

## 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 City of Lewiston hereby ordains that the Official Zoning Map of the City of Lewiston be amended by modifying the existing conditional rezoning agreements as recorded in the Androscoggin Registry of Deeds Book 1859 Page 212 for the property at 170 Summer Street depicted on Exhibit "B" and more fully described in Exhibit "A", both of which are attached hereto as follows, said property to remain conditionally rezoned from the Neighborhood Conservation "B" (NCB) District and to the Urban Enterprise (UE) District.

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#### REASONS FOR THE PROPOSAL AMENDMENT

The reasons for the proposed amendment include allowing the premises situated in the municipality of Lewiston County of Androscoggin County, State of Maine, located at 170 Summer Street (see Exhibit B, Registry of Deeds Book 4443, Page 199) be allowed to operate a wholesale sales, warehousing and distribution facility, a neighborhood retail sales business and business and professional offices. The property contains a structure built in 1986 by Tufts Printing. The current use is a printing company. The tenant Rockingham Electrical Supply Co Inc. proposes to operate an electrical supply wholesale business which will originally employ 4-6 employees.

#### CONFORMANCE WITH COMPREHENSIVE PLAN

The City Council of the City of Lewiston hereby determines that the change to the Zoning maps is in conformance with the Comprehensive Plan for the following reasons:

- (1.) Study the mixed-use area west of Main Street between the Longley Bridge and the Veterans Bridge for potential re-zonings that will deal with issues ranging from commercial expansion, neighborhood protection, and increased utilization of the Maine Central Railroad line. (Land Use Issue #9, page 124.)
- (2.) .....in order to assure that there is sufficient industrial land to meet the future

industrial needs of the City, the city should explore where there are areas that are appropriate for future industrial uses and to rezone them accordingly. (Industrial Development, page 121.)

- (3.) Build on the strengths of manufacturing and service industries as source of quality jobs. (See Economy, Goal 3, page 37.)
- (4.) Ensure that there is adequate land / buildings for expanding firms and entrepreneurial start-ups within Lewiston by working with local developers. (See Economy, Policy (4), Strategy A, page 40.)

**CONDITIONAL REZONING AGREEMENT**

The proponent requests that the official zoning map for the City be amended by modifying the existing conditional rezoning agreement with the subject property remaining conditionally rezoned Urban Enterprise (UE), 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 under the existing conditional rezoning agreements as recorded in the Androscoggin Registry of Deeds Book 5206 Page 167 for the property at 170 Summer Street and the following uses: wholesale sales, warehousing and distribution facilities and self-storage facilities, neighborhood retail sales, and business and professional offices, as listed below and subject to the conditions contained herein.

<b>Land Use Table:</b> 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.	<b>Proposed Amended Conditional Rezoning to UE-170 Summer Street</b>
<b>USES(15)(33)</b>	
Accessory use or structure	<b>P</b>
<b>Commercial-Service</b>	
Veterinary facilities excluding kennels and humane societies	

Veterinary facilities including kennels and humane societies	
Small day care facilities	
Day care centers	
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
Restaurants	
Drinking places	
Adult business establishments	
Hotels, motels, inns	
Movie theaters except drive-in theaters	
Places of indoor assembly, amusement or culture	
Art and crafts studios	
Personal Services	
Retail stores	
Neighborhood retail stores	P
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	
<b>Industrial</b>	
Light industrial uses	P
Industrial uses	
Building and construction contractors	
Fuel oil dealers and related facilities	
Wholesale sales, warehousing and distribution facilities and self-storage facilities	P

Self storage facilities	
Commercial solid waste disposal facilities	
Junkyards and auto graveyards	
Recycling and reprocessing facilities	
Private industrial/commercial developments(23)	
<b>Transportation</b>	
Airports or heliports	
Commercial parking facilities	
Transit and ground transportation facilities	
Transportation facilities	
<b>Public and Utility</b>	
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	
Municipal buildings and facilities	
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways	
Dams	
<b>Institutional</b>	
Religious facilities	
Cemeteries	
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	
Hospitals, medical clinics,	
Museums, libraries, and non-profit art galleries and theaters	
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,	
Civic and social organizations	

Public community meeting and civic function buildings including auditoriums	
<b>Residential(8)</b>	
Single-family detached dwellings on individual residential lots	
Mobile homes on individual residential lots	
Two-family dwellings	
Multifamily dwellings in accordance with the standards of Article XIII	
Single-Family attached dwelling in accordance with the standards of Article XIII	
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	
Lodging houses	
Home occupations	
Bed and breakfast establishments as a home occupation	
In-law apartments in accordance with the standards of Article XII	
Single family cluster development	
Family day care home	
Shelters	
<b>Natural Resource</b>	
Agriculture	
Farm Stands	
Forest management and timber harvesting activities in accordance with the standards of Article XIII	
Earth material removal	
Community gardens(20)	
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	
<b>Recreation</b>	

Campgrounds	
Public or private facilities for nonintensive outdoor recreation	
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 or 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.

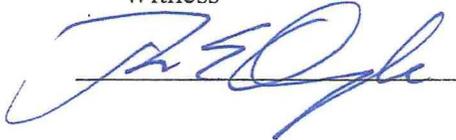
(i) Any allowed proposed use, addition, or expansion of the property deemed applicable to Article XIII, Section 2 of the Zoning and Land Use Code shall be subject to the applicable sections of Article XIII of the Zoning and Land Use Code, Development Review and Standards.

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

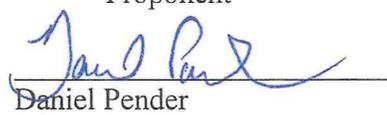
The Proponent hereby respectfully submits this Proposal as of the 11<sup>th</sup> day of February, 2014.

Rockingham Electrical Supply Co Inc/Daniel Pender

Witness



Proponent

  
Daniel Pender

Androscoggin, SS  
Lewiston, Maine

February 11, 2014

Personally appeared the above named James Pender Jr and acknowledged the foregoing to be his free act and deed.

  
Notary Public  
Commission Expires:

CHRISTA DEJONG, Notary Public  
My Commission Expires February 14, 2015

Christa DeJong  
ex 2/14/15

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(214)

11792

**Know all Men by these Presents,**

**That** The Inhabitants of the Municipality of Lewiston  
 a body corporate, located at Lewiston  
 in the County of Androscoggin and State of Maine,  
 in consideration of one dollar and other valuable considerations  
 paid by Tufts Brothers

of Lewiston, Maine  
 the receipt whereof it does hereby acknowledge, does hereby ~~release~~  
~~release, bargain, sell and convey~~, and forever quit-claim unto the said  
 Tufts Brothers, its successors and

~~Heirs and~~ Assigns forever, all its right, title and interest in  
 and to the following described real estate situated at

156 Summer Street, Lewiston in the County of Androscoggin  
 and State of Maine and more particularly described as follows:

Two certain lots or parcels of land with any buildings  
 thereon situated in the City of Lewiston, County of Androscoggin,  
 and State of Maine, more particularly described as follows:

PARCEL 1. Commencing at a point marked by an iron rod set in  
 the ground, which point is the southwesterly corner of land  
 conveyed by V. J. Palange Development Corp. to Tufts Brothers by  
 Deed dated April 7, 1969 recorded in the Androscoggin County  
 Registry of Deeds in Book 1001 Page 363; thence North 35°13'41"  
 West two hundred fifty feet (250') to an iron rod set in the  
 ground; thence North 55°26'19" East one hundred eighteen feet  
 (118') to a point; thence South 35°13'41" East two hundred fifty  
 feet (250') to a point; thence South 55°26'19" West one hundred  
 eighteen feet (118') to the point of beginning.

MEANING AND INTENDING to convey the parcel conveyed by  
 V. J. Palange Development Corp. to Tufts Brothers in said Deed at  
 Book 1001 Page 363 and also meaning and intending to convey a  
 fifty foot (50') by one hundred eighteen foot (118') parcel which  
 is a portion of the premises conveyed by Vincent J. Palange to  
 Tufts Brothers in a Deed dated December 21, 1971 and recorded in  
 the Androscoggin County Registry of Deeds in Book 1045 Page 789.  
 See also corrective deed from Vincent J. Palange to Tufts Brothers  
 dated August 17, 1973 and recorded in the Androscoggin County  
 Registry of Deeds Book 1081 Page 622.

PARCEL 2. Commencing at a point on the northerly line of  
 Summer Street, which point is the southeasterly corner of land  
 described in Parcel 1 above; thence North 35°13'41" West two  
 hundred fifty feet (250') to a point, which point marks the  
 northeasterly corner of land described in Parcel 1 above; thence  
 North 55°26'19" East two hundred eighty-six feet (286') to an iron  
 rod set in the ground, which iron rod marks the northeasterly  
 corner of land conveyed by Guy A. Hartnett to Tufts Brothers by  
 Deed dated September 14, 1974 recorded in the Androscoggin County  
 Registry of Deeds in Book 1126 Page 131; thence South 35°13'41"  
 East to an iron rod set in the ground, which iron rod marks the

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*to B Summer St*

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southeasterly corner of land as described in said Deed from Guy A. Hartnett to Tufts Brothers recorded in Book 1126 Page 131; thence South 55°26'19" West two hundred eighty-six feet (286') to the point of beginning.

MEANING AND INTENDING to convey the parcel of land conveyed by Guy A. Hartnett to Tufts Brothers by said Deed in Book 1126 Page 131.

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The purpose of this deed is to convey any interest the Grantor may have in the foregoing property by virtue of unpaid taxes for the tax year(s) 1974 as described in a Municipal Tax Lien recorded in the Androscoggin County Registry of Deeds in Book 1152, Page 57

**To Have and to Hold** the same, together with all the privileges and appurtenances thereunto belonging to it, the said Tufts Brothers, its successors

~~Heirs~~ and Assigns forever.

In Witness Whereof, the said Inhabitants of the Municipality of Lewiston has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Paul R. Labrecque

its Treasurer thereunto duly authorized, this 3rd day of October A. D. 1985.

Signed, Sealed and Delivered in presence of

Inhabitants of the Municipality of Lewiston

*Clare D. Sagnon*

By *Paul Labrecque*   
TREASURER  
Paul Labrecque

State of Maine, } ss.

October 3 1985.

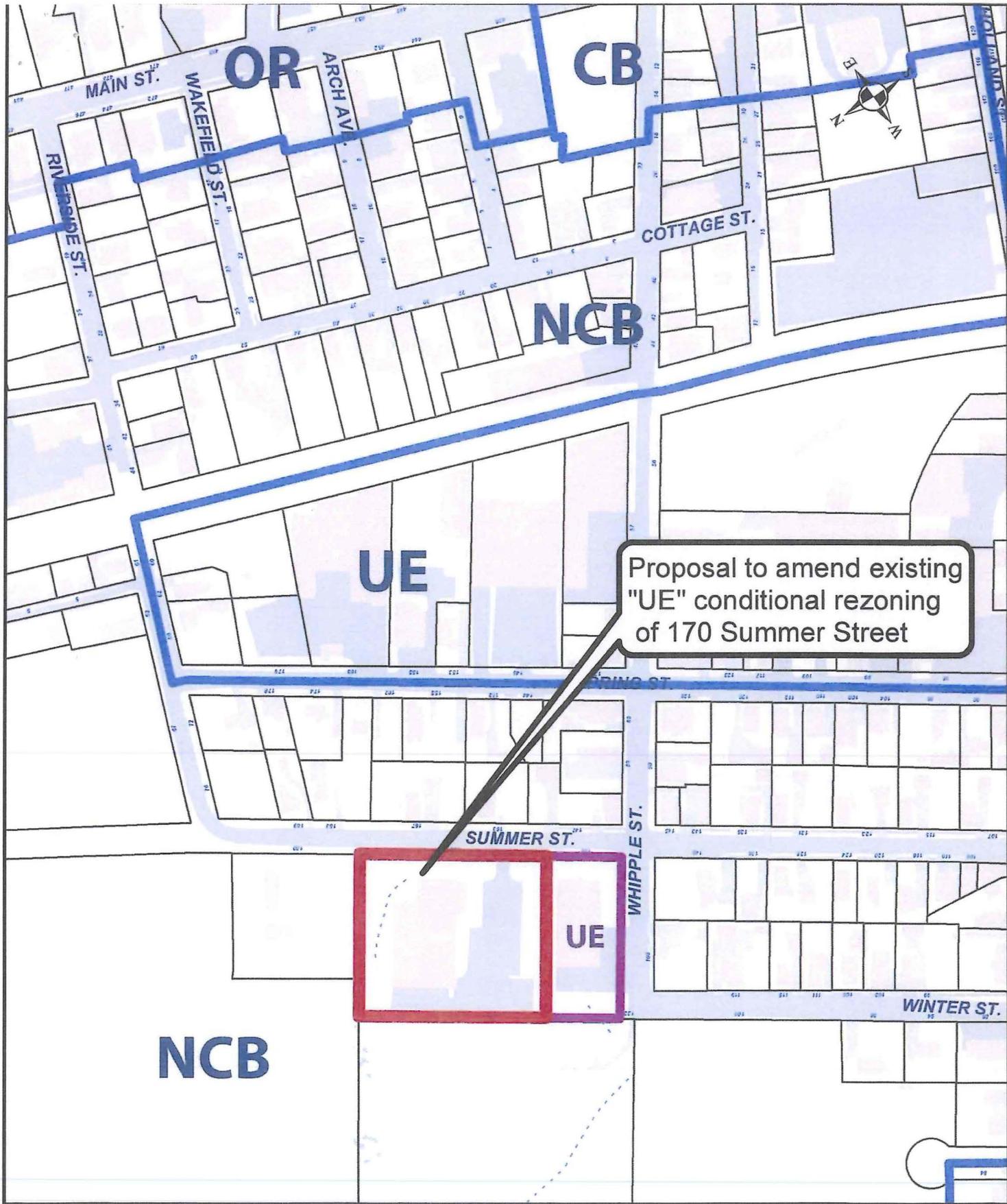
Then personally appeared the above named

and acknowledged the foregoing instrument to be *his* free act and deed in *his* said capacity, and the free act and deed of said body corporate.

ANDROSCOGGIN SS.  
RECEIVED OCT - 4 1985  
AT 11 05 M. A. M.

Before me, *Clare D. Sagnon*   
Justice of the Peace  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES JULY 7, 1986

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ANDROSCOGGIN COUNTY  
 TINA M CHOUINARD  
 REGISTER OF DEEDS

# Exhibit B

January 2014  
 Not to Scale