

AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

THE CITY OF LEWISTON HEREBY ORDAINS:

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

APPENDIX A ZONING AND LAND USE CODE ARTICLE IV. ESTABLISHMENT OF DISTRICTS

Sec. 1. Zoning Map.

The “Official Zoning Map, City of Lewiston,” adopted pursuant to this Section, is hereby amended by conditionally rezoning the parcels more fully described in Exhibit “A” attached hereto, and as shown on a black line print attached hereto as Exhibit “B,” said parcels being located at 220 Bates Street and 1 Walnut Street, Lewiston, Maine (formerly known as St. Patrick’s Church and Rectory), from the Downtown Residential (DR) zoning district to the Centreville (CV) zoning district.

REASONS FOR THE PROPOSED AMENDMENT

The reasons for the proposed amendment include allowing the former St. Patrick’s Church and Rectory (located, respectively, at 220 Bates Street and 1 Walnut Street, Lewiston, Maine) to be run as successful businesses that attract clientele and revenue from within and without the Lewiston-Auburn area, increase revenue to local businesses, improve local property values, and discourage crime in and around Kennedy Park, all while preserving these historic structures. Specifically, proponent would like to have the properties, which are currently zoned for the Downtown Residential (DR) zoning district, conditionally rezoned to the Centreville (CV) zoning district to allow the operation of a large events venue, specializing in weddings and conferences with on-site accommodations, catering, and alcoholic beverage options in addition to those uses currently allowed in the DR.

CONFORMANCE WITH COMPREHENSIVE PLAN

1. To establish a Cultural District in the downtown area (Culture & Arts Policy #5, page 18).
2. Stimulate and maintain vital business investment in the Downtown area (Downtown Goals #1, page 22).
3. Promote preservation of important historic buildings that define the character of the Downtown area (Downtown Goals #4, page 22).

4. Attract new investors to purchase, redevelop and whenever possible utilize the buildings within the Downtown Area (Downtown Policy #7, page 32).
5. Continue to recognize, preserve and protect the visual, architectural, cultural, historical and archeological resources that contribute to and define the unique character of the City (Historic Preservation Goals #1, page 55).
6. Contribute to the vitality and economic development of the City by recapturing under-utilized space for special uses, increasing the real estate tax base, and re-establishing ... other areas to their former status in the region through preservation efforts targeted to enhance the aesthetics and the cultural climate of the City (Historic Preservation Goals #2, page 55).
7. Enhance the image of Lewiston and its proud heritage by ... fostering the continued conversion of vacant space to productive reuses that will contribute to the revitalization of the entire Downtown and City (Historic Preservation Goals #3, page 55).
8. Encourage orderly growth and development in appropriate areas of the City, while protecting the City's rural character, making efficient use of public services and preventing development sprawl (Land Use Goal #1, page 122).
9. Provide incentives for adaptive reuse of building or infill construction (Long Range Planning Policy #3, Strategy A, page 133).

CONDITIONAL REZONING AGREEMENT

The proponent requests that the official zoning map for the City be amended by deleting the subject property from the Downtown Residential (DR) zoning district and conditionally rezone the subject premises to the Centreville (CV) zoning district, subject to the limitations more fully described below.

In compliance with the provisions of the Code, Article XVII, Section 5(g), the proponent hereby proposes the following conditions:

- (a) Allowed uses of the property shall include those uses which are presently permitted and conditional uses in the Downtown Residential (DR) zoning district, and the following as conditional uses: "drinking places", "places of indoor assembly, amusement or culture", as listed below and subject to the conditions contained herein.

Land Use Table: pursuant to Article XI, Section 22 <i>et seq.</i> of the Zoning and Land Use Code, subject to applicable <i>Land Use Table Notes</i> of aforementioned section of code.	Conditional Rezoning-Centreville (CV): 1 Walnut Street/220 Bates Street
USES(15)(33)	
Accessory use or structure	P
Commercial-Service	
Veterinary facilities excluding kennels and humane societies	
Veterinary facilities including kennels and humane societies	
Small day care facilities	P
Day care centers	P
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	P(9)
Restaurants	P(1)
Drinking places	C
Adult business establishments	
Hotels, motels, inns	C
Movie theaters except drive-in theaters	P
Places of indoor assembly, amusement or culture	C
Art and crafts studios	P
Personal Services	P
Retail stores	P
Neighborhood retail stores	
Lumber and building materials dealer	
Gasoline service stations	
Gasoline service stations which are a part of and subordinate to a retail use	
New and used car dealers	

Recreational vehicle, mobile home dealers	
Equipment dealers and equipment repair	
Automotive services including repair	
Registered dispensary(27)	
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.	
Tattoo Establishments	
Industrial	
Light industrial uses	
Industrial uses	
Building and construction contractors	
Fuel oil dealers and related facilities	
Wholesale sales, warehousing and distribution facilities and self-storage facilities	
Self storage facilities	
Commercial solid waste disposal facilities	
Junkyards and auto graveyards	
Recycling and reprocessing facilities	
Private industrial/commercial developments(23)	
Transportation	
Airports or heliports	
Commercial parking facilities	C(3)
Transit and ground transportation facilities	C
Transportation facilities	
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
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C
Municipal buildings and facilities	P
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways	
Dams	

Institutional	
Religious facilities	P
Cemeteries	
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	P
Hospitals, medical clinics,	C
Museums, libraries, and non-profit art galleries and theaters	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,	P
Civic and social organizations	
Public community meeting and civic function buildings including auditoriums	P
Residential(8)	
Single-family detached dwellings on individual residential lots	P(11)
Mobile homes on individual residential lots	
Two-family dwellings	P(11)
Multifamily dwellings in accordance with the standards of Article XIII	P(11)
Single-Family attached dwelling in accordance with the standards of Article XIII	P(11)
Mixed single-family residential developments in accordance with the standards of Article XIII	
Mixed residential developments in accordance with the standards of Article XIII	
Mixed use structures	P(11)
Lodging houses	P(11)
Home occupations	P
Bed and breakfast establishments as a home occupation	P
In-law apartments in accordance with the standards of Article XII	P
Single family cluster development	
Family day care home	P

Shelters	C
Natural Resource	
Agriculture	
Farm Stands	
Forest management and timber harvesting activities in accordance with the standards of Article XIII	
Earth material removal	
Community gardens(20)	P
Water dependent uses, e.g. docks and marinas	
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	
Recreation	
Campgrounds	
Public or private facilities for nonintensive outdoor recreation	C
Commercial outdoor recreation and drive-in theaters	
Fitness and recreational sports centers as listed under NAICS Code 713940	

- (b) Violations of any of the conditions herein will constitute a violation of the Code.
- (c) The conditions described herein shall bind the proponent, its successors and assigns, and any person in possession or occupant of the subject premises, or any portion thereof, and shall inure to the benefit of and be enforceable by the City.
- (d) The proponent shall, at his own expense, record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of this proposal by the City. Such form of recording is to be in a form satisfactory to the City.
- (e) The conditions described herein shall run with the subject premises.
- (f) In addition to other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession of use of the subject premises fails or refuses to comply with any of the conditions imposed, any rezoning approved by the City in accordance with the conditions shall be of no force or effect. In that event, any use of the subject premises and any building or structures developed pursuant to the rezoning shall be immediately abated

and brought into compliance with all applicable provisions of the Code with the same effect as if the rezoning had never occurred.

(g) If any of the conditions are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions.

(h) Any rezoning approved by the City conditionally shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.

(i) Any allowed proposed use, addition, or expansion of the property deemed applicable to Article XIII, Section 2 of the Zoning and Land Use Code shall be subject to the applicable sections of Article XIII of the Zoning and Land Use Code, Development Review and Standards.

(j) By submitting this proposal, the proponent agrees in writing to the conditions described herein.

Andrew Knight, J.D., Proponent

On _____, 20____, Personally appeared the above named Andrew Knight and acknowledged the foregoing to be of his free act and deed.

Notary Public
Commission Expires: