | | | | |
| Forest management and timber harvesting activities in accordance with the standards of Article XIII | P | P | P | P | | P | P | P | | | P | P | | P | P | P | | | | | P | |
| Earth material removal | C | | | | | | | | | | | | | C | C | | | | | | | |
| Community gardens ⁽²⁶⁾ | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | | | | P | |
| Water dependent uses, e.g. docks and marinas | | | | | P | | | | | | | | | | | | | | | | P | |
| Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet | | | | | | | | | | | | | | | | | | | | | C | |
| Recreation | | | | | | | | | | | | | | | | | | | | | | |
| Campgrounds | C | | | | | | | | | | | | | | | | | | | | | C |
| Public or private facilities for nonintensive outdoor recreation | C | C | | C | P | C | C | C | C | | | | | | | | | | | | P | |
| Commercial outdoor recreation and drive-in theaters | | | | | P | | | | | | C | C | | C | | | | | | | P ⁽²⁾ | |
| Fitness and recreational sports centers as listed under NAICS Code 713940 | | | | | | | | C | | | | | | | P | | | | | | | |

Land Use Table Notes 10.22.12

- (1) Excludes drive-in restaurants.
- (2) Allowed only on existing lot of record as of the date of adoption of this code.
- (3) Limited to two (2) parking levels.
- (4) Limited to less than twenty-five (25) rooms.
- (5) If accessory to an allowed use.
- (6) Provided there is no exterior storage of materials or equipment visible from a public street or abutting property.
- (7) Screening shall be at least eight (8) feet tall
- (8) New and used car dealerships are prohibited in the downtown portion of the city as defined as north of Gulley Brook and south of Island Avenue.
- (9) Must be fully enclosed with no exterior storage.
- (10) Except those that include truck transportation as classified under group 484, NAICS 1997 2012 unless approved as a conditional use.
- (11) All new residential construction shall comply with the design standards of Article XII Sec. 22.
- (12) Dormitories must be at least 125 feet from all district boundaries unless approved as a conditional use.
- (13) Excluding residential facilities and dormitories.
- (14) Existing non-conforming single-family dwellings in lawful existence as of January 9, 1988 may be converted to a two-family dwelling as long as the conversion is done within the existing building envelope.
- (15) Buildings, structures and uses accessory to permitted or conditional uses are allowed in all districts.
- (16) Limited to commercial bakeries and printing facilities including newspaper publishers and information services.
- (17) Used car dealerships may be deemed an accessory use to gasoline service station, auto repair garages and automotive services, except repair uses, if the following criteria are met: that all the criteria outlined in the definition of accessory use under Article II, section 2 are adhered to; that the parking and on-site circulation for both the existing and proposed use is reviewed and approved pursuant to

development review under Article XIII; that the maximum number of used vehicles for sale on site, at any one (1) item, does not exceed six (6) vehicles. Used car dealerships which are not an accessory use to gasoline service stations, auto repair garages and automotive services, except repair uses, are permitted only after the issuance of a conditional permit in accordance with Article X of this Code, and the project is reviewed and approved pursuant to development review under Article XIII.

- (18) Any use involving the construction of nonresidential floor space or the conversion of an existing structure from one (1) use to another shall be subject to the development review requirements of Article XIII of the Code.
- (19) Limited to group homes.
- (20) Shall comply with Article XII, Section 4.
- (21) Neighborhood stores as part of a multifamily development, mixed single-family residential development or mixed residential development provided that the gross floor area devoted to retail use shall not exceed ten percent of the total floor area of the development.
- (22) Accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks.
- (23) Shall comply with Article XIII, Section 10.
- (24) Includes housing facilities on the premise of academic institutions permitted for staff members of such institutions and service buildings or structures ancillary to and affiliated with permitted institutional uses including but not limited to pharmacies and medical supply outlets.
- (25) Drive-in restaurants are allowed as part of and subordinate to restaurants.
- (26) Includes drive-in restaurants.
- (27) Only one allowed in the city.
- (28) Any land located within the Ground Water Conservation Overlay District shall apply to the applicable criteria of Article XI, Section 19 of the Code.
- (29) Any land located within the No Name Pond Conservation Overlay District shall apply to the applicable criteria of Article XI, Section 20 of the Code.
- (30) Any land located within the Mobile Home Park Overlay District shall apply to the applicable criteria of Article XI, Section 21 of the Code.
- (31) Limited to business and professional offices, not including research, experimental,

testing laboratories, engineering, research, management and related services.

(32) Excluding drive-in theaters.

(33) The performance standards of Article XII shall apply, unless otherwise specified.

(34) Only permitted if serviced by public sewerage.

(35) Placement of mobile homes on individual lots are permitted only in areas within a mobile home park overlay district.

(36) For those historic building and structure identified in Appendix A, Article XV, Sections 6 through 10 of this Code located in the Centreville district, a nonconforming use may be reestablished to its original use pursuant to Article VI, Section 4 of this Code.

(37) A parcel may be developed with a two-family dwelling, only if both of the following criteria are met:

a. More than 50 percent of the impacted properties that are developed contain residential structures with two or more dwelling units; and

b. More than 50 percent of the adjoining properties that are developed contain residential structures with two or more dwelling units.

An existing single-family dwelling may be converted to a two-family dwelling only if both of the following criteria are met:

a. Forty percent or more of the impacted properties that are developed contain residential structures with two or more dwelling units; and

b. Forty percent or more of the adjoining properties that are developed contain residential structures with two or more dwelling units.

Sec. 23. Space and Bulk Requirements

(a) *Space and Bulk Table* - Lots in each District shall meet or exceed the following minimum space and bulk standards as noted in the Space and Bulk Standards Table.

| Space and Bulk Table: All Zoning District 10.22.12 | | | | | | | | | | | | | | | | | | | | | |
|--|-------------------------|-------------------------------|---------------------------|----------------------------------|--------------------------------|-----------------------------------|-----------------------------------|---|---|---------------------------|---|-------------------------------------|------------------|-------------------------------------|--------------------------------|-----------------------|-----------|----------------------------|---|--|--|
| Dimensional Requirements ⁽¹³⁾ | Rural Agricultural (RA) | Low Density Residential (LDR) | Suburban Residential (SR) | Medium Density Residential (MDR) | Riverfront (RF) ⁽¹⁾ | Neighborhood Conservation A (NCA) | Neighborhood Conservation B (NCB) | Office Residential (OR) ⁽¹²⁾ | Downtown Residential (DR) ⁽¹²⁾ | Institutional Office (IO) | Community Business (CB) ⁽¹²⁾ | Highway Business HB ⁽¹¹⁾ | Centerville (CV) | Office Service (OS) ⁽¹⁴⁾ | Industrial (I) ⁽¹¹⁾ | Urban Enterprise (UE) | Mill (M) | Resource Conservation (RC) | Groundwater Conservation Overlay District (GCO) | No Name Pond Conservation Overlay District (NCP) | Mobile Home Park Overlay District (MHP) additional |
| | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed |
| Minimum lot size with public sewer | | | | | | | | | | | | | | | | | | | | | |
| Single family detached ⁽¹²⁾ | 60,000 sf | 10,000 sf | 20,000 sf | 10,000 sf | | 7,500 sf | | 7,500 sf | | | | | | | | | | | | | |
| Single family attached | 20 acres | | 20,000 sf | 20,000 sf | | | | 12,000 sf | | | | | | | | | | | | | |
| Two-family dwellings | | | 15,000 sf | | | | | 10,000 sf | | | | | | | | | | | | | |
| Single family cluster development | 20 acres | 5 acres | 5 acres | 5 acres | | 5 acres | | | | | | | | | | | | | | | |
| Mixed single family residential development ⁽¹⁴⁾ | 20 acres | 5 acres | | 5 acres | | | | | | | | | | | | | | | | | |
| Mixed residential development ⁽¹⁴⁾ | | 5 acres | | 5 acres | | | | 5 sf | | | | | | | | | | | | | |
| Multifamily dwellings | | | | 20,000 sf | | | | 20,000 sf | | | | | | | | 3,000 sf | | | | | |
| Mixed use structures | | | | | | | | 7,500 sf | | | | | | | | | | | | | |
| Farms | 120,000 sf | | | | | 20,000 sf | | | | | | | | | | | | | | | |
| Religious facilities | 120,000 sf | 40,000 sf | 40,000 sf | 40,000 sf | | 20,000 sf | | | | | | | | | | | | | | | |
| Veterinary facilities | 120,000 sf | | | | | | | | | | | | | | | | | | | | |
| Other uses | 120,000 sf | 20,000 sf | 20,000 sf | 40,000 sf | | 20,000 sf | | 7,500 sf | | | | | | | | | | | | | |
| All permitted uses | | | | | 5,000 sf | | None | | 5,000 sf | 10,000 sf | None | None | None | None | 20,000 sf | 40,000 sf | 5,000 sf | None | 10,000 sf | | 5 acres |
| Minimum lot size without public sewer ⁽¹³⁾ | | | | | | | | | | | | | | | | | | | | | |
| Single family detached, mobile homes on individual lots ⁽¹²⁾ | 60,000 sf | 40,000 sf | 40,000 sf | 40,000 sf | | 20,000 sf | | 20,000 sf | | | | | | | | | | | | | |
| Single family attached | 60,000 sf | | | | | | | 60,000 sf | | | | | | | | | | | | | |
| Two-family dwellings | | | | 60,000 sf | | 20,000 sf | 5 acres | 40,000 sf | | | | | | | | | | | | | |
| Single family cluster development ⁽¹⁾ | 20 acres | 5 acres | 10 acres | | | | | | | | | | | | | | | | | | |
| Mixed single family residential development ⁽¹⁴⁾ | 20 acres | 5 acres | | 5 acres | | | | | | | | | | | | | | | | | |
| Mixed residential development ⁽¹⁴⁾ | | 5 acres | | 5 acres | | | | | | | | | | | | | | | | | |
| Multifamily dwellings | | | | | | | | 5 sf | | | 20,000 sf | | | | | | | | | | |
| Mixed use structures | | | | | | | | 80,000 sf | | | 20,000 sf | | | | | 20,000 sf | | | | | |
| Farms | 120,000 sf | | | | | | | 40,000 sf | | | | | | | | | | | | | |
| Religious facilities | 120,000 sf | 40,000 sf | 40,000 sf | 40,000 sf | | 40,000 sf | | | | | 20,000 sf | | | | | | | | | | |
| Veterinary facilities | 120,000 sf | | | | | | | | | | 20,000 sf | | | | | | | | | | |
| Other uses | 120,000 sf | 40,000 sf | 40,000 sf | 40,000 sf | | 40,000 sf | | 20,000 sf | | 20,000 sf | 20,000 sf | | | | 20,000 sf | 40,000 sf | 20,000 sf | | 10,000 sf | | 5 acres |
| Minimum net lot area per du with public sewer | | | | | | | | | | | | | | | | | | | | | |
| Single family detached | 60,000 sf | | | | | | | | | | | | | | | | | | | | |
| Single family attached | 60,000 sf | | | 5,000 sf | | | | | | | | | | | | | | | | | |
| Two-family dwellings | | | | | | 5,000 sf | 1,250 sf | | | | | | | | | | | | | | |
| Mixed single family residential development ⁽¹⁴⁾ | 80,000 sf | 7,000 sf | | 5,000 sf | | | 1,250 sf | | | | | | | | | | | | | | |
| Mixed residential development ⁽¹⁴⁾ | | 7,000 sf | | 5,000 sf | | | 1,250 sf | | | | | | | | | | | | | | |
| Multifamily dwellings | | | | | | | | 1,250 sf | | | 3,000 sf | 5,000 sf | | | | 1,500 sf | | | | | |
| Mixed use structures | | | | | | | | | | | | | | | | 1,500 sf | | | | | |
| All permitted residential uses | | | | | 1,250 sf | | 1,250 sf | 3,000 sf | 1,250 sf | 3,000 sf | 3,000 sf | | None | | | | | None | | | 6,500 sf ⁽¹⁴⁾ |
| Minimum net lot area per du without public sewer | | | | | | | | | | | | | | | | | | | | | |
| Single family detached, mobile homes on individual lots | 60,000 sf | | | | | | | | | | | | | | | | | | | | |
| Single family attached | 60,000 sf | | | | | | | | | | | | | | | | | | | | |
| Two-family dwellings | | | | | | 5,000 sf | | | | | | | | | | | | | | | |
| Mixed single family residential development ⁽¹⁴⁾ | 60,000 sf | 20,000 sf | | 20,000 sf | | | | | | | | | | | | | | | | | |
| Mixed residential development ⁽¹⁴⁾ | | 20,000 sf | | 20,000 sf | | | | | | | | | | | | | | | | | |
| Multifamily dwellings | | | | | | | | | | | | | | | | 1,500 sf | | | | | |
| Mixed use structures | | | | | | | | | | | | 3,000 sf | | | 1,500 sf | | | | | | |
| All permitted residential uses | | | | | | | | 30,000 sf | | | 3,000 sf | | | | | | | | | | 6,500 sf ⁽¹⁴⁾ |
| Minimum frontage | | | | | | | | | | | | | | | | | | | | | |
| Single family detached, mobile homes | 200 ft | 100 ft | 125 ft | 100 ft | | 75 ft | | | | | | | | | | | | | | | |
| Single family attached | 200 ft | | | | | | | 100 ft (50 ft) | | | | | | | | | | | | | |
| Two-family dwellings | | | | 125 ft | | | 125 ft | | | | | | | | | | | | | | |
| Single family cluster development (with multiple vehicular accesses) | 300 ft (50 feet) | 200 ft (50 ft) | 200 ft (50 ft) | 200 ft (50 ft) | | 200 ft (30 ft) | | | | | | | | | | | | | | | |
| Mixed single family residential development (with multiple vehicular accesses) | 300 ft (50 feet) | 200 ft (50 ft) | | 200 ft (50 ft) | | | | | | | | | | | | | | | | | |
| Mixed residential development (with multiple vehicular accesses) ⁽¹⁴⁾ | | 200 ft (50 ft) | | 200 ft (50 ft) | | | | 100 ft (50 ft) | | | | | | | | | | | | | |
| Multifamily dwellings (with multiple vehicular accesses) | | | | 200 ft | | | | 100 ft (50 ft) | | | | | | | | | | | | | |
| Mixed use structures | | | | | | | | | | | | | | | | | | | | | |
| Farms | 250 ft | | | | | | | | | | | | | | | | | | | | |
| Religious facilities | 250 ft | 200 ft | 200 ft | 200 ft | | 125 ft | | | | | | | | | | | | | | | |
| Veterinary facilities | | | | | | | | | | | | | | | | | | | | | |
| Other uses | 250 ft | 100 ft | 125 ft | 100 ft | | 125 ft | | | | | | | | | | | | | | | |
| All permitted uses | | | | | 50 ft | | 50 ft | 100 ft | 50 ft | 100 ft | 100 ft | 150 ft | 35 ft | 100 ft | 100 ft | 100 ft | 25 ft | 50 ft ⁽¹⁴⁾ | | | 200 ft |
| Minimum front setback | | | | | | | | | | | | | | | | | | | | | |
| Single family detached, mobile homes on individual lots | 25 ft | 20 ft | 25 ft | 20 ft | | 20 ft ⁽¹⁴⁾ | | | | None | | | | | | | | | | | |
| Single family attached | 50 ft | | | 30 ft | | | | | | None | | | | | | | | | | | |
| Two-family dwellings | | | | 20 ft | | 20 ft ⁽¹⁴⁾ | | | | None | | | | | | | | | | | |
| Single family cluster development | 50 ft | 50 ft | 50 ft | 30 ft | | 50 ft | | | | | | | | | | | | | | | |

Space and Bulk Table Notes

- (1) This development shall meet the requirements set forth in Article XIII, Section 8.
- (2) All new residential development shall comply with the design standards of Article XII, Section 22.
- (3) Or a larger minimum lot size based on the requirements of the Maine Subsurface Wastewater Disposal Rules
- (4) All uses
- (5) Reference must be made Use Matrix and Use Matrix Additional Standards.
- (6) Where the front yard area for uses other than residential is located across the street from an abutting property in a residential zoning district and in residential use, a twenty-five (25) foot buffer area shall be maintained in the front yard area meeting the standards of Article XIII. In the Industrial district, buffer areas may not be reduced by modification or variance.
- (7) Where the side or rear yard area is located within fifty (50) feet of a residential zoning district, a fifty-foot wide buffer strip shall be maintained in accordance with the buffer standards of Article XIII.
- (8) 75 ft minimum setback from shoreline all structures other than permitted piers, docks, marinas, dams, bridges and other water dependent uses: 50 ft minimum shoreline and 25 ft minimum stream buffers to be maintained in natural vegetative state
- (9) Minimum shoreline frontage 100 ft
- (10) Any required side or rear yard area located within fifty (50) feet of a lot containing a dwelling not in a residential zoning district shall be maintained as a buffer area meeting the standards of Article XIII. In the Industrial district, buffer areas may not be reduced by modification or variance.
- (11) The industrially-zoned land on the east side of River Road, from Alfred A. Plourde Parkway to the northwesterly property line of 380 River Road, is subject to the following additional standards:
 - a. The minimum front setback for all uses is 100 feet.
 - b. The minimum front yard for all uses is 100 feet, and shall be maintained as a buffer area meeting the standards of article XIII.
 - c. No new vehicular access points are allowed along the frontage between 326 River Road and that portion of 9 Gendron Drive that has frontage on River Road.

- d. The above referenced setback, yard, and buffer requirements shall also apply to the that portion of 380 River Road located directly across from 367 River Road.
- e. Only one vehicular access point no wider than 50 feet within the 100-foot buffer of 380 River Road shall be permitted.

(12) The land on the on the east side of Main Street from Brooks Avenue to the Russell Street overpass, including 579 Main Street and 15-18 Pettingill Street, and the land on the west side of Main Street to the Maine central Railroad right-of-way from Strawberry Avenue south to the Russell Street overpass is subject to the following additional standards:

- a. Modifications of the space and bulk standards may not be granted by granted by the board of appeals, planning board, staff review committee or code enforcement officials, with the exception of side and rear yards where the abutting use is nonresidential.
- b. In all cases, trees on the entire site with a diameter of greater than six (6) inches shall be preserved unless removal is necessary for development activity as determined by the appropriate reviewing authority.
- c. The front yard must be planted with deciduous street trees (not including flowering ornamental trees) at intervals of fifteen (15) to thirty (30) feet on center, shall have a minimum two and one-half (2 1/2) inch caliber, and shall be at least eight (8) to twelve (12) feet high at the time of planting. Existing impervious front yard areas must be revegetated to these standards, when a property is subject to development review.
- d. Each premises is permitted one (1) free standing ground sign not exceed seventy-two (72) square feet. Each business entity is permitted a wall sign not to exceed five (5) percent of the ground floor principal facade area of that business or a minimum of sixteen (16) square feet, whichever is greater. Ground signs are encouraged to be pedestal type ground signs not exceeding eight (8) feet in height.
- e. Access is prohibited onto Brooks Avenue, with the exception of single-family homes.
- f. The following design standards are encouraged for any project subject to development review; however, may be waived by the appropriate reviewing authority due to site limitations and the nature of the development:
 - (1) Off street parking is to be located on the side and rear of buildings;
 - (2) Any new development or renovations shall generally relate in design features to the surrounding building, showing respect for the local context of Main Street, as seen from Holland Street to Montello Street;
 - (3) Gable or hipped roofs should be used to the greatest extent possible with any new development or renovations. Flat and shed style are roofs are discouraged, unless architectural features are applied to minimize the roofs appearance from Main Street (i.e., false fronts, parapets, etc.)
 - (4) Shared driveway entrances shall be encouraged with adjacent sites, in order to minimize curb cuts.
 - (5) Additional landscaping, buffering, and screening is encouraged to minimize views of parking areas from streets and abutting properties.

- (13) Modifications (i.e. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in the district space and bulk standard may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to Articles V, VII, VIII, IX, and XIII of this Code.
- (14) This development shall meet the requirements set forth in Article XIII, Section 8.
- (15) Ten (10) foot minimum side and rear setback in HB District for structures measuring less than 125 square feet accessory to residential uses
- (16) Any required side or rear yard area for uses other than residential located within fifty (50) feet of a residential zoning district or dwelling shall be maintained as a buffer area meeting the standards of Article XIII.
- (17) For the purpose of determining compliance with front, rear and side setback and yard requirements, an enclosed walkway connecting structures on abutting lots in the institutional-office (IO), whether it be underground, elevated or at grade, shall not be considered a structure but shall be considered a walkway. Similarly, awnings and canopies installed on lots in the institutional-office (IO) district that provide shelter from the elements, whether made of permanent or non-permanent material shall not be considered as structures and may extend into the front, side, and rear yard areas to the extent necessary to provide adequate shelter from the elements as long as the installation will not result in undue impact on adjacent properties, due to the placement of the awnings or canopies, location of service, parking or storage areas, or blocking of solar access, and shall in no way interfere with utilities or with the convenient and safe use of the sidewalk and street right-of-way by all pedestrians and vehicles, but in no case may the canopy be closer than two (2) feet from the property line.
- (18) Existing lots of record having 150 feet or less of frontage on a street functionally classified as an arterial shall be limited to one point of vehicular access to the arterial to service all development on the lot including the division of the lot into additional lots.

Existing lots of record having more than 150, but less than 500 feet of frontage on a street functionally classified as an arterial shall be limited to two points of vehicular access to the arterial to service all development on the lot including the division of the lot into additional lots. Existing lots of record having 500 feet or more of frontage on a street functionally classified as an arterial shall be limited to two points of vehicular access to the arterial for up to 1,000 feet of frontage, plus one additional point of access to the arterial for each additional 500 feet of frontage on the arterial or portion thereof. These points of access shall service all development on the lot, including the division of the lot into additional lots.

Prior to the division of any existing lot of record having a gross lot area of five acres or more or 500 or more feet of street frontage on a road functionally classified as an arterial or the submission of a development plan for all or a portion of the lot, the owner shall file a master development plan with the planning board. The master development plan shall be conceptual in nature and shall be based upon a site inventory plan

identifying the major development opportunities and constraints associated with the site. This inventory shall be prepared by a registered landscape architect or registered professional engineer and shall show in a conceptual manner natural drainage features, environmentally sensitive areas, prime development areas, potential points of vehicular access, and other significant manmade and natural features of the site.

The master development plan shall address the overall use of the parcel, the overall vehicular circulation system within the parcel, the coordination of accesses onto the arterial street, the general layout of utilities and drainage and provisions for buffering. The master development plan shall also demonstrate how the requirements of the office service district and the standards of article XIII will be met. Once the master development plan has been filed with the planning board, any division of land or application for approval shall be consistent with the plan unless a revised master development plan is filed.

- (19) The land on the on the west side of Main Street from Brooks Avenue to the Main Central railroad right-of-way from Strawberry Avenue south to the Russell Street overpass is subject to the following additional standards:
- a. Modifications of the space and bulk standards may not be granted by granted by the board of appeals, planning board, staff review committee or code enforcement officials, with the exception of side and rear yards where the abutting use is nonresidential.
 - b. In all cases, trees on the entire site with a diameter of greater than six (6) inches shall be preserved unless removal is necessary for development activity as determined by the appropriate reviewing authority.
 - c. The front yard must be planted with deciduous street trees (not including flowering ornamental trees) at intervals of fifteen (15) to thirty (30) feet on center, shall have a minimum two and one-half (2 1/2) inch caliper, and shall be at least eight (8) to twelve (12) feet high at the time of planting. Existing impervious front yard areas must be revegetated to these standards, when a property is subject to development review.
 - d. Each premises is permitted one (1) free standing ground sign not exceed seventy-two (72) square feet. Each business entity is permitted a wall sign not to exceed five (5) percent of the ground floor principal facade area of that business or a minimum of sixteen (16) square feet, whichever is greater. Ground signs are encouraged to be pedestal type ground signs not exceeding eight (8) feet in height.
 - e. The following design standards are encouraged for any project subject to development review; however, may be waived by the appropriate reviewing authority due to site limitations and the nature of the development:
 - (1) Off street parking is to be located on the side and rear of buildings;
 - (2) Any new development or renovations shall generally relate in design features to the surrounding building, showing respect for the local context of Main Street, as seen from Holland Street to Montello Street;
 - (3) Gable or hipped roofs should be used to the greatest extent possible with any new development or renovations. Flat and shed style are roofs are

- discouraged, unless architectural features are applied to minimize the roofs appearance from Main Street (i.e., false fronts, parapets, etc.)
- (4) Shared driveway entrances shall be encouraged with adjacent sites, in order to minimize curb cuts.
- (5) Additional landscaping, buffering, and screening is encouraged to minimize views of parking areas from streets and abutting properties.
- (20) Where the side or rear yard area for uses other than residential is located within fifty (50) feet of a residential zoning district, a minimum fifty (50)-foot wide buffer area shall be maintained along the side and rear yards in accordance with the buffer standards of Article XIII. In the Industrial district, buffer areas may not be reduced by modification or variance.
- (21) Notwithstanding, applicable setback and yard requirements and the provisions of Article XII, section 17(f)(3), the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall be maintained as a yard area, except that only one (1) of the two (2) following options may be instituted: a. Access roads or drives in this area are permitted only when a minimum of twenty (20) feet of front yard area can be maintained (forty (40) feet in the NCA District); or b. No more than one (1) parking space shall be created in this area.
- (22) In areas where the existing buildings have an established uniform setback relationship to the street, any new building or modification to an existing building shall maintain this established relationship notwithstanding the setback provisions of that district. An established uniform setback relationship is deemed to exist when the distances between the front face of the building and the edge of the travel way in the adjoining street for the two adjacent parcels fronting on the same street on each side of the subject parcel are within +/- five (5) feet of mean of this distance for the four (4) parcels. For the purposes of this provision, lots shall be deemed to be adjacent even if separated by a street or public easement.
- (23) Fifty (50) percent of the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall not be used for parking and shall be maintained as additional yard area, except that access roads or drives and sidewalks are permitted in this area.
- (24) Minimum lot size may be reduced by the Planning Board for single family cluster developments pursuant to Article XIII section 7.
- (25) Building height to be measured at principal facade of the building or structure.

Sec. 24. Additional District Regulation Requirements

1) Groundwater conservation overlay district (GC).

- (a) Statement of purpose. The purpose of the groundwater conservation overlay district is to protect, preserve and maintain the quality and quantity of the existing and

potential groundwater supply within the city by controlling the use, storage and disposal of potential contaminants of the groundwater in areas of the city and identified significant sand and gravel aquifers and by assuring the groundwater recharge areas associated with these aquifers are protected from overdevelopment.

- (b) Applicability. The standards of the groundwater conservation overlay district shall apply to any land meeting any of the following criteria:
- (1) Is located above a significant sand and gravel aquifer as identified by the Maine Geologic Survey, Maine Department of Conservation, "Hydrogeologic Data for Significant Sand and Gravel Aquifers," Maps 11 and 16; or
 - (2) Is located within 100 feet of a significant sand and gravel aquifer; or
 - (3) Is located within the recharge area of a significant sand and gravel aquifer as defined by the extent of permeable stratified sand and gravel and recharging wetlands within them that drain into the aquifer; or
 - (4) Is located within the seasonal high water limits of any stream that flows into a recharge area of a significant sand and gravel aquifer.

Where the bounds delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should properly be located. At the request of the owner(s), the city may engage a professional geologist, geotechnical engineer, or soil scientist to determine more accurately the location and extent of an aquifer or recharge area, and shall charge the owner(s) for the cost of the investigation.

These standards shall apply in addition to the standards of the underlying zoning district in which the property is located.

- (c) Permitted uses. Any use permitted in the underlying zoning district and not prohibited by subsection (e) shall be permitted in the groundwater conservation overlay district.
- (d) Conditional uses. Any use permitted with a conditional use permit in the underlying zoning district and not prohibited by subsection (e) shall be permitted as a conditional use in the groundwater conservation overlay district.
- (e) Prohibited uses. Any use prohibited in the underlying zoning district together with the following uses, even if permitted in the underlying zoning district, shall be prohibited in the groundwater conservation overlay district:
- (1) The disposal of solid wastes, other than brush and stumps in accordance with Solid Waste Disposal Rules and Regulations of the State of Maine;
 - (2) The storage of gasoline or other refined petroleum products except as heating fuel stored within a building or accessory to an allowed use and in accordance with the standards of the Maine Department of Environmental Protection for Permitting Underground Oil Storage Facilities;
 - (3) The storage of road salt or other deicing chemicals;
 - (4) The dumping of snow brought in from outside of the district;

- (5) The storage or disposal of hazardous wastes as defined by the hazardous waste regulations promulgated by the Bureau of Land Quality Control, Maine Department of Environmental Protection;
 - (6) Automotive and equipment service and repair shops;
 - (7) Junkyards and salvage yards;
 - (8) Cemeteries.
- (l) Space and bulk standards. Any building, structure or use of land within the groundwater conservation overlay district shall comply with the following requirements in addition to the space and bulk regulations of the underlying zoning district:

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| Maximum impervious surface ratio | 0.25 or as otherwise provided in subsection |
|----------------------------------|---|

- (g) Additional standards. Any building, structure or use of land within the groundwater conservation overlay district shall comply with the following requirements:
- (1) Timber harvesting.
 - a. Over any ten-year period, harvesting shall not remove more than 50 percent of the volume of trees over four inches in diameter. For the purpose of these standards, volume may be considered equivalent to basal area.
 - b. Burning of slash is prohibited. Export of woodchips to wood-to-energy plants or on-site chipping and broadcast application to the land are recommended for slash disposal.
 - (2) Agriculture.
 - a. Land application of sludge and spray irrigation of industrial wastewater or sewage are prohibited in the groundwater conservation district.
 - b. Manure spreading is permitted if carried out in conformance with a conservation plan which meets the standards of the state soil and water conservation commission and is approved by the Androscoggin Valley Soil and Water Conservation District. The conservation plan must include provisions for control of surface water runoff and nonpoint source pollution.
 - (3) Animal husbandry.
 - a. Animal husbandry and associated manure handling must be carried out in conformance with a conservation plan which meets the standards of the state soil and water conservation commission and is approved by the Androscoggin Valley Soil and Water Conservation District. The conservation plan must include provision for control of surface water runoff and nonpoint source pollution.
 - (4) Impervious surface.

- a. The impervious surface ratio for nonresidential uses may be increased if a groundwater study prepared by a groundwater hydrologist demonstrates that such increase will not have an adverse impact on either the quality or quantity of groundwater or that proposed mitigation measures will result in there being no adverse impact to either the quality or quantity of the groundwater.
- (5) Industrial and commercial uses.
- a. Facilities shall be designed so that all stored, spilled or leaked hazardous materials are contained on-site;
 - b. Facilities shall be designed so that no stored, spilled or leaked hazardous materials can infiltrate into the ground;
 - c. Permanent disposal of any waste containing hazardous materials shall not be allowed on-site;
 - d. Interior floor drains shall not be directed to any stream, storm drain, dry well or subsurface wastewater disposal system. They shall be directed to holding tanks, treatment systems or the public sewer system;
 - e. Above ground storage tanks for hazardous materials shall be located within a diked area which is impervious to the substance(s) being stored and large enough to contain the entire contents of the tank(s);
 - f. Storage areas for drums shall be contained within a diked area which is impervious to the substances being stored. All drums shall be stored in product-tight containers which are protected from leakage, accidental damage and vandalism;
 - g. Commercial or industrial activities which have uncovered storage areas shall have specially designed stormwater drainage facilities which provide for disposal of stormwater in a manner that will not adversely affect groundwater quality;
 - h. Dumpsters used to store industrial or commercial wastes shall be covered;
 - i. The design of storage and containment storage shall be approved by the city engineer for conformance with standard engineering practice.
- (6) Subsurface wastewater disposal systems.
- a. In areas which are not served by public sewer, no more than one dwelling unit may be connected to a subsurface waste disposal system, and no "engineered systems" are permitted unless a full hydrogeologic study which examines the specific groundwater impacts of the proposed system indicates that there will be no off-site impacts on groundwater quality. The study must be conducted by a state certified geologist with proven experience in hydrogeology.
 - b. Disposal of hazardous materials to wastewater disposal systems is prohibited.
- (7) Earth material extraction,

- a. Extraction shall not be allowed below the average seasonal high water table. No ditches, trenches, pumping or other methods shall be used to artificially lower the water table to permit more gravel extraction than could occur under natural conditions.
- b. All petroleum products shall be kept out of the pit. If refueling and oil changes must be conducted in the pit, a special area must be constructed that would prevent the maximum possible spill from entering the ground. Absorbent pads shall be kept onsite to be used immediately, should any petroleum products be spilled on the soil.
- c. The pit shall not be used for storage or dumping of any substances that could produce a harmful leachate.
- d. Any washing or crushing operations shall be conducted in a manner that will minimize runoff and evaporation.
- e. Access and haul roads into and around the pit shall not be oiled or salted.
- f. Access to the pit shall be strictly controlled at all times with locking gates. When the pit is permanently closed, all vehicular entrances shall be made impassable.
- g. When the pit is permanently closed, it shall be loamed and seeded. Application of fertilizer, manure or other soil amendments to bare soil whose topsoil has been removed is prohibited.

(8) Pesticides and herbicides. The application of pesticides and herbicides for nondomestic or nonagricultural uses shall be carried out with all necessary precautions to prevent hazardous concentrations of pesticides and herbicides in the water and on the land within the groundwater conservation district as a result of such application. Such precautions include, but are not limited to; erosion control techniques, the control of runoff water (or the use of pesticides having low-solubility in water), the prevention of volatilization and redeposition of pesticides and the lateral displacement (i.e. wind drift) of pesticides.

(9) Development approval. All nonresidential projects requiring development review shall prepare a groundwater protection plan which shall identify proposed measures for protecting the groundwater from adverse impacts from loss of recharge capacity, exfiltration from sewer pipes and contamination by oils, chemicals or nutrients.

(Ord. No. 92-5, 3-5-92; Ord. No. 00-19, 10-5-00)

2) *No name pond conservation overlay district (LC).*

- (a) *Statement of purpose.* The purpose of the no name pond conservation overlay district is to protect the water quality of no name pond by controlling the discharge of surface runoff into the lake, thereby limiting nutrient loading to levels which will not result in substantial degradation of the pond's water quality.
- (b) *Applicability.* The standards of the no name pond conservation overlay district shall apply to any land located within the watershed of no name pond which discharges surface water either directly or indirectly to no name pond, as shown on the Official Zoning Map, City of Lewiston. These standards shall apply in addition to

the standards of the underlying zoning district in which the property is located.

- (c) Permitted uses. Any use permitted by right in the underlying zoning district shall be permitted in the no name pond conservation overlay district.
- (d) Conditional uses. Any use permitted with a conditional use permit in the underlying zoning district shall be permitted as a conditional use in the No Name Pond conservation overlay district.
- (e) Prohibited uses. Any use prohibited in the underlying zoning district shall be prohibited in the No Name Pond conservation overlay district.

- (f) Space and bulk standards. Any building, structure or use of land within the no name pond conservation overlay district shall comply with the following requirements in addition to the space and bulk regulations of the underlying zoning district:

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|---|----------|
| Minimum setback from shoreline (all structures other than permitted piers, docks, marinas and similar water dependent uses) | 100 feet |
| Minimum shoreline buffer retained in natural vegetated state | 50 feet |
| Minimum shoreline frontage for any abutting on the pond | 100 feet |
| Minimum buffer from perennial or intermittent stream or open stormwater drainage course retained in natural vegetated state | 50 feet |
| Maximum impervious surface ratio | 0.1 |

- (g) Additional standards. Any building, structure or use of land within the no name pond conservation overlay district shall comply with the following requirements:

- (1) Fertilizer use:

- a. The use of fertilizers within the required shoreline, stream or drainage course buffers is prohibited.
- b. The use of solid chemical fertilizers for agricultural or other nondomestic purposes is prohibited.
- c. The use of liquid chemical fertilizers or manure for agricultural or other nondomestic purposes shall be done in accordance with a fertilizing plan approved by the District Conservationist of the Androscoggin Valley Soil and Water Conservation District. This plan shall be filed with the code enforcement official at least 48 hours prior to application of any fertilizer. A plan for a year-long or similar time period may be submitted to the code enforcement official to avoid having to file a separate plan for each application.

- (2) The total area of any lot devoted to lawns and gardens shall not exceed 30 percent of the total area of the lot. Any lot exceeding this requirement as of January 9, 1988 shall be permitted to retain all existing lawn and garden areas. No new lawn or garden area shall be established within the required shoreline, stream or drainage course buffers.

- (3) Private sewage disposal systems:

- a. For all proposed on-site sewage disposal systems within the no name pond conservation overlay district and within 250 feet of the

shoreline of no name pond, the minimum separation distance required by the applicable state subsurface wastewater disposal rules, between the disposal area bottom and the most limiting soil or groundwater condition (seasonable high groundwater table, restrictive layer or bedrock), must be increased by a factor of 1.5.

- b. For all proposed on-site sewage disposal systems within the no name pond conservation overlay district within 1,000 feet but greater than 250 feet of the shoreline of no name pond, the minimum separation distance required by the applicable state subsurface wastewater disposal rules, between the disposal area bottom and the most limiting soil condition, must be increased by a factor of 1.25.
 - c. The installation of any on-site sewage disposal system within 250 feet of the shoreline of no name pond, any perennial or intermittent stream tributary to no name pond or any open stormwater drainage course shall comply with the above standard and all the other requirements of the applicable state subsurface wastewater disposal rules without variance.
 - d. The installation of any on-site sewage disposal system with a design capacity in excess of 1,000 gallons per day shall be permitted only if a detailed groundwater hydrology study, acceptable to the city engineer, demonstrates that the system will not have an adverse impact on the water quality of no name pond.
 - e. Replacement or reconstruction of lawfully-existing private residential sewage disposal systems in existence and in use on the effective date of this ordinance and systems on lots in subdivisions approved prior to the effective date of this ordinance, shall not be subject to the requirements of subsections (3)a and (3)b, but shall be required to comply with the applicable requirements of the state subsurface wastewater disposal rules.
- (4) Proposals for the development of all new or existing lots within the no name pond conservation overlay district, including single-lot residential development, shall comply with the following additional requirements as part of the approval of the project:
- a. The applicant shall demonstrate, using methodology approved in advance by the Maine Department of Environmental Protection, that the proposed development will incorporate appropriate stormwater best management practices based on standards to assure that development within the watershed will not increase the total phosphorous concentration of no name pond by more than 0.75 part per billion. If the analysis demonstrates that this standard will not be met, the applicant shall propose modifications to the plan to bring the project into conformance with the standard.
 - b. The applicant shall demonstrate, using the soil conservation service methodology for small urban watersheds for a 25-year, 24-hour storm, that the total volume of stormwater discharged from the site

in its post development condition shall not exceed the total runoff in its predevelopment condition by more than 20 percent. If this analysis demonstrates that this standard will not be met, the applicant shall propose modifications to the plan to retain runoff on the site to bring the project into conformance with the standard.

- c. The applicant shall prepare an erosion and sedimentation control plan to minimize, to the maximum extent possible, the discharge of sediments to no name pond. This plan shall be consistent with the practices set forth in the most recent edition of the Environmental Quality Handbook - Maine, published by the Maine Soil and Water Conservation Service and shall be reviewed and approved by the District Conservationist of the Androscoggin County Soil and Water Conservation District.

- (5) Projects within the no name pond conservation overlay district that include one acre or more of disturbed area, must comply with the Maine Stormwater Management Law, 38 MRSA Section 420-D, and any regulations issued thereunder, specifically Rules 500 and 502, having an effective date of December 31, 1997, repealed and replaced on November 16, 2005, and further amended on December 21, 2006. Furthermore, all projects within 250 feet distance from the normal high water line from no name pond must meet the standard under article XII, shoreland area standards.

- (h) Conflicts. In any case in which a provision of article XI, section 20 conflicts with provisions contained in other articles of this Code, the more stringent standard shall apply.

(Ord. No. 92-5, 3-5-92; Ord. No. 00-19, 10-5-00; Ord. No. 02-24, 2-6-03; Ord. No. 06-17, 2-8-07; Ord.No. 08-08, 10-2-08)

3) *Mobile home park overlay district (MH).*

- (a) *Statement of purpose.* The purpose of the mobile home park overlay district is to provide for the accommodation of mobile homes in planned, integrated mobile home parks, and mobile homes on individual residential lots, at a standard consistent with the protection of the health, safety and general welfare of the residents of the city while establishing safeguards to minimize the adverse impacts on neighboring property owners.
- (b) *Applicability.* The standards of the mobile home park overlay district shall apply to all land shown on the "Official Zoning Map, City of Lewiston" as being located within the mobile home park overlay district.
- (c) *Permitted uses.* Any use permitted in the underlying zoning district shall be permitted in the mobile home park overlay district. In addition the following uses shall be permitted whether or not they are permitted in the underlying district:
 - (1) Mobile home parks consisting of:

- a. Residential mobile homes and accessory buildings or structures;
- b. Facilities for the operation and maintenance of the mobile home park including:
 - 1. A dwelling for the owner or manager;
 - 2. Laundry and restroom facilities;
 - 3. Offices and common areas for the management of the park;
 - 4. Indoor recreation facilities, meeting rooms and common facilities for the exclusive use of park residents and their guests;
 - 5. Outdoor recreation facilities for the exclusive use of park residents and their guests;
 - 6. Service and utility buildings for the storage and repair of equipment used in the operation and maintenance of the park; and
 - 7. Storage facilities for the exclusive use of park tenants.
- c. Facilities for the sales of mobile homes including a sales office and not more than five model units for parks having 50 or fewer sites plus one additional model for each 25 additional approved sites in excess of 50 to a maximum of 12 model units.

(2) Mobile homes on individual residential lots.

- (d) Conditional uses. Any use permitted with a conditional use permit in the underlying zoning district shall be permitted as a conditional use in the mobile home park overlay district unless such use is made a permitted use by subsection (c) above.
- (e) Prohibited uses. Any use prohibited in the underlying zoning district which is not a permitted or conditional use in the mobile home park overlay district shall be prohibited in the district.
- (f) Space and bulk standards. Any use other than a mobile home park shall comply to the space and bulk standards of the underlying district. Mobile home parks shall comply with the following requirements:

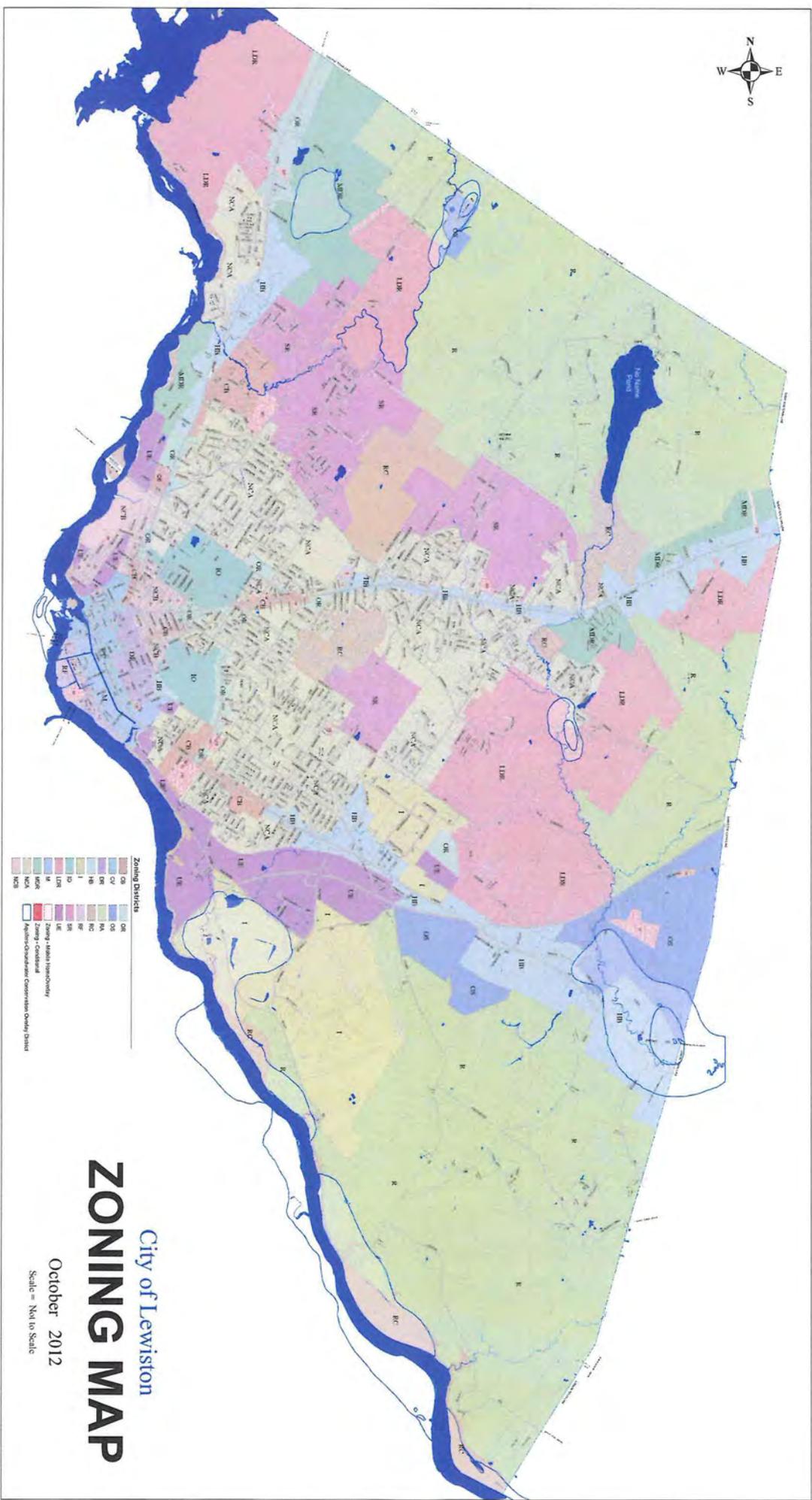
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|---|-------------------|---------|
| Minimum lot size | 5 acres | Minimum |
| street frontage | 200 feet | |
| Minimum net lot area per dwelling unit | 6,500 square feet | |
| Minimum setback of mobile home from the perimeter of the site | 50 feet | |
| Minimum front yard | 25 feet | |

| | | | | |
|---------|---------|------|----------|--------|
| Minimum | side | and | rear | yard |
| 50 feet | Minimum | side | and rear | buffer |
| 25 feet | Maximum | lot | coverage | ratio |
| .040 | | | | |

(g) Additional standards.

- (1) The general standards of performance of article XII shall apply.
- (2) The expansion or development of a mobile home park shall be subject to the development review requirements of article XIII of this Code.
- (3) The mobile home park shall conform to the off-street parking requirements of article XII.
- (4) The layout, design and construction of individual mobile home sites and related facilities shall conform to the standards set forth in article XII of this Code.
- (5) No development which is approved under this section as a mobile home park may be converted to another use without the approval of the planning board, and meeting the appropriate lot size, frontage, setbacks and other requirements. The plan to be recorded at the registry of deeds and filed with the city shall include the following restrictions as well as any other notes or conditions of approval:
 - a. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.
 - b. No dwelling unit other than a manufactured housing unit shall be located within the park.
 - c. The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of the park and code compliance with all provisions of the Revised Code of Ordinances of the City of Lewiston for all park owned structures, including recreation and open space areas and mobile home sites.

(Ord. No. 90-10, 10-4-90; Ord. No. 92-31, 1-7-93; Ord. No. 00-19, 10-5-00)



| Zoning Districts | |
|------------------|--|
| OR | Office |
| OR1 | Office Professional |
| OR2 | Office General |
| OR3 | Office Light |
| OR4 | Office Medium Density |
| OR5 | Office High Density |
| OR6 | Office Industrial |
| OR7 | Office Creative |
| OR8 | Office Mixed Use |
| OR9 | Office Community |
| OR10 | Office Neighborhood |
| OR11 | Office Regional |
| OR12 | Office Regional Professional |
| OR13 | Office Regional General |
| OR14 | Office Regional Light |
| OR15 | Office Regional Medium Density |
| OR16 | Office Regional High Density |
| OR17 | Office Regional Industrial |
| OR18 | Office Regional Creative |
| OR19 | Office Regional Mixed Use |
| OR20 | Office Regional Community |
| OR21 | Office Regional Neighborhood |
| OR22 | Office Regional Regional |
| OR23 | Office Regional Regional Professional |
| OR24 | Office Regional Regional General |
| OR25 | Office Regional Regional Light |
| OR26 | Office Regional Regional Medium Density |
| OR27 | Office Regional Regional High Density |
| OR28 | Office Regional Regional Industrial |
| OR29 | Office Regional Regional Creative |
| OR30 | Office Regional Regional Mixed Use |
| OR31 | Office Regional Regional Community |
| OR32 | Office Regional Regional Neighborhood |
| OR33 | Office Regional Regional Regional |
| OR34 | Office Regional Regional Regional Professional |
| OR35 | Office Regional Regional Regional General |
| OR36 | Office Regional Regional Regional Light |
| OR37 | Office Regional Regional Regional Medium Density |
| OR38 | Office Regional Regional Regional High Density |
| OR39 | Office Regional Regional Regional Industrial |
| OR40 | Office Regional Regional Regional Creative |
| OR41 | Office Regional Regional Regional Mixed Use |
| OR42 | Office Regional Regional Regional Community |
| OR43 | Office Regional Regional Regional Neighborhood |
| OR44 | Office Regional Regional Regional Regional |
| OR45 | Office Regional Regional Regional Regional Professional |
| OR46 | Office Regional Regional Regional Regional General |
| OR47 | Office Regional Regional Regional Regional Light |
| OR48 | Office Regional Regional Regional Regional Medium Density |
| OR49 | Office Regional Regional Regional Regional High Density |
| OR50 | Office Regional Regional Regional Regional Industrial |
| OR51 | Office Regional Regional Regional Regional Creative |
| OR52 | Office Regional Regional Regional Regional Mixed Use |
| OR53 | Office Regional Regional Regional Regional Community |
| OR54 | Office Regional Regional Regional Regional Neighborhood |
| OR55 | Office Regional Regional Regional Regional Regional |
| OR56 | Office Regional Regional Regional Regional Regional Professional |
| OR57 | Office Regional Regional Regional Regional Regional General |
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| OR65 | Office Regional Regional Regional Regional Regional Neighborhood |
| OR66 | Office Regional Regional Regional Regional Regional Regional |
| OR67 | Office Regional Regional Regional Regional Regional Regional Professional |
| OR68 | Office Regional Regional Regional Regional Regional Regional General |
| OR69 | Office Regional Regional Regional Regional Regional Regional Light |
| OR70 | Office Regional Regional Regional Regional Regional Regional Medium Density |
| OR71 | Office Regional Regional Regional Regional Regional Regional High Density |
| OR72 | Office Regional Regional Regional Regional Regional Regional Industrial |
| OR73 | Office Regional Regional Regional Regional Regional Regional Creative |
| OR74 | Office Regional Regional Regional Regional Regional Regional Mixed Use |
| OR75 | Office Regional Regional Regional Regional Regional Regional Community |
| OR76 | Office Regional Regional Regional Regional Regional Regional Neighborhood |
| OR77 | Office Regional Regional Regional Regional Regional Regional Regional |
| OR78 | Office Regional Regional Regional Regional Regional Regional Regional Professional |
| OR79 | Office Regional Regional Regional Regional Regional Regional Regional General |
| OR80 | Office Regional Regional Regional Regional Regional Regional Regional Light |
| OR81 | Office Regional Regional Regional Regional Regional Regional Regional Medium Density |
| OR82 | Office Regional Regional Regional Regional Regional Regional Regional High Density |
| OR83 | Office Regional Regional Regional Regional Regional Regional Regional Industrial |
| OR84 | Office Regional Regional Regional Regional Regional Regional Regional Creative |
| OR85 | Office Regional Regional Regional Regional Regional Regional Regional Mixed Use |
| OR86 | Office Regional Regional Regional Regional Regional Regional Regional Community |
| OR87 | Office Regional Regional Regional Regional Regional Regional Regional Neighborhood |
| OR88 | Office Regional Regional Regional Regional Regional Regional Regional Regional |
| OR89 | Office Regional Regional Regional Regional Regional Regional Regional Regional Professional |
| OR90 | Office Regional Regional Regional Regional Regional Regional Regional Regional General |
| OR91 | Office Regional Regional Regional Regional Regional Regional Regional Regional Light |
| OR92 | Office Regional Regional Regional Regional Regional Regional Regional Regional Medium Density |
| OR93 | Office Regional Regional Regional Regional Regional Regional Regional Regional High Density |
| OR94 | Office Regional Regional Regional Regional Regional Regional Regional Regional Industrial |
| OR95 | Office Regional Regional Regional Regional Regional Regional Regional Regional Creative |
| OR96 | Office Regional Regional Regional Regional Regional Regional Regional Regional Mixed Use |
| OR97 | Office Regional Regional Regional Regional Regional Regional Regional Regional Community |
| OR98 | Office Regional Regional Regional Regional Regional Regional Regional Regional Neighborhood |
| OR99 | Office Regional Regional Regional Regional Regional Regional Regional Regional Regional |
| OR100 | Office Regional Regional Regional Regional Regional Regional Regional Regional Regional Professional |

City of Lewiston ZONING MAP

October 2012
Scale = Not to Scale

10.22.11

AN ORDINANCE PERTAINING TO THE ZONING AND LAND USE DISTRICT
DEFINITIONS

THE CITY OF LEWISTON HEREBY ORDAINS:

APPENDIX A

ZONING AND LAND USE CODE

ARTICLE II. DEFINITIONS

Sec. 2. Definitions.

Unless otherwise expressly stated, the following words shall, for the purpose of this Code, have the meaning herein indicated:

Agriculture means the cultivation of the soil, production of crops, including crops in commercial greenhouses, and raising and keeping of livestock and farm animals, including animal husbandry, orchards, truck gardens, plant nurseries, poultry and other nondomestic animals, bees, the use of manure and fertilizers, the processing of agricultural products.

Automobile repair garages means facilities for major maintenance and repair of passenger vehicles, motorcycles, pickup trucks and similar vehicles, including those uses listed under NAICS 8111-811198. The type of work normally provided by repair garages includes engine overhauls, transmission repairs, glass replacement, body work, painting and similar work not involving routine maintenance. Repair garages shall include muffler shops, brake shops, body shops, paint shops, and tune-up centers.

Automotive services, except repair means the uses listed under NAICS 8111-811198 U.S. Standard Industrial Classification Code 754, which include car washes, detailing, automotive diagnostic centers, lubricating services, road services, rustproofing and other service uses similar to those listed.

BOCA code means a model building code issued by the Building Officials and Code Administrators International, Inc. entitled "The BOCA Basic National Building Code/1987," as amended.

Business and professional office means the uses listed under NAICS 52-56 and 62 8111-811198 U.S. Standard Industrial Classification Codes 60 through 67 and 73, as amended, which include financial, real estate, and insurance offices, tradesman's offices, social services, doctor's offices, legal offices, engineering offices, architectural offices, surveying services, research, development and testing services, and management services and other office uses similar to those listed. and Codes 81, 83, 87, and Industry Group Numbers 801 through 804, which include

Civic and social organization Club means a not-for-profit organization of a charitable, philanthropic, social or fraternal nature organized under the laws of the State of Maine.

Engineering, research, management, and related services means the uses listed U.S. Standard Industrial Code 87, excluding Industry Group Number 872. These uses include

~~engineering, architectural and surveying services, research, development and testing services, and management services.~~

Mixed-use structure means a building containing one (1) or more dwelling units and nonresidential space. Said nonresidential space must be permitted in the underlying zoning district.

Personal service means a service exemplified by the types of services listed under NAICS 812 U.S. Standard Industrial Classification Code 72, including but not limited to laundry and cleaning services, photography studios, shoe repair shops, funeral homes, mortuaries, beauty salons, barber shops, shoe repair facilities, day spas, and similar services to the general public. This definition does not include tattoo parlors.

Professional office ~~means the uses listed under U.S. Standard Industrial Classification Codes 81, 83, 87, and Industry Group Numbers 801 through 804, which include social services, doctor's offices, legal offices, engineering offices, architectural offices and other office uses similar to those listed.~~

Transit and ground transportation facilities means urban transit systems, chartered bus, school bus, interurban bus and rail transportation, and taxis with either scheduled or nonscheduled service, as defined in NAICS subsection 485. of the North American Industry Classification System, (NAICS) 1997.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: October 17, 2012
RE: October 22, 2012 Planning Board Agenda Item VI(e)

Proposed amendment to the Zoning and Land Use Code, Article XI. District Regulations, Section 22 to create a Parks and Recreation District to govern land uses for those properties managed or owned by the City of Lewiston for park and recreation purposes.

At the request of Administration, staff has taken the initiative to draft an amendment to the Zoning and Land Use Code to create a Parks and Recreation district. This proposed new district is in part driven by the recently adopted Riverfront Island Master Plan. The purpose for the creation of this new district is to ensure that our parks and open spaces are preserved for the public while at the same time ensuring that they will support appropriate uses such as those identified in the new Master Plan for Simard-Payne Park.

On August 14, 2012 the City Council voted to refer to the Planning Board said proposal to amend Appendix A, Article XI to make a recommendation on the creation of a Parks and Open Space District for the Council's consideration.

As drafted, this new district will apply specifically to properties managed or owned by the City of Lewiston for park and recreation purposes. The map and property list provided for the Board's review identifies 73 lots or areas of the city currently recognizes as land being used as a city park, dedicated open space required by a development, land held in conservation easement, city athletic parks as part of a school property, private athletic parks, and vacant city lots of greater than one acre. At a minimum, staff is recommending the Board consider the following properties for the Parks and Recreation District:

Table with 3 columns: Address, Acres, and Park Name. Rows include: 140 BRADBURY RD (35.08, Conservation Easement), 132 WINTER ST (8.48, SunnySide Park), 120 PARK ST (7.57, Kennedy Park), 46 BEECH ST (9.33, Simard-Payne Memorial Park), 180 PIERCE ST (1.41, Pierce St. Park)

| | | |
|------------------------|-------|-------------------------------------|
| 1 CEDAR ST | 1.61 | Lionel Potvin Park |
| 236 PINE ST | 0.28 | Leeds Park |
| 509 LINCOLN ST | 0.98 | Lincoln St Carry-In Boat Launch |
| 2 MAIN ST | 1.67 | Veterans Memorial Park |
| 16 LINCOLN ST | 0.26 | Laurier T. Raymond Jr. Gateway Park |
| 69 KNOX ST | 0.28 | Knox Street Park |
| 72 LISBON ST | 0.52 | Judge Armand A. Dufresne, Jr. Plaza |
| 526 COLLEGE ST | 0.18 | Mayer Park |
| 496 OLD GREENE RD REAR | 52.96 | Vacant Land |
| 64 NO NAME POND RD | 4.36 | Vacant Land |

The Board may also want to consider split zoning portions of 161 Birch Street/Franklin Pasture for those areas that consist of Marcotte Park and Ricker Park. The split zoning said property would result in areas of Franklin Pasture including the high school and elementary school remaining zoned Institutional Office.

ACTIONS NECESSARY

1. Make a motion to consider a proposed amendment to the Zoning and Land Use Code, Article XI. District Regulations, Section 22 to create a Parks and Recreation District;
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 to the Zoning and Land Use Code, Article XI. District Regulations, Section 22 to create a Parks and Recreation District to govern land uses for those properties managed or owned by the City of Lewiston for park and recreation purposes, said properties specifically identified.

**AN ORDINANCE PERTAINING TO THE OFFICIAL ZONING BOUNDARIES AND
PARKS AND RECREATION DISTRICT**

THE CITY OF LEWISTON HEREBY ORDAINS:

APPENDIX A

ZONING AND LAND USE CODE

ARTICLE XI. DISTRICT REGULATIONS

Sec. 22. Parks and Recreation District (PR).

1. *Statement of purpose.* The purpose of the parks and recreation district is to govern land uses for those properties managed or owned by the City of Lewiston for park and recreation purposes; to preserve and protect open space as a limited and valuable resource; and, to permit the reasonable use of open space, while simultaneously preserving and protecting its inherent open space characteristics to assure its continued availability for public use as scenic, recreation, and conservation or natural resource area.

2. *Applicability.* The standards of the parks and recreation district shall apply to all land shown on the "Official Zoning Map, City of Lewiston, as being located within the parks and recreation district.

3. *Permitted Uses.* In a parks and recreation district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:

- (1) Open space uses, which include the retention of land in its natural state or the provision of such uses which are compatible with the natural state and the natural environment, including but not limited to walking and hiking trails, nature trails and rehabilitating land to its natural state;
- (2) Municipal parks, public open spaces, picnic areas;
- (3) Facilities, structures and uses that are designed for park, outdoor recreation, educational and sport activities;
- (4) Park infrastructure including but not limited to parking, access roads, utilities, sanitary dump stations, restrooms, showers, vault toilets, safety and security lighting, fee stations, park offices, park residential units for caretakers, park manager and other;
- (5) Outdoor courts without night play lighting for soccer, football, baseball, softball, lacrosse, field hockey, rugby, etc.
- (6) Playgrounds;
- (7) Water front uses, which include but are not limited to, walking and hiking trails, boat ramps, pedestrian bridges, beaches, and marinas for public uses;

- (8) Forest and wildlife reservations;
 - (9) Parking areas;
 - (10) Cemeteries;
 - (11) Accessory uses, including structures or buildings of less than two thousand five hundred (2,500) square feet of floor area.
4. *Conditional uses.* In a parks and recreation district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with Article X of the Code:
- (1) Dams;
 - (2) Public utility structures and facilities;
 - (3) Piers, docks and marinas;
 - (4) Nonresidential structures for educational, scientific or nature interpretation purposes containing a maximum floor area of not more than 10,000 square feet;
 - (5) Municipal buildings and facilities;
 - (6) Accessory uses with structures or buildings of two thousand five hundred (2,500) square feet or more of floor area;
 - (7) Concessions in support of any permitted or conditional use;
 - (8) Lighted outdoor courts for night play for soccer, football, baseball, softball, lacrosse, field hockey, rugby, etc.;
 - (9) Amphitheaters;
 - (10) Places of indoor amusement or assembly.
- (e) *Space and bulk standards.*
- Minimum lot size all uses: None
 - Minimum frontage all uses: None
 - Minimum front setback all uses: None
 - Minimum front yard all uses: None
 - Minimum side and rear setbacks all uses: None
 - Minimum side and rear yards all uses: None
 - Maximum lot coverage ratio: 100.0
 - Minimum open space ration: None
 - Maximum building height residential district: 35 feet
 - Maximum building height non-residential district: 50 feet
5. *Additional standards.* Any building, structure or use of land within the parks and recreation district shall comply with the general performance standards of Article XII.

Reason for Proposed Amendment

The purpose of the parks and recreation district is to govern land uses for those properties managed or owned by the City of Lewiston for park and recreation purposes; to preserve and protect open space as a limited and valuable resource; and, to permit the reasonable use of open space, while simultaneously preserving and protecting its inherent open space characteristics to

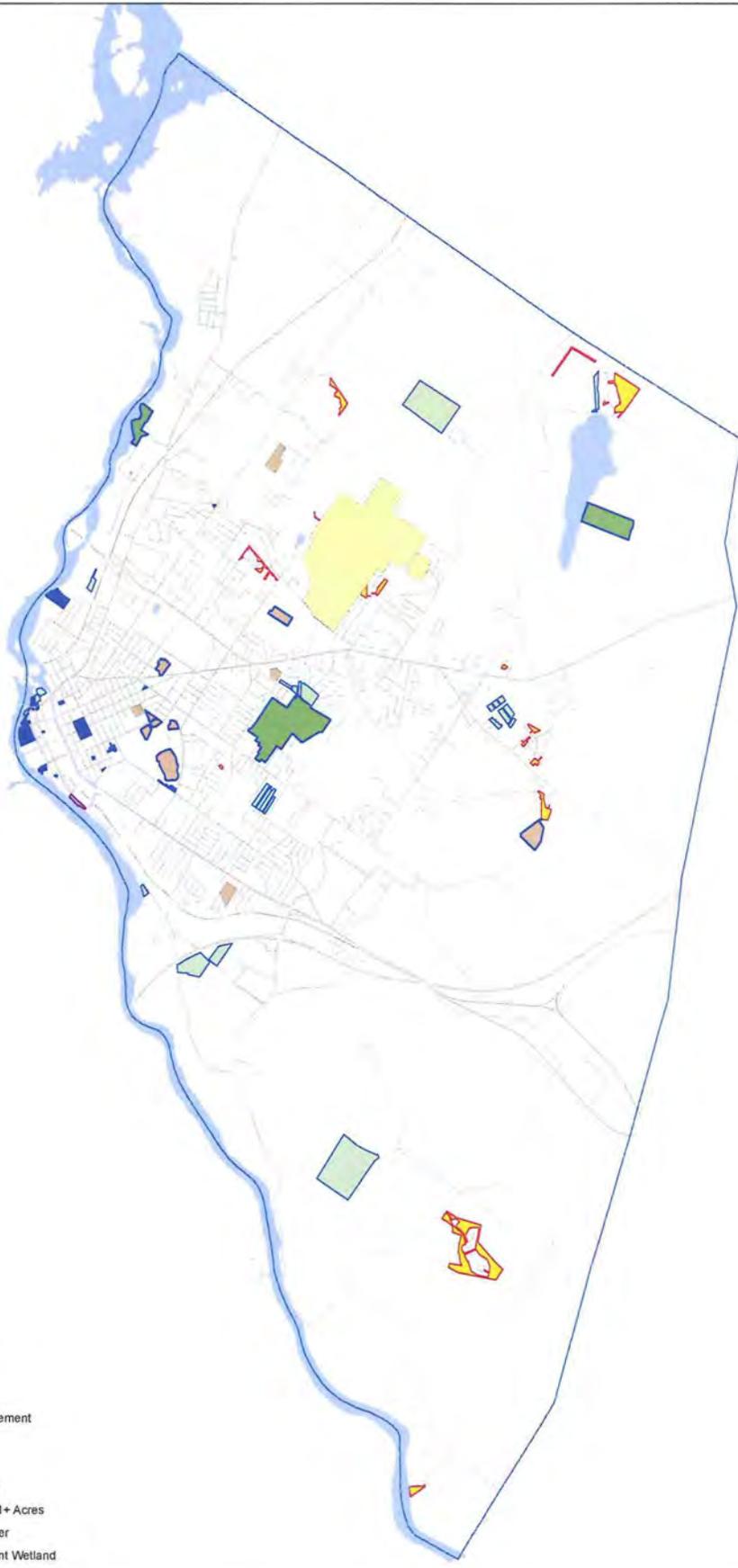
assure its continued availability for public use as scenic, recreation, and conservation or natural resource area.

Conformance with Comprehensive Plan

1. To promote and protect the availability of indoor and outdoor recreation opportunities for all Lewiston citizens (Recreation and Open Space, Goals, p. 94.).
2. Improve public awareness and utilize all possible opportunities for public participation in the acquisition, planning, and management of facilities (Recreation and Open Space, Policy 6, p. 104.).
3. Create opportunities for continued public input into planning and implementation (Recreation and Open Space, Strategy C, p. 105.).
4. Develop strategies for protection of open space and areas of significant visual and scenic value, and to create new open space which will serve the future needs of Lewiston residents (Recreation and Open Space, Policy 10, p. 111.).
5. Continue to protect the City's natural resources from inappropriate land use activities (Long Range Planning, Policy 6, p. 135.).

| Properties Identified For Parks and Recreational Areas | | | | | | | |
|--|--------|---------------------|------------------------------|-------------|---------------------------------|-------------------------------------|------------------------|
| Highlighted Properties To Be Located Within The Parks and Recreation District 10.22.2012 | | | | | | | |
| GIS_ID | ACRES | FULL_LOCAT | OWNER1_1 | OWNER2_1 | COMMENTS | NAME | CLASS |
| 175-103 | 0.28 | 10 SAINT JAMES PL | | | | | OPEN SPACE |
| 116-COM | 0.26 | AMOS CT | | | | | OPEN SPACE |
| 118-38 | 1.48 | | | | | | OPEN SPACE |
| 107-3 | 3.03 | COMMONS DR RR | | | | | OPEN SPACE |
| 118-50 | 2.03 | | | | | | OPEN SPACE |
| 32-15 | 0.29 | WATERS EDGE DR | | | | | OPEN SPACE |
| 40-17 | 5.43 | GROVE ST | | | | | OPEN SPACE |
| 114-19 | 4.93 | BOWDOIN DR | | | | | OPEN SPACE |
| 101-23 | 35.33 | | | | | | OPEN SPACE |
| 16-4 | 35.08 | 140 BRADBURY RD | LEWISTON CITY OF | | LAND OFF BRADBURY RD ON NN POND | | LAND TRUST OR EASEMENT |
| 190-2 | 13.86 | 11 TALL PINES DRIVE | ANDROSCOGGIN LAND TRUST | | | | LAND TRUST OR EASEMENT |
| 63-72 | 1.00 | 4 STONE LEDGE DR | LAMONTAGNE SANDRA | | | | OPEN SPACE |
| 118-4 | 361.09 | 314 MONTELLO ST | STANTON BIRD CLUB | | THORNCRAG | THORNCRAG | STANTON BIRD CLUB |
| 64-126 | 1.45 | GINA ST | | | | | OPEN SPACE |
| 39-68 | 1.27 | JUDITH ST | | | | | OPEN SPACE |
| 144-180 | 3.41 | 420 EAST AVE | GLADU ROBERT R | | | | OPEN SPACE |
| 31-COM | 2.78 | 669 OLD GREENE RD | | | | | OPEN SPACE |
| 175-1 | 0.22 | 161 BIRCH ST | LEWISTON CITY OF | | P/O FRANKILN PASTURE | Marcotte Softball Field | CITY ATHLETIC PARK |
| 173-119 | 4.67 | 75 CENTRAL AVE | LEWISTON CITY OF | | | Lewiston Athletic Park (LAP) | CITY ATHLETIC PARK |
| 175-1 | 1.65 | 161 BIRCH ST | LEWISTON CITY OF | | P/O FRANKILN PASTURE | Marcotte Park | CITY ATHLETIC PARK |
| 175-1 | 2.92 | 161 BIRCH ST | LEWISTON CITY OF | | P/O FRANKILN PASTURE | Upper Franklin Softball Leauge | CITY ATHLETIC PARK |
| 175-1 | 2.04 | 161 BIRCH ST | LEWISTON CITY OF | | P/O FRANKILN PASTURE | Marcotte Softball Field | CITY ATHLETIC PARK |
| 190-6 | 0.19 | 24 TALL PINES DR | CALEB MAINE DELEOPMENT CORP | | | River Valley Basketball Courts | ATHLETIC PARK |
| 146-306 | 3.47 | | ROMAN CATHOLIC BISHOP | OF PORTLAND | | Holy Family Field | ATHLETIC PARK |
| 66-3 | 13.57 | 381 RANDALL RD | LEWISTON CITY OF | | | Randall Road Softball Complex | CITY ATHLETIC PARK |
| 175-1 | 16.55 | 161 BIRCH ST | LEWISTON CITY OF | | P/O FRANKILN PASTURE | Franklin Pasture Athletic Complex | CITY ATHLETIC PARK |
| 175-1 | 2.46 | 161 BIRCH ST | LEWISTON CITY OF | | P/O FRANKILN PASTURE | Franklin Pasture Tennis Courts | CITY ATHLETIC PARK |
| 195-167 | 3.44 | 119 WALNUT | ROMAN CATHOLIC BISHOP | OF PORTLAND | | Druin Field | ATHLETIC PARK |
| 142-49 | 9.68 | | ELLIOT AVENUE PLAYGROUND INC | | | Elliot Ave Little Leauge Field | ATHLETIC PARK |
| 145-144 | 7.25 | | LEWISTON CITY OF | | | Montello Track | CITY ATHLETIC PARK |
| 178-27 | 7.71 | 20 MARTIN DR | ROMAN CATHOLIC BISHOP | OF PORTLAND | | South Lewiston Fields St Croix Park | ATHLETIC PARK |
| 205-12 | 8.48 | 132 WINTER ST | LEWISTON CITY OF | | | SunnySide Park | CITY PARK |
| 196-37 | 7.57 | 120 PARK ST | LEWISTON CITY OF | | | Kennedy Park | CITY PARK |
| 208-11 | 9.33 | 46 BEECH ST | LEWISTON CITY OF | | | Simard-Payne Memorial Park | CITY PARK |
| 196-199 | 1.41 | 180 PIERCE ST | LEWISTON CITY OF | | | Pierce St. Park | CITY PARK |
| 208-3 | 1.61 | 1 CEDAR ST | LEWISTON CITY OF | | | Lionel Potvin Park | CITY PARK |
| 195-112 | 0.28 | 236 PINE ST | LEWISTON CITY OF | | | Leeds Park | CITY PARK |
| 208-143 | 0.16 | 152 OXFORD ST | LEWISTON CITY OF | | | St. Mary's Park | CITY PARK |
| 199-2 | 0.98 | 509 LINCOLN ST | LEWISTON CITY OF | | | Lincoln St Carry-In Boat Launch | CITY PARK |
| 207-5 | 1.67 | 2 MAIN ST | LEWISTON CITY OF | | | Veterans Memorial Park | CITY PARK |
| 196-269 | 0.17 | 106 KNOX ST | LEWISTON CITY OF | | | Smilie Park | CITY PARK |
| 175-1 | 1.51 | 161 BIRCH ST | LEWISTON CITY OF | | P/O FRANKILN PASTURE | George Ricker Park | CITY PARK |
| 207-150 | 0.26 | 16 LINCOLN ST | LEWISTON CITY OF | | | Laurier T. Raymond Jr. Gateway Park | CITY PARK |
| 196-284 | 0.28 | 69 KNOX ST | LEWISTON CITY OF | | | Knox Street Park | CITY PARK |
| 207-85 | 0.52 | 72 LISBON ST | LEWISTON CITY OF | | | Judge Armand A. Dufresne, Jr. Plaza | CITY PARK |
| 197-8 | 2.16 | 333 LINCOLN ST | NORTHERN UTILITIES INC | | MAINT BY CITY | Gas Light Park | PARK |
| 170-163 | 0.18 | 526 COLLEGE ST | LEWISTON CITY OF | | | Mayer Park | CITY PARK |
| 207-12 | 1.87 | 6 MILL ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 147-40 | 1.19 | 103 GENEST ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 147-39 | 1.15 | 102 GENEST ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 129-1 | 71.25 | 177 FERRY RD REAR | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 149-48 | 3.10 | 76 COTE ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 63-136 | 2.81 | 32 GOODALE ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 179-26 | 17.16 | 94 RIVER RD | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 63-132 | 1.04 | 1 OSGOOD ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 63-127 | 1.15 | 54 KNOWLTON ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 147-38 | 1.40 | 30 STEWART ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 207-4 | 1.06 | 1 MAIN ST | LEWISTON CITY OF | | | | VACANT CITY LAND |

| Properties Identified For Parks and Recreational Areas | | | | | | | |
|--|-------|------------------------|------------------|---------------|------------------------------------|--------------|------------------------|
| Highlighted Properties To Be Located Within The Parks and Recreation District 10.22.2012 | | | | | | | |
| GIS_ID | ACRES | FULL_LOCAT | OWNER1_1 | OWNER2_1 | COMMENTS | NAME | CLASS |
| 63-133 | 2.34 | 31 HOMER ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 193-42 | 2.60 | 237 SUMMER ST REAR | LEWISTON CITY OF | POTTERS FIELD | | | VACANT CITY LAND |
| 179-23 | 7.85 | 142 GODDARD RD | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 63-125 | 1.11 | 42 KNOWLTON ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 63-140 | 1.88 | 12 REARDON ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 207-7 | 1.16 | 7 MILL ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 149-48 | 3.58 | 76 COTE ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 149-48 | 1.69 | 76 COTE ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 149-48 | 3.07 | 76 COTE ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 63-128 | 1.36 | 70 KNOWLTON ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 86-10 | 52.96 | 496 OLD GREENE RD REAR | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 120-36 | 8.69 | 85 PERLEY ST | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 32-11 | 4.36 | 64 NO NAME POND RD | LEWISTON CITY OF | | | | VACANT CITY LAND |
| 148-113 | 95.50 | 603 WEBBER AVE | LEWISTON CITY OF | | ANDRO LAND TRUST CONSERVATION EASE | GARCELON BOG | LAND TRUST OR EASEMENT |
| 199-2 | 1.45 | 509 LINCOLN ST | LEWISTON CITY OF | | | | VACANT CITY LAND |



Legend

-  Open Space
-  City Park
-  Park
-  Land Trust or Easement
-  City Athletic Park
-  Athletic Park
-  Stanton Bird Club
-  Vacant City Land 1+ Acres
-  Lake or Pond; River
-  Swamp or Apparent Wetland



City of Lewiston Parks and Open Spaces





CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: September 20, 2012
RE: September 24, 2012 Planning Board Agenda Item IV(b)

Discussion regarding recreation/open space district.

The Board began discussion of a creating a Parks and Recreation District at their September 10, 2012 meeting.

At the request of Administration, staff has taken the initiative to draft an amendment to the Zoning and Land Use Code to create a Parks and Recreation district. This proposed new district is in part driven by the recently adopted Riverfront Island Master Plan. The purpose for the creation of this new district is to ensure that our parks and open spaces are preserved for the public while at the same time ensuring that they will support appropriate uses such as those identified in the new Master Plan for Simard-Payne Park.

The Board raised noted the following at the last meeting:

- Should a new zoning district be added while the City is in the process of updating the comprehensive plan.
 - The comprehensive update process will likely taken 12 months to complete, to be followed by amendments to the Zoning and Land Use Code and zoning map. The Board certainly could choose to wait and have this matter considered as part of the comprehensive review process. However, staff believes there is value in creating this district as means of governing land uses for those properties for parks and recreation purposes; to preserve and protect open space as a limited and valuable resource; and, to permit the reasonable use of open space. Furthermore, many of the goals and strategies currently identified in the comprehensive plan will likely hold true with an updated plan.
- Should there be a concern about spot zoning.
 - Spot zoning (rezoning a single parcel or a limited area, usually for the benefit of a specific property owner or special interest) is not illegal under Maine law unless the rezoning is inconsistent with the comprehensive plan. The comprehensive plan clearly supports such efforts. The proposed district specifically addresses properties found to be unique for their public use as scenic, recreation, and conservation or natural resource areas.
- Should this apply to public and private property.
 - As drafted, the district will govern land uses for those properties managed or owned by the City of Lewiston for park and recreation purposes. However, the Board may want to consider making this district available for other property

owners should there be a desire or concern for preserving and protecting areas in Lewiston with inherent open space characteristics and the possibly availability for public use as scenic, recreation, and conservation or natural resource areas.

- As the Board requested, staff had drafted a map and list identifying city parks, vacant city owned land of one acre or greater in size, privately owned parks, and privately owned open space required as part of select residential developments. Staff recommends the Board review the map and list as to which lots should be included in the proposed recreation/open space district.

At this point, staff is asking the Board to review and comment on the drafted amendment. Pending the outcome of the Board's discussion, staff is recommending the proposed amendment be scheduled for a public hearing on October 22, 2012.

ACTIONS NECESSARY

Make a motion to schedule a public hearing for the Planning Board to consider and provide a recommendation to the City Council regarding a proposed amendment to the Zoning and Land Use Code to create a Parks and Recreation district.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: October 18, 2012
RE: October 22, 2012 Planning Board Agenda Item V(a)

Request by City Council that the Planning Board consider establishing a Business Transition Zone and recommend areas where such a zone might be appropriate.

On October 16, 2012 the City Council passed a resolve requesting that the Planning Board consider establishing a Business Transition Zone and recommend areas where such a zone might be appropriate. The Council discussed this issue during an earlier workshop and discussed the City's zoning as it impacts businesses located on commercially zoned streets where the limited depth of such zones greatly limit or prevents a business expansion or development. Reference should be made to the City Administrator Ed Barrett's memo to the Council dated September 25, 2012 and the City Council Agenda Information Sheet dated October 16, 2012.

As noted in Ed Barrett's September 25th memo, a number of options on how to proceed were suggested. First, the Council could have requested that this issue be fully reviewed and considered in the forthcoming update of the City's comprehensive plan. This option is supported by Planning and Code Enforcement. The other option chosen by the Council was to request that the Planning Board revisit this issue now – simply to consider adopting the newly proposed zone and/or to adopt the new zone and initiate an actual zone change on the Sabattus/Atwood area and/or other potential areas where such a zoning change might prove valuable.

At this time, no specific zoning amendment is being provided for the Board's consideration. Rather, it is expected that the Board discuss whether this is an appropriate time to consider establishing a Business Transition Zone along with recommending areas where such a zone might be appropriate.

ACTION NECESSARY

- Make a motion for the Planning Board to initiate an amendment to the Zoning and Land Use Code pursuant to Article XVII, Section 5 for the consideration of establishing a Business Transition Zone and to recommend areas where such a zone might be appropriate.

September 25, 2012

To: Honorable Mayor and Members of the City Council
Fr: Edward Barrett
Su: Business Zoning on Arterial Streets

Recently, Mayor Macdonald requested that a workshop be scheduled to discuss the City's zoning as it impacts businesses located on certain arterial streets. While this relates back to discussions that have been held in the past regarding business zoning in the block between Sabattus and Atwood Streets, it extends beyond this area to certain other arterials as well such as sections of Lisbon and Main Streets.

Below and attached please find a brief history of zoning discussions in the Sabattus/Atwood area as well as a memo from Planning outlining the proposed rezoning of this area as well as a copy of the proposed zoning language. As you are aware, the rezoning failed.

At this point, there are a number options on how to proceed. First, the Council could request that this issue be fully reviewed and considered in the forthcoming update of the City's comprehensive plan. The Council could also request that the Planning Board revisit this issue now – simply to consider adopting the newly proposed zone and/or to adopt the new zone and initiate an actual zone change on the Sabattus/Atwood area and/or other potential areas where such a zoning change might prove valuable.

Property owners also have the ability to initiate a zone change request via petition. Given the history of the property and parties involved, I would think such a request would be unlikely at this time.

If you have any questions or need any other information, please let me know.

From: David Hediger
Sent: Monday, July 09, 2012 8:54 AM
To: Ed Barrett
Cc: Gildace Arsenault
Subject: Atwood Street Rezoning History

The following summarizes the requests for rezoning portions of the Atwood Street neighborhood off Sabattus Street.

Property Information

- Prior to 1988, both 21 Atwood Street and the rear portion of 906 Sabattus Street were zoned Commercial. In fact, the Commercial district along this portion of Sabattus Street extended a depth of 250 from Sabattus Street, making Atwood Street the district boundary. The zoning boundary changed to its present configuration in January 1988 as part of city wide rezoning.

21 Atwood Street:

- The property at 21 Atwood Street is a 10,000 square feet lot containing a single car garage and driveway providing access to 914 Sabattus Street. Both properties are

owned by Daniel and Brenda Cote. The property at 914 Sabattus Street is zoned HB with a mixed use structure consisting of two dwelling units and commercial space for a water treatment business, Aqua-max of Maine. The Cote's have expressed interest in the past in rezoning 21 Atwood Street in effort to provide greater opportunities for future expansion of their business or other businesses and so that commercial vehicles may access Atwood Street.

906 Sabattus Street:

- The rear portion of 906 Sabattus Street consists of 10,000 square foot portion of a 20,000 square foot lot at 906 Sabattus Street with frontage Atwood Street, owned by Arlene and Gary Dubois. The entire property consists of a single structure with three dwelling units, a restaurant (Dubois Café) and other commercial space along with parking and access to both Sabattus and Atwood Streets. The property and structure are split zoned. Therefore, the commercial use of the property within the NCA portion of the property is nonconforming. The Dubois have expressed interest in rezoning their property in effort to make their property more conforming with respect to the commercial use of the property and to provide greater opportunities for future expansion of their business or other businesses.

Proposed Zoning History

April 2008:

- Daniel and Brenda Cote made a request in April 2008 for a conditional rezoning of 21 Atwood Street. After two meetings, the Planning Board voted 5-1 to send a favorable recommendation to the City Council. After one meeting at the City Council, the conditional rezoning request failed 2-4.

January 2011:

- Daniel and Brenda Cote and Arlene and Gary Dubois submitted a petition to rezone 21 Atwood Street and the rear portion of 906 Sabattus Street from the Neighborhood Conservation "A" (NCA) district to Highway Business (HB). The Planning Board provided a negative recommendation (0-7 vote) for the Council's consideration. On January 18th the Council failed to support the petitioner's request to rezone said properties with a 3-2 vote. (A minimum of four affirmative votes is required at the first Council reading. Therefore, the request failed that evening.) However, pursuant to Article XVII, Section 5 of the Zoning and Land Use Code, the City Council voted 5-0 on January 18, 2011 directing staff to work with the residents and owners to develop a proposal to rezone the area bounded by Sabattus Street, Old Greene Road, Atwood Street, and Garcelon Street and to present this proposal to the Planning Board for their review and recommendation to the City Council.

June-July 2011:

- Per the Council's direction, the Planning Board and staff spent five months discussing the zoning of the above referenced neighborhood and properties with the petitioner's and neighbors in effort to draft district regulations that expand the commercial zoning while providing provisions to minimize adverse impacts to abutting residential properties. This resulted in a proposed rezoning creating a new zoning district, the Business Transition-1 (BT1) district, in effort to provide for the orderly transition of residential areas along major traffic arteries to nonresidential uses. The transition district allowed for the conversion of existing properties from residential to nonresidential to occur in a manner which provides controlled traffic access and adequate parking and protects adjoining residential neighborhoods from

undesirable impacts and high standards of site design. The area proposed to become BT1 is currently zoned HB or NCA.

On June 13, 2011 the Planning Board disapproved of the proposed amendment voting 4-3 to send a negative recommendation for the City Council's consideration regarding the above reference rezoning. Board members in favor the proposed amendment believed it would provide future opportunities for commercial development and should be adopted for its long term planning value. The reasons for those opposed included not wanting to create an additional zoning district, that new district regulations would not resolve existing neighborhood disputes, and that it is not the right time to focus on this neighborhood without having a specific project requesting the rezoning. Overall, the majority of the Board agreed the proposed amendment was well drafted and may be used as a template for zoning in other areas of the city.

On June 21st the Council voted 4-1 to hold the second hearing on July 19th. On the 19th the amendment failed to pass the second reading with a 3-2 vote (four affirmative votes needed to pass).

Please let me know if I can be of further assistance.

David Hediger
City Planner/Deputy Director Planning and Code Enforcement
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LEWISTON CITY COUNCIL

MEETING OF OCTOBER 16, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Resolve Requesting that the Planning Board consider establishing a Business Transition Zone and recommend areas where such a zone might be appropriate,

INFORMATION:

The Council discussed this issue during an earlier workshop and discussed the City's zoning as it impacts businesses located on commercially zoned streets where the limited depth of such zones greatly limit or prevents a business expansion or development. This agenda action will send this issue to the Planning Board for their review and input.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To approve the Resolve requesting that the Planning Board consider establishing a Business Transition Zone and recommend areas where such a zone might be appropriate.



**City of Lewiston Maine
City Council Resolve
October 16, 2012**



Resolve, Requesting that the Planning Board Consider Establishing a Business Transition Zone and Recommend Areas Where Such a Zone Might be Appropriate.

Whereas, it has long been recognized that certain areas located along the City's major traffic corridors that originally developed residentially have gradually transitioned to commercial use and have become less attractive to residential use; and

Whereas, expanded use of the standard highway business zone may not be appropriate for these areas given that zone's development standards and the potential creation of residential non conformities; and

Whereas, it is appropriate that the City recognize the market incentives that are moving these areas toward commercial and away from residential uses while also protecting adjacent stable residential areas; and

Whereas, this may best be accomplished by establishing a Business Transition Zone that recognizes the forces promoting change while acknowledging the need to protect adjacent stable residential areas from potential negative impacts; and

Whereas, as a part of this task, it is also appropriate for the Planning Board to identify potential areas throughout the community where such a transitional zone might be appropriate;

Now, therefore, be It Resolved by the City Council of the City of Lewiston

That we hereby request the Planning Board to consider establishing a new zoning district that will create a framework for addressing, in advance of any particular request, those areas that are in the process of transitioning from residential to commercial use while also protecting adjacent stable neighborhoods through the application of appropriate development standards.

Be it Further Resolved

That the Planning Board also identify, in a comprehensive fashion, those areas of the community where the use of such a zone would be suitable and would support the location or expansion of appropriate businesses compatible with maintaining stable nearby neighborhoods.

MEMORANDUM

TO: Mayor Robert E. Macdonald
Members of the City Council

FR: Gildace J. Arsenault, Director of Planning and Code Enforcement

RE: Business Zoning on Arterial Streets

DT: October 10, 2012

At the City Council Workshop of October 3rd City Administrator Ed Barrett led a discussion regarding the City's zoning as it impacts businesses located on commercially zoned streets where the limited depth of such zones greatly limits and/or prevents business expansion and/or development. The discussion centered on the appropriateness of the creation of a transitional district that would permit business expansion into adjoining residential districts while offering protection to residential property owners. A straw vote was taken at the workshop and a majority of the Council expressed interest in requesting the Planning Board to explore this matter and to make a recommendation. Therefore, this topic is on your agenda for the meeting of October 16th for a vote to request the Planning Board to entertain a rezoning that would create a transitional district in areas as may be appropriate that would permit commercial activity in adjoining residential areas.