

**AN ORDINANCE PERTAINING TO THE DIVISION OF LOTS WITHIN THE  
SHORELAND ZONE**

**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 V. ADMINISTRATION AND ENFORCEMENT**

**Sec. 3. General provisions.**

- (z) Notwithstanding Appendix A, Article XI Section 23 of this Code, single lots developed with three or more principal structures in residential use, at the time of the division, may be divided to create new lots for each of the individual principal structures in residential use, provided that the following provisions can be met and satisfied:
1. All principal residential structures on the lot to be divided were constructed prior to the enactment of State Subdivision Law (i.e. September 23, 1971).
  2. All principal residential structures on the lot to be divided are single-family detached dwellings, two-family dwellings and three-unit multifamily dwellings.
  3. All new lots must, to the greatest extent practicable, comply with the applicable space and bulk requirements of Appendix A, Article XI Section 23 and Article XII, Section 2 of this Code. Whether the new lots meet this standard shall be in the reasonable judgment of the code enforcement director, whose approval shall be required.

**REASONS FOR PROPOSED AMENDMENTS**

The purpose for this amendment is to allow single lots developed with three or more principal structures in residential use within a shoreland zoning district the ability to be divided to create new lots for each of the individual principal structures in residential use. This provision is limited to single lots developed with three or more principal structures in residential use constructed prior to the enactment of State Subdivision Law (i.e. September 23, 1971) limited to single-family detached dwellings, two-family dwellings, and three-unit multifamily dwellings.

Currently, it is not possible to divide a number of such lots given current shoreland zoning provisions for minimum lot size and shore frontage. The State of Maine's Mandatory Shoreland Zoning Act, 38 M.R.S.A. sections 435-449, requires all

municipalities to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, including all tidal waters. The Act also requires the Board of Environmental Protection to establish minimum guidelines for such ordinances. The Act requires that municipalities adopt shoreland zoning ordinances consistent with, or no less stringent than, those minimum guidelines. The proposed amendment is consistent with the State's minimum guidelines, which allows for such divisions to occur as long as the lots created are as conforming as possible to the space and bulk requirements of the that community.

### **CONFORMANCE WITH COMPREHENSIVE PLAN**

The City Council hereby determines that the changes to the Zoning and Land Use Code are in conformance with the Comprehensive Plan for the following reasons:

1. Enhance the image of Lewiston and its proud heritage by improving the gateways to the City, enhancing the visual quality of the riverfront and the canal system, and 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).
2. Encourage and promote safe, affordable, decent housing opportunities for all Lewiston citizens (Housing, Goals, #1).
3. Continue to allow a wide range of housing types in the Zoning and Land Use Code, and explore the need and feasibility of expanding the opportunity for the creation of single and two-family homes, multi-family housing, mixed-use housing, and mobile homes through code amendments and rezoning's (Housing, Policy 1, Strategy H1).
4. Continue to update the City Ordinances to better plan for growth and incorporate incentives for development which achieve important community goals including the prevention of "sprawl" (Long Range Planning, Policy 3).
5. Encourage and promote affordable, decent housing opportunities for all Lewiston citizens and continue to allow a diverse range of housing types in the community (Long Range Planning, Policy 5).

Note: Additions are underlined; deletions are ~~struck out~~.