

**CITY OF LEWISTON
PLANNING BOARD MEETING**
Monday, March 27, 2017 – 5:30 P.M.
City Council Chambers – First Floor
Lewiston City Building
27 Pine Street, Lewiston, ME

AGENDA

(*Amended 3/27/17)

I. ROLL CALL

II. ADJUSTMENTS TO THE AGENDA

III. CORRESPONDENCE

IV. PUBLIC HEARINGS:

A request by The Movement & Wellness Center, L.L.C to amend the Zoning and Land Use Code by modifying the existing conditional rezoning agreement for the property at 170 Summer Street to allow fitness and recreational sports centers as listed under NAICS Code 713940 as a permitted use.

V. OTHER BUSINESS:

- a) Recommendation regarding the disposition of city owned property at 159 Pine Street, 91 Pine Street, 5 Peter Boulevard, and 67 Oak Street.
- b) Discussion on comprehensive plan implementation: parking and form based codes.
- c) * Recommendation regarding the disposition of city property for stream preservation per the Maine Department of Environmental Protection's approval for construction of a new elementary school and new high school athletic fields at 145 Birch Street/156 East Ave/400 Bartlett Street.
- d) 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 March 13, 2017 draft minutes

VII. ADJOURNMENT



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: March 23, 2017
RE: March 27, 2017 Planning Board Agenda Item IV(a)

To consider a request by Kelly LaCroix, on behalf of The Movement & Wellness Center, LLC to amend the existing conditional rezoning agreement for the property at 170 Summer Street.

Kelly LaCroix, on behalf of The Movement & Wellness Center, LLC has submitted a petition pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to amend the existing conditional rezoning agreement for the property at 170 Summer Street. Said property shall remain conditionally rezoned from the Neighborhood Conservation "B" (NCB) District to the Urban Enterprise (UE) District and be amended to allow "fitness and recreational sports centers as listed under NAICS Code 713940" as a permitted use, in addition to those uses already allowed, including wholesale sales, warehousing and distribution facility, a neighborhood retail store, and business and professional offices.

This property of approximately 1.7 acres consists of a 17,500+ SF office/warehouse structure built in 1986 by Tufts Printing, later renamed One-Right Systems, Inc., and One Source Printing. At that time, printing facilities were allowed as a permitted use with the property located in the Commercial zoning district. In 1988 the zoning of the property changed to NCB and use of the property became legally nonconforming. In 2002, One Source Printing successfully petitioned to conditionally rezone the property to the UE district to allow their use to become legally conforming and provide the ability to make future planned expansions and other improvements. That conditional rezoning was limited to "light industrial uses and accessory buildings and uses". In 2014, Rockingham Electrical Supply Co. Inc. successfully petitioned to amend the existing conditional rezoning to remain UE and to include "wholesale sales, warehousing and distribution facility, a neighborhood retail sales business, and business and professional offices" as permitted uses.

At this time, the petitioner, Kelly LaCroix is requesting an amendment to the existing 2014 conditional rezoning agreement to allow the additional use of fitness and recreational sports centers as listed under NAICS Code 713940. NAICS is the North American Industry Classification System used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. Lewiston's Zoning and Land Use Code makes reference to this system under a number of different use categories in effort to provide additional clarification. NAICS Code 713940 Fitness and Recreational Sports Centers comprises of establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical

fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports.

The property owner, Rockingham Electrical Supply Co, utilizes most of the building. However, they have additional space available as the previous owner, One Source Printing, is no longer in business. The petitioner is interested in operating a therapeutic exercise, fitness, therapeutic massage, and accessory retail sales business in that space. Many aspects of her proposal are currently allowed under the existing conditional rezoning agreement as business and professional office use (i.e. health care and social assistance). This includes therapeutic massage and a non-contact, therapeutic boxing program for those diagnosed with Parkinson's disease. This program uses high intensity interval training to address many of the symptoms associated with Parkinson's disease. However, the petitioner is also requesting the ability to offer fitness and recreational opportunities to further support and expand upon the services offered by The Movement & Wellness Center, LLC. utilizing the existing space and equipment to provide fitness classes such as fitness boxing, Tai Chi, Pilates, and others.

Allowing fitness and recreational sports centers as a permitted use provides the petitioner and the owner of 170 Summer Street more options of utilizing a property that became legally nonconforming in 1988, while continuing to limit the number of allowed uses in area that is zoned residential. Staff has provided a table listing all of the allowed uses in the NCB and UE for comparison with the existing and proposed conditional rezonings.

Upon a successful rezoning of the property, staff is of the opinion the petitioner will not likely need to receive development review approval for a change of use of the property, as staff does not anticipate The Movement & Wellness Center, LLC to be an intensification of the currently permitted use of the property by Rockingham Electric for wholesale sales, warehousing and distribution.

ACTION NECESSARY

Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code, to send a favorable recommendation for the City Council's consideration, to amend the existing conditional rezoning agreement for the property at 170 Summer Street to allow fitness and recreational sports centers as listed under NAICS Code 713940 as a permitted use, in addition to those uses already allowed, including wholesale sales, warehousing and distribution facility, a neighborhood retail store, and business and professional offices (subject to any concerns, if any, raised by the Planning Board or staff).

Land Use Table: pursuant to Article XI, Section 22 et seq. of the Zoning and Land Use Code	Neighborhood Conservation "B" (NCB)	Urban Enterprise (UE)	Existing Conditional Rezoning to UE-170 Summer Street	Proposed Amended Conditional Rezoning to UE-170 Summer Street
USES(15)(33)				
Accessory use or structure	P	P	P	P
Commercial-Service				
Veterinary facilities excluding kennels and humane societies				
Veterinary facilities including kennels and humane societies		P		
Small day care facilities	P	P		
Day care centers		P		
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks	C(22)			
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	C(31)	P	P	P
Restaurants		P		
Drinking places				
Adult business establishments				
Hotels, motels, inns		P		
Movie theaters except drive-in theaters		P		
Places of indoor assembly, amusement or culture		P		
Art and crafts studios	C	P		
Personal Services	P	P		
Retail stores		P		
Neighborhood retail stores	P		P	P
Lumber and building materials dealer		P		
Gasoline service stations		P		
Gasoline service stations which are a part of and subordinate to a retail use				
New and used car dealers		P (8,17)		
Recreational vehicle, mobile home dealers		P		
Equipment dealers and equipment repair		P		
Automotive services including repair		P		
Registered dispensary(27)		C		
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.		P		
Tattoo Establishments				
Industrial				
Light industrial uses		P	P	P
Industrial uses		C		
Building and construction contractors		P(6,7)		
Fuel oil dealers and related facilities		P(6,7)		
Wholesale sales, warehousing and distribution facilities and self-storage facilities		P	P	P
Self storage facilities		P		
Commercial solid waste disposal facilities				
Junkyards and auto graveyards				
Recycling and reprocessing facilities		C		

Land Use Table: pursuant to Article XI, Section 22 et seq. of the Zoning and Land Use Code	Neighborhood Conservation "B" (NCB)	Urban Enterprise (UE)	Existing Conditional Rezoning to UE-170 Summer Street	Proposed Amended Conditional Rezoning to UE-170 Summer Street
Private industrial/commercial developments(23)		P		
Transportation				
Airports or heliports				
Commercial parking facilities	C	P		
Transit and ground transportation facilities				
Transportation facilities		P		
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		
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C		
Municipal buildings and facilities	C	P		
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways				
Dams				
Institutional				
Religious facilities	P	P		
Cemeteries	P			
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	C	P		
Hospitals, medical clinics,	C	P		
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,	C(13)	P		
Civic and social organizations	C			
Public community meeting and civic function buildings including auditoriums				
Residential(8)				
Single-family detached dwellings on individual residential lots	P(2)			
Mobile homes on individual residential lots				
Two-family dwellings	P			
Multifamily dwellings in accordance with the standards of Article XIII	P	P		
Single-Family attached dwelling in accordance with the standards of Article XIII	P			

Land Use Table: pursuant to Article XI, Section 22 et seq. of the Zoning and Land Use Code	Neighborhood Conservation "B" (NCB)	Urban Enterprise (UE)	Existing Conditional Rezoning to UE-170 Summer Street	Proposed Amended Conditional Rezoning to UE-170 Summer Street
Mixed single-family residential developments in accordance with the standards of Article XIII	P			
Mixed residential developments in accordance with the standards of Article XIII	P			
Mixed use structures	P	P		
Lodging houses	P			
Home occupations	P	C		
Bed and breakfast establishments as a home occupation	P	P		
In-law apartments in accordance with the standards of Article XII	P			
Single family cluster development				
Family day care home	P	P		
Shelters	C			
Natural Resource				
Agriculture				
Farm Stands				
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P		
Earth material removal				
Community gardens(20)	P	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				P

THE MOVEMENT & WELLNESS CENTER, LLC

PO Box 375, Greene, Maine 04236/207-576-1529/L-A@rsbaffiliate.com

March 20, 2017

City of Lewiston Planning Board
Lewiston City Council
27 Pine Street
Lewiston, Maine 04240

Dear Lewiston Planning Board & City Council Members,

My name is Kelly LaCroix, I have a BS in exercise science and I have been a Licensed Massage Therapist in Maine for over 10 years.

I am attempting to amend the zoning and land use code for the premises located at 170 Summer Street in Lewiston, Maine, which is currently owned by Rockingham Electrical Supply Company, Inc. They have space available where I would like to start my new business, The Movement & Wellness Center, LLC.

I propose operating a therapeutic exercise, fitness, therapeutic massage and accessory retail sales business. My business will mostly overlap with the services currently allowed under the existing conditional rezoning as business and professional offices (i.e. Health Care and Social Assistance) and the need for fitness and recreational to further support and expand upon the services I plan to provide.

The two major parts of my business will be therapeutic massage and a non-contact, therapeutic boxing program for those diagnosed with Parkinson's Disease (PD), called Rock Steady Boxing. This program uses high intensity interval training to address many of the symptoms associated with Parkinson's Disease (PD), such as stuttered gait, impaired balance, reduced hand-eye coordination, tremors, and many more.

To remain a viable business, I would like to utilize the existing space and equipment purchased to provide fitness classes such as fitness boxing, Tai Chi, Pilates, and others. With the amended zoning, this important part of the business would be possible.

Thank you for your consideration of my zoning amendment request.

Sincerely,



Kelly LaCroix



ROCKINGHAM ELECTRICAL SUPPLY COMPANY

Corporate Offices

437 Shattuck Way • Newington, NH 03801
(603) 436-7731 • Fax: (603) 436-7807

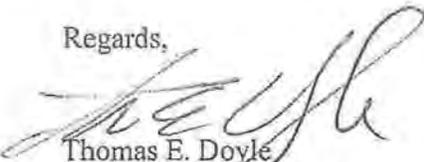
March 9, 2017

City of Lewiston
Zoning Board
Lewiston, ME 04240

To Whom It May Concern,

I know Kelly Lacroix, dba "The Movement and Wellness Center" and support her request for zoning changes at our property located at 170 Summer Street, Lewiston, ME.

Regards,



Thomas E. Doyle
Executive Vice-President

PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

Pursuant to Appendix A, Article XVII, Section 5 A Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to amend the conditional rezoning agreement at 170 Summer Street described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Spencer Berube	75 King Ave.	3/11/17
2		Gabrielle Garcia	172 Crawley Rd.	3/11/17
3		Fernnie Williams	145 Sumner St	3/11/17
4		Nancy Carroll	128 Summer St	3/12/17
5		Paul L. Parent	178 Spring St.	3/12/17
6		GRETAN BRETON	61 RIVERSIDE	3/12/17
7		Anne D'Amour	107 JEFFERSON ST	3/12/17
8		MARC ROBERT D'AMOUR	67 JEFFERSON ST.	3-12-17
9		Michael P. Moyer	42 GARCELON ST	3-12-17
10		Guy FANCHION	182 GLOBE ST.	3-13-17
11		Stephen J. Bowden	114 Sleeper Rd	3-13-17
12		Randall K Orr	33. Bushy Cir	3-13-17
13				
14				
15				
16				
17				
18				
19				
20				

CIRCULATOR=S VERIFICATION

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.

Signature of Circulator

Kelly Lalrox
 Printed Name of Circulator

03/11/2017
 Date

Edward Swirth, Asst City Clerk 3/13/17

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 5206 Page 167 and Book 8966 Page 175 for the property at 170 Summer Street as described in Exhibit "A" and depicted on Exhibit "B", 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.

REASONS FOR THE PROPOSED 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 A, Registry of Deeds Book 9245, Page 232) be allowed to operate a wholesale sales, warehousing and distribution facility, a neighborhood retail sales business, business and professional offices, and fitness and recreational sports center business. The property (see Exhibit B) contains a structure built in 1986 by Tufts Printing, and currently owned by Rockingham Electrical Supply Company, Inc. The current use is an electrical supply wholesale business. Space is available within the existing structure whereby the petitioner, The Movement & Wellness Center, L.L.C., proposes to operate a therapeutic exercise, fitness, therapeutic massage, and accessory retail sales business. My business will mostly overlap with the services currently allowed under the existing conditional rezoning as business and professional offices (i.e. Health Care and Social Assistance) and the need for fitness and recreational to further support and expand upon the services I plan to provide.

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.) The property is located in a G-5 Infill Growth Sector. "Additional growth and

development in these areas is desirable due to the presence of existing infrastructure. The plan envisions that most residential and non-residential development over the next ten years will occur in this growth sector. This sector includes the City's current...Urban Enterprise and Neighborhood Conservation "B" zones. (Conservation & Growth Map, Growth Sectors, page 125).

- (2.) Strengthen Neighborhoods & Expand Housing Choice: Encourage creative investment strategies that help to reinforce positive neighborhood identities and provide employment, recreational, and civic opportunities within walking distances of homes. (Vision Statement & Guiding Principles, Guiding Principles, page 116.)
- (3.) Grow The Economy: Promote a healthful and sustainable business environment by investing actively in efficient infrastructure, providing favorable incentives, and building a community that is attractive to employers and their workers. (Vision Statement & Guiding Principles, Guiding Principles, page 116.)
- (4.) Encourage infill and redevelopment within the downtown, existing service area and designated growth areas. (Prioritize Economic Vitality, Market Shifts, page 164.)

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) Land Use Table: Allowed uses of the property shall include those uses which are presently permitted under the existing conditional rezoning agreement as recorded in the Androscoggin Registry of Deeds Book 8966 Page 175 for the property at 170 Summer Street and the following uses: wholesale sales, warehousing and distribution facilities and self-storage facilities, neighborhood retail sales, business and professional offices, and fitness and recreational sports centers, as listed below and subject to the conditions contained herein.

Land Use Table	Proposed Amended Conditional Rezoning to UE-170 Summer 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	
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	
Industrial	
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)	
Transportation	
Airports or heliports	
Commercial parking facilities	
Transit and ground transportation facilities	
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	
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	
Institutional	
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	
Residential(8)	
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	
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)	
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	
Commercial outdoor recreation and drive-in theaters	
Fitness and recreational sports centers as listed under NAICS Code 713940	P

Applicable footnotes:

- (15) Buildings, structures and uses accessory to permitted or conditional uses are allowed in all districts.
- (33) The performance standards of Article XII shall apply, unless otherwise specified.

(b) Space and Bulk Table: Allowed space and bulk standards on the property shall include those standards which are presently permitted in the UE district as listed below, subject to the conditions contained herein:

Space and Bulk Table	
Dimensional Requirements (13)	Urban Enterprise (UE)
Minimum lot size with public sewer	
Single family detached (24)	
Single family attached	
Two-family dwellings	
Single family cluster development	

Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	5,000 sf
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	5,000 sf
Minimum lot size without public sewer (3)	
Single family detached, mobile homes on individual lots (24)	
Single family attached	
Two-family dwellings	
Single family cluster development (1)	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	20,000 sf
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	20,000 sf
Minimum net lot area per d.u. with public sewer	
Single family detached	
Single family attached	
Two-family dwellings	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	1,500
Mixed use structures	1,500
All permitted residential uses	
Minimum net lot area per d.u. without public sewer	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	
Mixed single family residential development (14)	

Mixed residential development (14)	
Multifamily dwellings	1,500 sf
Mixed use structures	1,500 sf
All permitted residential uses	
Minimum frontage	
Single family detached, mobile homes -	
Single family attached	
Two-family dwellings	
Single family cluster development (with multiple vehicular accesses)	
Mixed single family residential development (with multiple vehicular accesses)	
Mixed residential development (with multiple vehicular accesses) (14)	
Multifamily dwellings (with multiple vehicular accesses)	
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	100 ft
Minimum front setback	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	25ft (22)
Minimum front yard	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	

Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	10 ft
Minimum side and rear setback	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Religious facilities	
Mixed use structures	
Veterinary facilities	
Farm structures for keeping of animals	
Other uses	
All permitted uses	20 ft
Minimum side and rear yard	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	
Farm structures for keeping of animals	
Other uses	
All permitted uses	10 ft (10,16)
Maximum height	
Agriculture	

Other permitted uses	80 ft
Hospital, nursing homes and medical offices	
Ratios	
Maximum lot coverage	0.60
Maximum impervious coverage	0.80

Applicable footnotes:

(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.

(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.

(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.

(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.

(c) Violations of any of the conditions herein will constitute a violation of the Code.

(d) 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.

(e) The proponent shall, at their 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.

(d) The conditions described herein shall run with the subject premises.

(g) 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.

(h) 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.

(i) 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.

(j) 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.

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

The Proponent hereby respectively submits this Proposal as of the 22 day of March, 2017.

The Movement & Wellness Center, L.L.C./Kelly LaCroix

Kelly LaCroix

Kelly LaCroix

Androscoggin, SS
Lewiston, Maine

MARCH 22, 2017

Personally appeared the above named Kelly LaCroix and acknowledged the foregoing to be her free act and deed.

Notary Public
Commission Expires:

Catherine L. Leberg

CATHERINE L. LEKBERG
Notary Public, Maine
My Commission Expires February 5, 2018

The owner of 170 Summer Street, Rockingham Electrical Supply Company, Inc. acknowledges and is supportive of this request.

Owner

J. Pender

Androscoggin, SS
Lewiston, Maine

MARCH 21, 2017

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

Notary Public
Commission Expires:

R. G. Allen

RENE G ALLEN
NOTARY PUBLIC - NEW HAMPSHIRE
MY COMMISSION EXPIRES
MARCH 12, 2019

QUITCLAIM DEED WITHOUT COVENANT

FINANCE AUTHORITY OF MAINE, ("FAME") with a principal place of operation in the City of Augusta, County of Kennebec and State of Maine, by virtue of and in execution of the Power of Sale contained in the Mortgage, Security Agreement and Financing Statement ("Mortgage") given by ONESOURCE PRINTING, to FAME dated September 25, 2013 and recorded in the Androscoggin County Registry of Deeds in Book 8784, Page 172, for valuable consideration paid by ROCKINGHAM ELECTRICAL SUPPLY COMPANY, INC. being the high bidder at an auction held September 22, 2015, RELEASES AND QUITCLAIMS unto said ROCKINGHAM ELECTRICAL SUPPLY COMPANY, INC., the Premises located at or about 170 Summer Street, Lewiston, Maine, all as further described in said Mortgage and more particularly described as follows:

A certain lot or parcel of land, with the buildings and improvements thereon, situated in Lewiston, County of Androscoggin, State of Maine and described as follows:

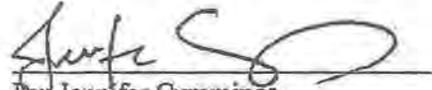
Commencing at a point on the northerly line of Summer Street, which point is the southeasterly corner of land described as Parcel 1 in a mortgage to Casco Northern Bank, N.A. dated October 1, 1985, recorded in Book 1659, Page 1; thence North 35° 13' 41" West two hundred fifty feet (250') to a point, which point marks the northeasterly corner of land described in said 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 southeasterly corner of land as described in a 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.

Being a portion of the premises described in the original conveyance from Guy A. Hartnett to Tufts Brothers by instrument dated September 14, 1974 and recorded in the Androscoggin County Registry of Deeds in Book 1126, Page 131. Tufts Brothers merged into One Right Systems, Inc. by Articles of Merger dated May 25, 2000 and recorded in Book 4443, Page 199. One Right Systems, Inc. changed its name to One Right Business Printing by instrument dated April 16, 2002. One Right Business Printing changed its name to Onesource Printing by instrument dated December 31, 2007.

MAINE REAL ESTATE
TRANSFER TAX PAID

DATED: October 16, 2015

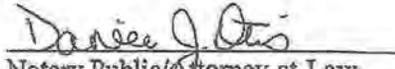
FINANCE AUTHORITY OF MAINE


By: Jennifer Cummings
Its: Senior Workout officer

STATE OF MAINE
KENNEBEC, ss.

October 16, 2015

Personally appeared the above-named, Jennifer Cummings, Senior Workout Officer of Finance Authority of Maine, who acknowledges the foregoing as her free act and deed, and the free act and deed of the Finance Authority of Maine.


Notary Public/Attorney-at-Law

DANIELLE J. OTIS
Notary Public, State of Maine
My Commission Expires 1/28/2021

SEAL

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

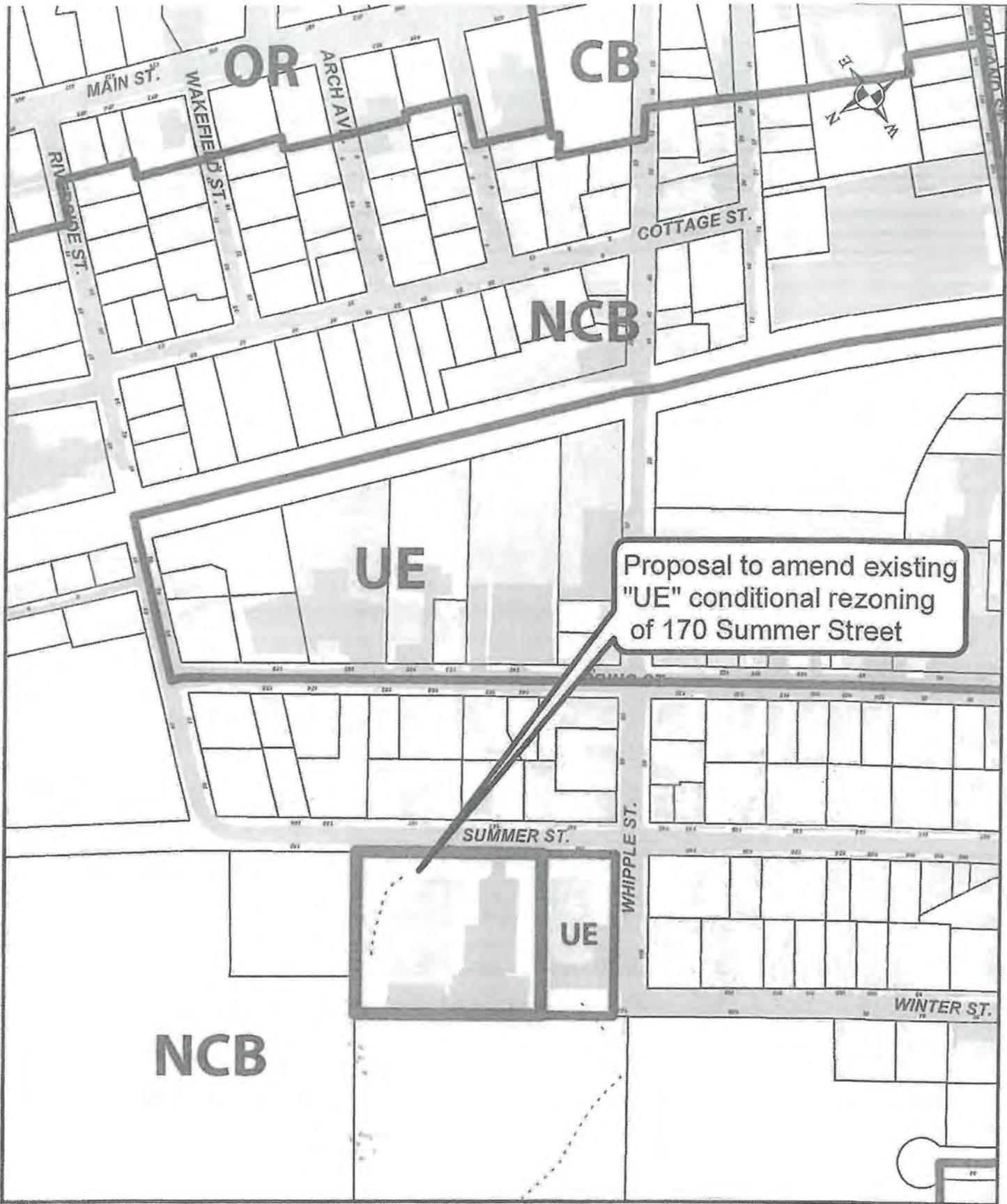


Exhibit B



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: March 23, 2017
RE: March 27, 2017 Planning Board Agenda Item V(a)

Recommendation regarding the disposition of city owned property at 159 Pine Street, 91 Pine Street, 5 Peter Boulevard, and 67 Oak Street.

Pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code, the board shall review and make a recommendation to the city council with regard to the acquisition and disposition of all public ways, lands, buildings and other municipal facilities.

On February 21, 2017 the City Council voted unanimously authorizing staff to take possession of 159 Pine Street, 91 Pine Street, 5 Peter Boulevard, and 67 Oak Street on which tax liens have matured and to dispose of them, subject to a positive recommendation from the Planning Board. The action taken by the Council also included properties at 320 Bates Street, 10 Nomar Court, and 17 Holly Street. However, the taxes have since been paid in full for 10 Nomar Court and 17 Holly Street. 320 Bates Street has been removed from the list at this time as Economic and Community Development Department has been working with an interested party that may redevelop the site. If and when that occurs, a recommendation from the Board will be requested.

Maps and a table referencing the values, condition of the lots, and zoning are attached for reference.

ACTIONS NECESSARY:

Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of:

- 159 Pine Street
- 91 Pine Street
- 5 Peter Boulevard
- 67 Oak Street



COUNCIL RESOLVE

Order, Taking Possession of Tax Acquired Properties at 320 Bates, 159 Pine, 91 Pine, 10 Nomar Court, 5 Peter Boulevard, 67 Oak, and 17 Holly Street.

Whereas, staff has recently undertaken a review of properties on which tax liens have matured; and

Whereas, among such properties are seven vacant parcels of land; and

Whereas, City staff have made numerous attempts to contact the owners through the normal collection and tax lien process and in accordance with City Policy #92, Properties with Matured Tax or Sewer Liens; and

Whereas, in spite of these additional efforts, the amounts due to the City have not been paid; and

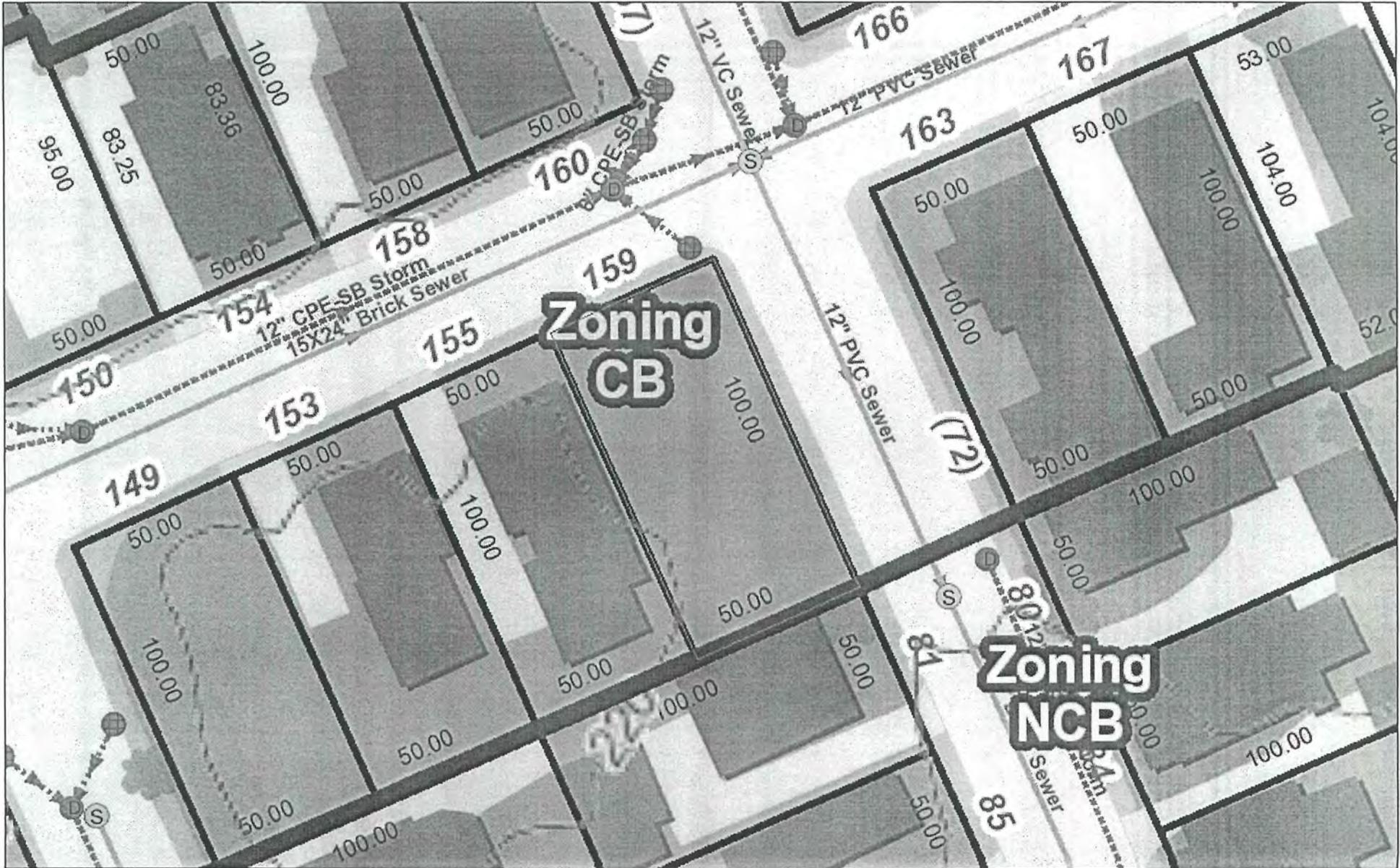
Whereas, as a result, it is appropriate for the City Council to act to take possession of these properties and consider their future use and/or disposition;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that, based on matured tax liens, the City take formal possession of the following properties: 320 Bates, 159 Pine, 91 Pine, 10 Nomar Court, 5 Peter Boulevard, 67 Oak, and 17 Holly Street; and

Be it Further Ordered, that

Subject to a positive recommendation from the Planning Board, the properties be offered for sale through a formal sealed bid process.

159 Pine Street



March 23, 2017

polygonLayer

Override 1

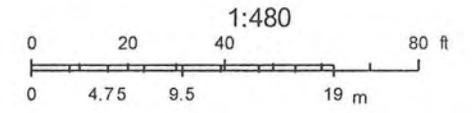
parcels



Shoreland Zoning

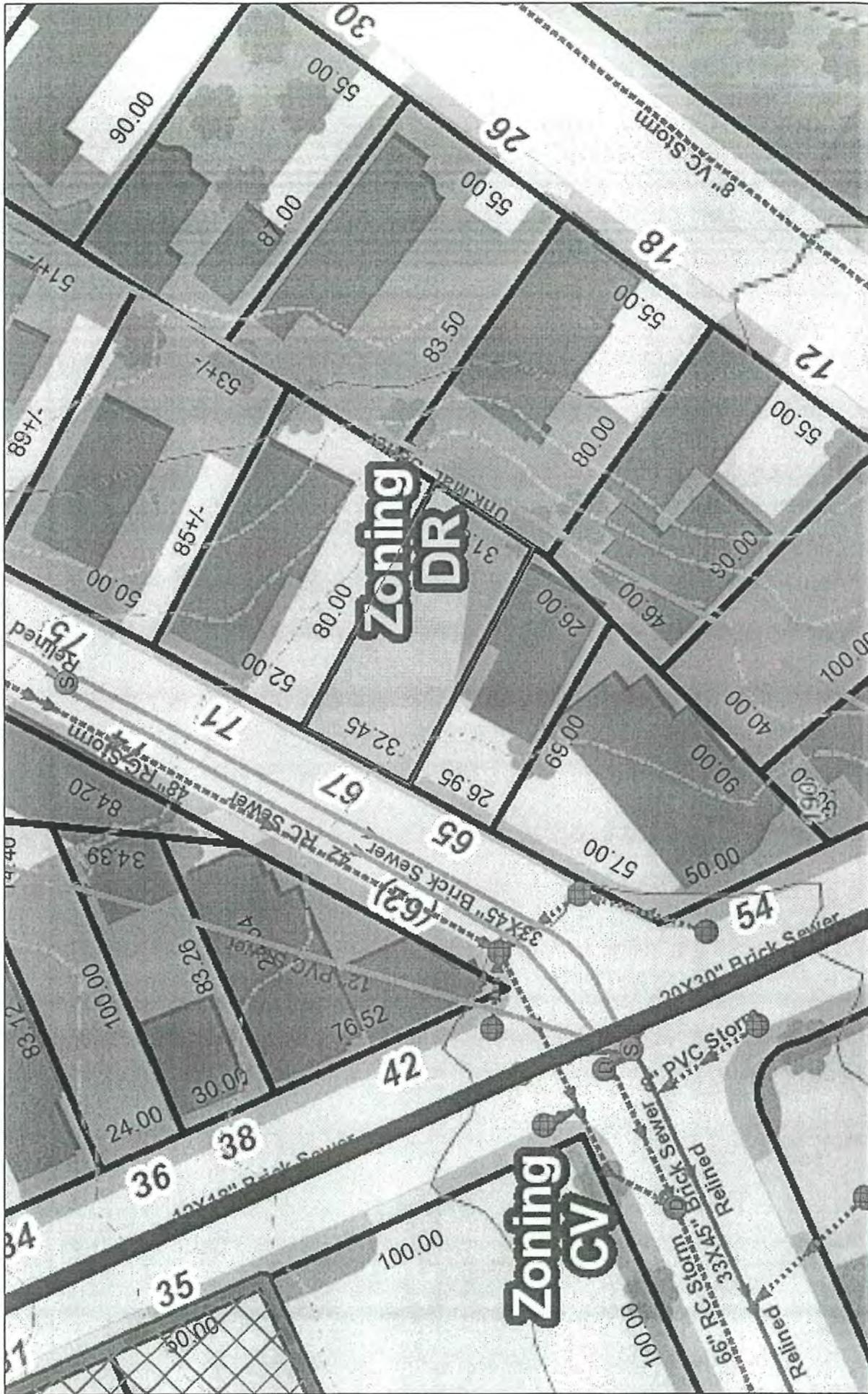


No Name Pond Lake Conservation Overlay District

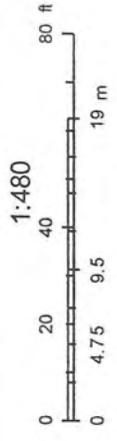


Lewiston, Maine
City of Lewiston, Public Works

67 Oak Street



March 23, 2017



Lewiston, Maine
City of Lewiston, Public Works

Tax acquired properties for disposition

<u>Parcel ID</u>	<u>Address</u>	<u>Taxpayer</u>	<u>Type & Size</u>	<u>Matured Lien</u>	<u>Taxes Due</u>	<u>Total Due</u>	<u>Last Pmt</u>	<u>Assessed Value</u>	<u>Estimated Market Value</u>	<u>Condition of lot</u>	<u>Zoning</u>
00006483	159 Pine St	KBK Investments LLC	Land Only .11 ac	2013 – 2014	\$32,044.71	\$34,520.89	3/6/2014	17,040	\$6,000	vacant, developable lot, however, zoning will make residential or commercial development difficult due to density requirements and parking requirements. Recommend acquisition to sell or land bank for future development	CB
00007442	91 Pine St	PMN Properties LLC	Land Only .04 ac	2014 – 2015	\$25,837.31	\$30,900.59	9/13/2013	10,560	\$3,000	not developable having due to lot size. May be desirable to an abutter.	DR
00007489	5 Peter Blvd	Roland Nault	Land Only .63 ac	2014 – 2015	\$12,954.22	\$13,178.64	3/6/2014	28,560	\$28,000	vacant, developable lot for single family dwelling.	SR
00007583	67 Oak St	Kevin L Roy	Land Only .10 ac	2014 – 2015	\$1,469.72	\$1,963.54	3/6/2013	10,600	\$6,000	Lot is undevelopable with 32.45' frontage. Needs at least 50' to be developable. Permit for demolition issued in July 2012. An abutter may be interested to increase lot area/parking.	DR



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: March 23, 2017
RE: March 27, 2017 Planning Board Agenda Item V(b)

Discussion on comprehensive plan implementation: parking and form based codes.

Continuing the discussion from the February 13, 2017 meeting, staff is looking for guidance from the Board toward the first steps of implementing the comprehensive plan. Two topics of much discussion over the years has been parking and formed based codes (FBC).

Attached for discussion are:

- An excerpt from the comprehensive plan referencing FBC's and sections of FBC's from Auburn, Portland, and Portsmouth, NH.
- Staff memo's from 2014 relating to possible parking amendments.

Staff is looking direction from the Board as to whether to continue working on these items and/or to consider other aspects of the comprehensive plan for implementations.

A New Approach

In order to implement this Comprehensive Plan and remove barriers to potential investment, the City should pursue a comprehensive rewrite of its zoning and subdivision ordinances, including form-based components to deal with all aspects of community character and design. While conventional zoning may remain prudent and appropriate in certain areas of the City, the adoption of form-based or “character-based” codes will assist in achieving desired outcomes in appropriate areas.

Creating Mixed-Use Centers

A form-based or “character-based” approach to land use regulation will more effectively yield walkable, compact, diverse, mixed-use environments focused in areas where the City has determined growth should occur. The owner of a shop or office can live above their place of work. Children can walk to their school. People can walk from their homes to a corner store, coffee shop, or restaurant.

In contrast with conventional zoning, which emphasizes separating uses, a form-based code uses character - the look and feel of a place - as the primary organizing principle. Form-based codes take the approach that most uses, which fall into the broad categories of retail, residential, office, civic, even light industrial activities, are compatible, having traditionally coexisted happily in communities for centuries. Given appropriate standards, all of these uses can be located close to each other, except in unique cases where smells or extreme noise are an issue, where the conventional approach of separating uses is appropriate.

Just like conventional zoning, form-based codes set rules and expectations for development by placing more emphasis on character and having a greater appreciation for the complexity and nuance involved in protecting and making great places.

Form-based codes focus on the character and feel of a place, allowing land owners and developers to

build places that contribute to a more sustainable, healthy, and safe community. These include: emphasizing sustainable stormwater systems; alleviating traffic congestion by promoting a more interconnected street network when possible; reducing traffic speeds in areas that are appropriate for pedestrians and cyclists; allowing for easier construction of traditional housing types including apartment buildings and garage apartments; and enabling more intense infill development where there is a local interest in creating centers of activity and maximizing use of existing infrastructure.

Protecting Neighborhoods

While form-based codes can be used to promote infill and new investment in activity centers, they can also be a powerful tool to reinforce and protect existing land use patterns. Where existing suburban neighborhoods already exist, a form-based approach can maintain the current character and existing lifestyle, while making it easier for homeowners to make simple modifications to their home and property. As with any zoning change, existing buildings would be grandfathered until such time as a substantial change is made to a property.

Simplify the Code



KEY		Property Line (ROW)	Setback Line
BUILDING PLACEMENT — PRINCIPAL BUILDING			
Front Setback - Principal	0 ft min, 5 ft max		
Front Setback - Secondary	2 ft min, 12 ft max		
Side Setback	0 ft min, 5 ft max		
Rear Setback	5 ft min or 12 ft from corner line of alley		
Frontage Building	75% min of front setback		
LOT REQUIREMENTS			
Lot Width	15 ft min, 200 ft max		
Lot Coverage	70% max		
BUILDING FORMS — PRINCIPAL BUILDING			
Building Height	3 stories max		
Ground Floor Height	12 ft min, 25 ft max		
Upper Floor Height	10 ft min		
Facade Glazing	15%		
Roof Type	Flat, No gable		
USE TYPES			
Use Types	(see Table 5.6.3)		
Signage	permitted		

Another advantage of the form-based coding approach is simplicity. The code is written in plain English rather than in complicated “legal speak” and easy-to-understand diagrams replace pages of text. The goal of a form-based code is to make it clear to the public and to land owners what is allowed. A form-based approach would also help consolidate, simplify, and update Lewiston’s zoning language to reflect the desires of the community, which would promote private-sector investment and expand lifestyle options.

A form-based code tells you what to do instead of telling you what NOT to do. This is a subtle but important difference, both psychologically and practically. If a developer looking to invest in Lewiston knows what the community wants and submits plans that are in keeping with the intent of the Comprehensive Plan, those plans should move more quickly through the approval process, saving time and money.

Because form-based codes emphasize character and the design and context of development, a number of elements are regulated including the height and placement of buildings, the location of parking, the frontage, sidewalk, planting area, drainage, and the street itself. Instead of building setbacks, form-based codes reference where the front of a building should be. Instead of floor-area ratios, form-based codes talk about the appropriate scale and massing of buildings. All of this information is conveyed through easy to understand diagrams or other graphic illustrations.

Structurally, a form-based code is organized according to intensity of development, or Character Districts. A Regulating Plan is generated that identifies the location of Character Districts. The code would include standards for

by-right, non-permitted, special, and accessory uses as well as Public Space Standards (street/sidewalk/parking), Site Development Standards, Architectural Standards, Signage Standards, and Definitions.

In Lewiston, a form-based code would establish Character Districts within the activity centers identified in the Plan Framework section of this document, while retaining the existing character of residential areas in the remainder of City. The character zones would be defined to reflect the community’s desired and goals for development. Within the activity centers, codes can be written to encourage a variety of uses, pedestrian comfort by addressing walkable streets, and a high-quality public realm defined by buildings that have great architectural design. If adoption is successful, Site Plan and Subdivision regulations would likely have to be amended to accommodate the new form-based code.

When properly implemented, new development under a form-based code creates a complete community or adds to existing ones in ways that creates places where people can live, work, and play. Having this kind of tool in place makes it easier to transform the built environment over time as the market calls for new development.



Hire a consultant to produce a form-based code for Lewiston.



Economic & Community Development Department

Planning & Code Enforcement

City Administration

City Council

Planning Board

AUBURN, ME

DIVISION 14. - ~~CENTRAL BUSINESS DISTRICT~~¹ - FORM BASED CODE

Sec. 60-546. - PURPOSE:

The purpose of the Form Based Code is to

- a) Provide a building development pattern that is based upon the built environment's physical form and its relationship to the Public Realm and the Private Realm.
- b) Allow for a diversity of uses appropriate and compatible to the designated district area
- c) Provide a more accelerated building design, review, approval and construction process.
- d) Deliver a more predictable building development outcome that is consistent with the traditional pedestrian-oriented street-building development pattern.

Sec. 60-547. - TRANSECTS--Form Based Code uses transects as a way to describe the areas under the Regulating Plan. A Transect is a system of ordering human habitats in a range from the most natural to the most urban. Auburn's transects are organized using 5 Form Based Code Districts, (Transect 4.1, Transect 4.2, Transect 5.1, Transect 5.2 and Transect 6), which describe the physical character of a place at a certain scale, according to the density and intensity of land use and urbanism.

DRAFT

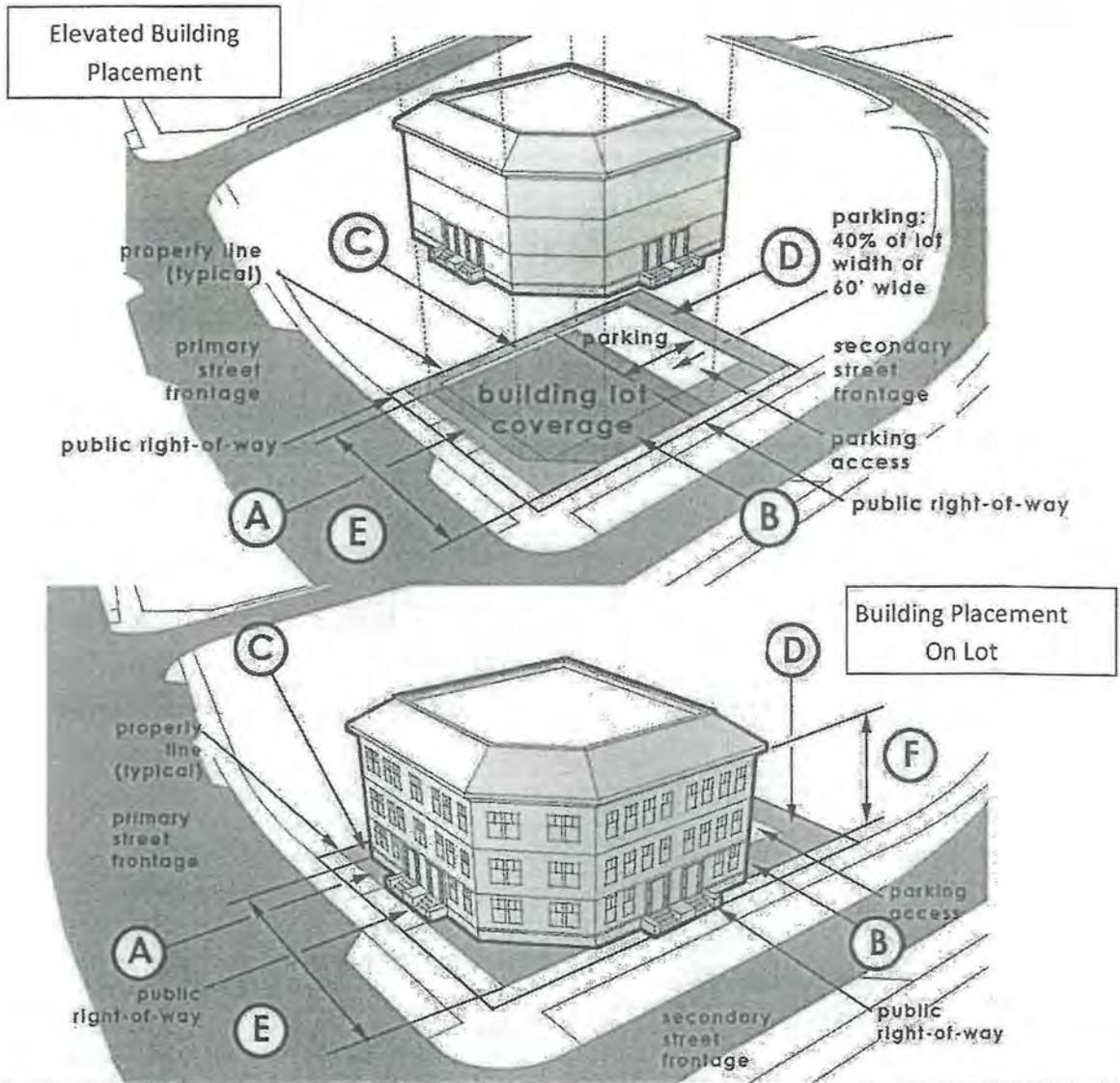
¹ NOTE: All text from the Central Business District has been deleted and replaced with the new Form Based Code

Sec. 60.549 TRADITIONAL DOWNTOWN NEIGHBORHOOD T- 4.2

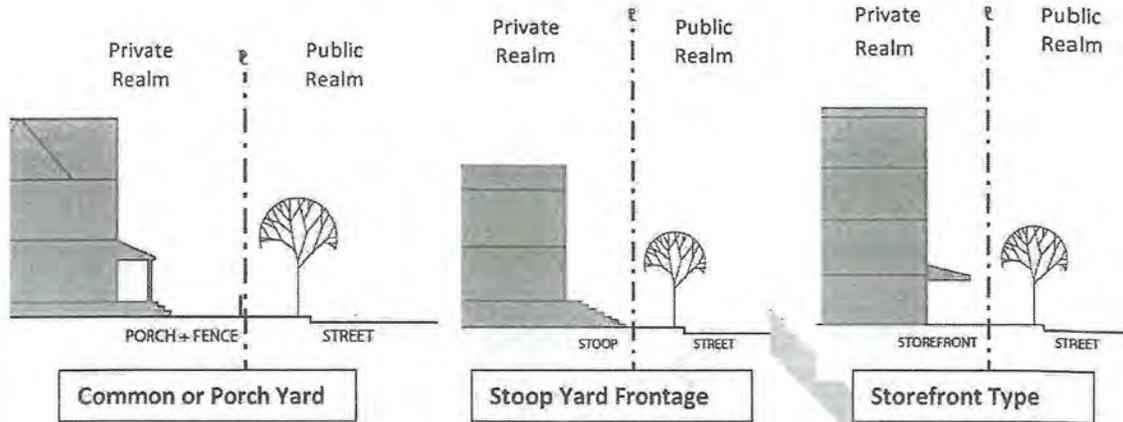


- Characteristic Features**
- More public and private realm interaction
 - Front facade detailing
 - Small front yards
 - Bay windows
 - Neighborhood scaled storefronts with large windows
 - Frontage Fences
 - Street Trees
 - Moderate densities

Sec. 60-549.1 BUILDING PLACEMENT & CONFIGURATION T-4.2

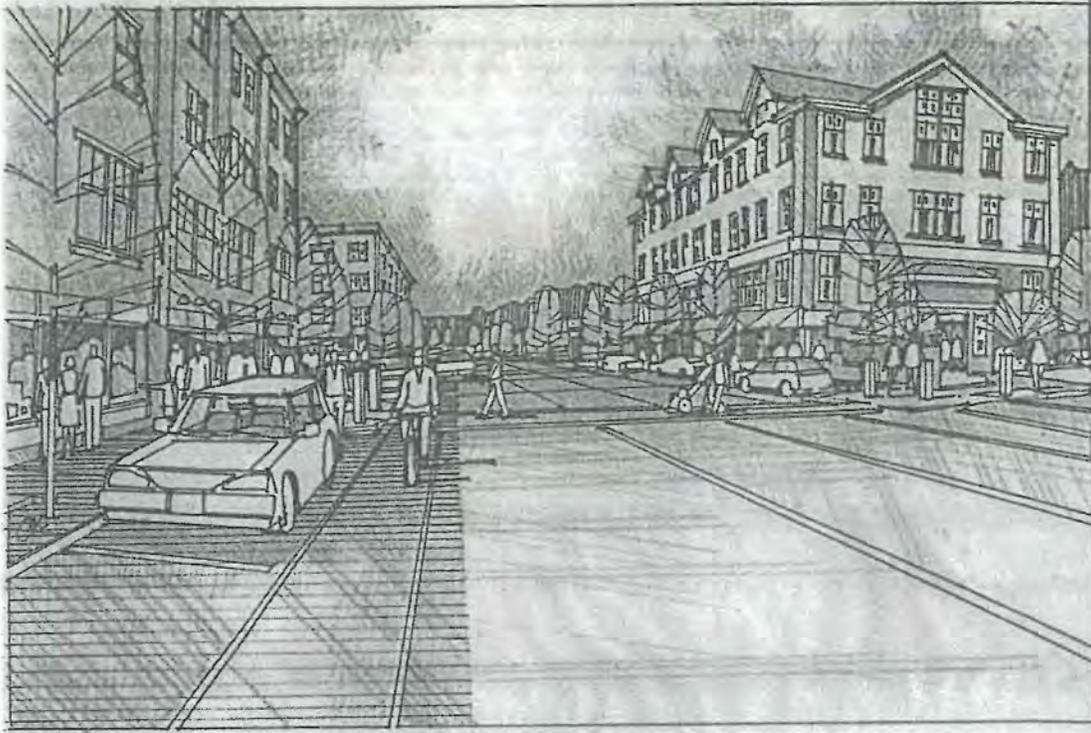


PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	5 ft Min, 15 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	5 ft Min, 15 ft Max	(B)
Side Setback:	5 ft Min	(C)
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	70% Max	
Useable Open Space:	10% Min	
Frontage Build-Out:	60% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 120 ft Max	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft Min, 110 ft Max	(E)
Building Height Minimum:	1 Story Min	(F)
Building Height Maximum:	3 Story Max	(F) (excluding attic story)



BUILDING FRONTAGE TYPES:	Common Yard; Porch Yard, Stoop and Storefront
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	<u>Residential</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground Story Finished Floor Elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

Front Yard Fence:	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 5 ft maximum. Front Setback, Secondary Frontage 5 ft maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right of way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> -Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right of way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right of way or sidewalk. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.



Illustrative View of T- 5.1 (Future Great Falls Plaza)

Intent and Purpose:

Downtown Traditional Center (T- 5.1)

The Downtown Traditional Center zone is characterized by medium to larger sized buildings in a compact urban environment that generates an active street life. There is interplay between the Public Realm of the busy street and sidewalk, and the Private Realm of the residential stoops, commercial storefronts and gallery building fronts. The increased building widths form a more solid and compact street wall pattern, generating an energized traditional downtown feel.



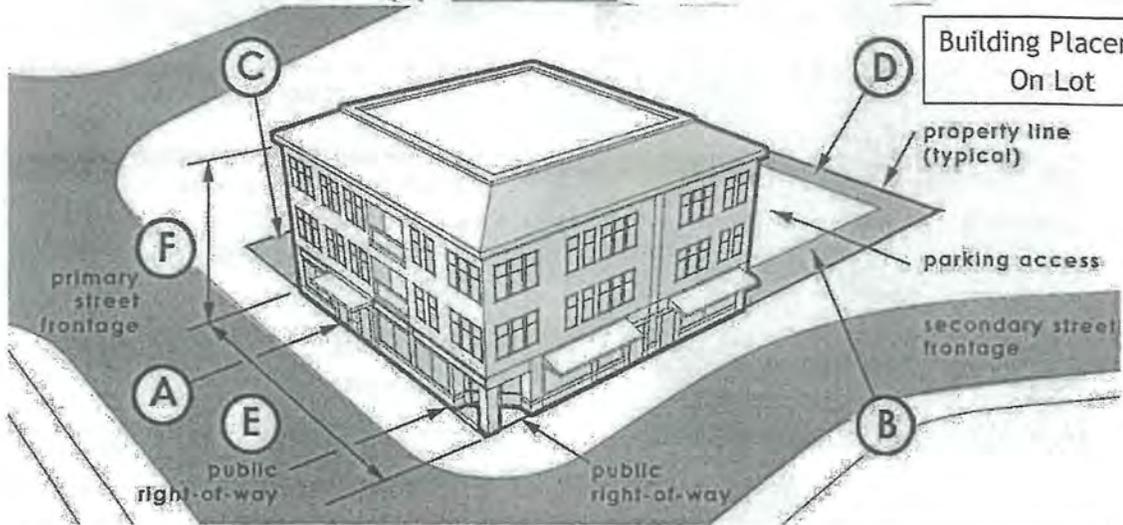
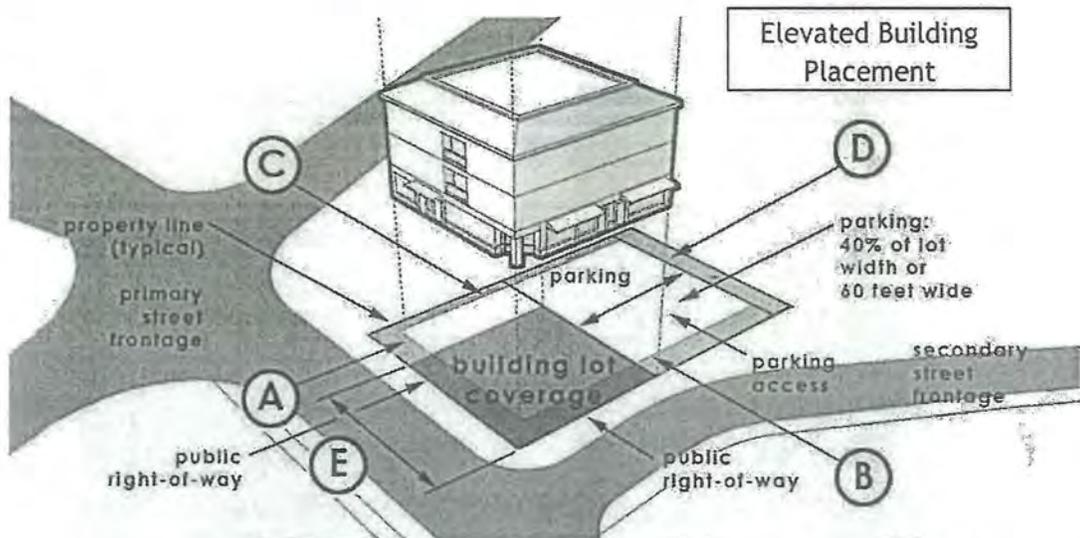
Key Features

- Vibrant and active interaction between public and private realms
- Larger buildings
- Front facade detailing
- Bay windows
- Balconies
- Street trees
- More urban density



Examples of Downtown Traditional Center – T- 5.1

Sec. 60-550.1 BUILDING PLACEMENT & CONFIGURATION T-5.1

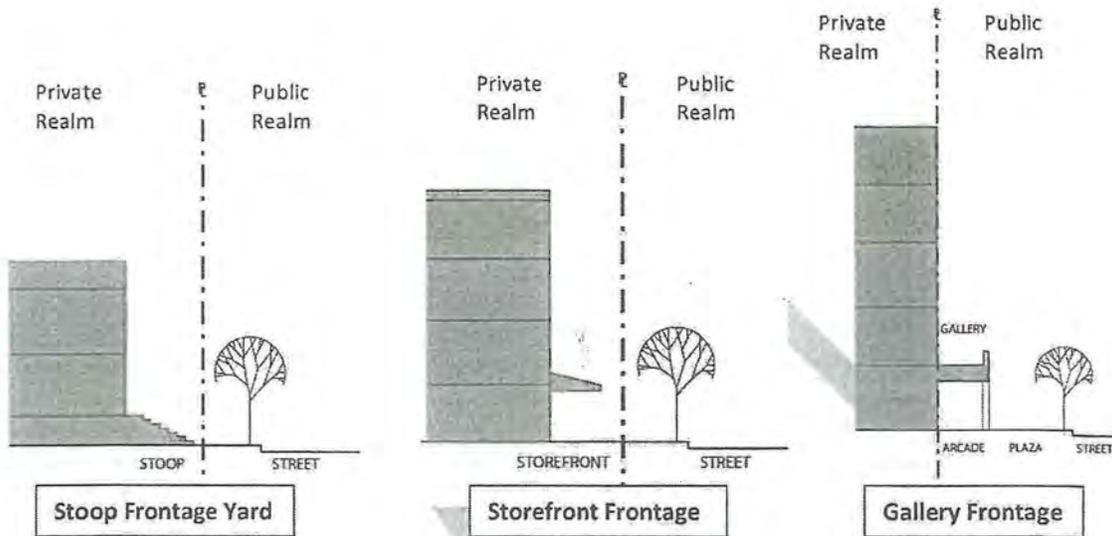


PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal:	0 ft Min, 10 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft Min, 10 ft Max	(B)
Side Setback:	5 ft Min	(C)
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	75% Max	
Useable Open Space:	5% Min	
Frontage Build-Out:	75% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 160 ft Max	

PRINCIPAL BUILDING CONFIGURATION:

Building Width:	14 ft Min, 150 ft Max	(E)
Building Height Minimum:	2 Story Min	(F)
Building Height Maximum:	4 Story Max	(F)
	(excluding attic story)	



BUILDING FRONTAGE TYPES:	Stoop, Storefront and Gallery
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVÉLOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	The ground story must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade).
Front Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

Front Yard Fence: (Residential)	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed.
Street Wall/Wall Opening:	A vehicle entry way, as part of a street wall, shall be a maximum width of 20 feet (residential) and 24 feet (commercial); a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right of way.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right of way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> -Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right of way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

Sec. 60-554 FORM BASED CODE USE and PARKING MATRIX

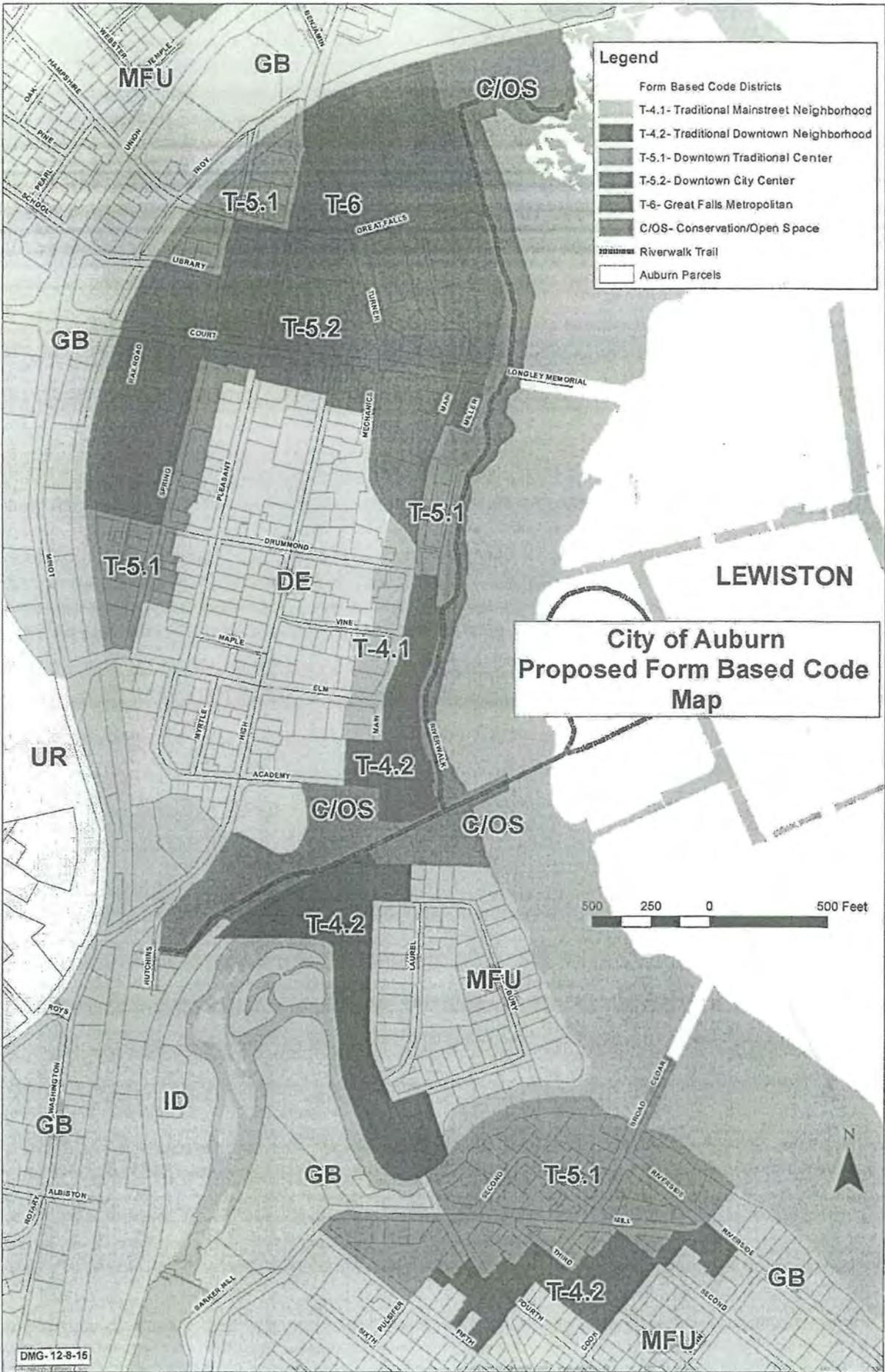
* * *

USE (1)	T-4.1	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS (2)
Residential Type Use						
Single Family	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	S	S	P	1/2 sp /employee plus 1 sp /room
Elderly/Child Care Facility	S	S	S	S	P	1/2 sp /employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	Based on Use Type (Sec. 60-673-10)
Community Based Residential Facilities	P	P	P			1 sp/employee plus 1 sp/client
Boarding House/Lodginghouse	P	P	P		X	1 sp/guestroom plus 1 sp/employee
Office/Service Type Use						
Financial/Professional Offices	S	S	P	P	P	1 sp/400 sf
Medical and Dental Clinics	S	S	P	P	P	1 sp./400 sf
Personal Services	S		P	P	P	1 sp./400 sf
Retail Type Use						
General Retail	S	S	P	P	P	1 sp/400 sf
Age Restricted Retail (3)	S	S	S	S	S	1 sp/400 sf
Specialty Shops	S	P	P	P	P	1 sp/400 sf
Restaurant up to 30 seats w/16 outdoor	X	S	P	P	P	1 sp/4 seats
Restaurant over 30 seats w/16 outdoor		S	S	P	P	1 sp/4 seats
Halls, Private Clubs, Indoor Amusement	S	S	S	P	P	1 sp/400 sf
Artist Studios, Performing Art Center	S	S	P	P	P	1 sp/400 sf
Civic						
Church or Places of Worship	S	S	P	P	P	1 sp/5 seats
Government Offices	X	X	P	P	P	1 sp/400 sf
Art Galleries	S	P	P	P	P	1 sp/400 sf
Transportation Facilities	X	X	S	S	S	1 sp/400 sf

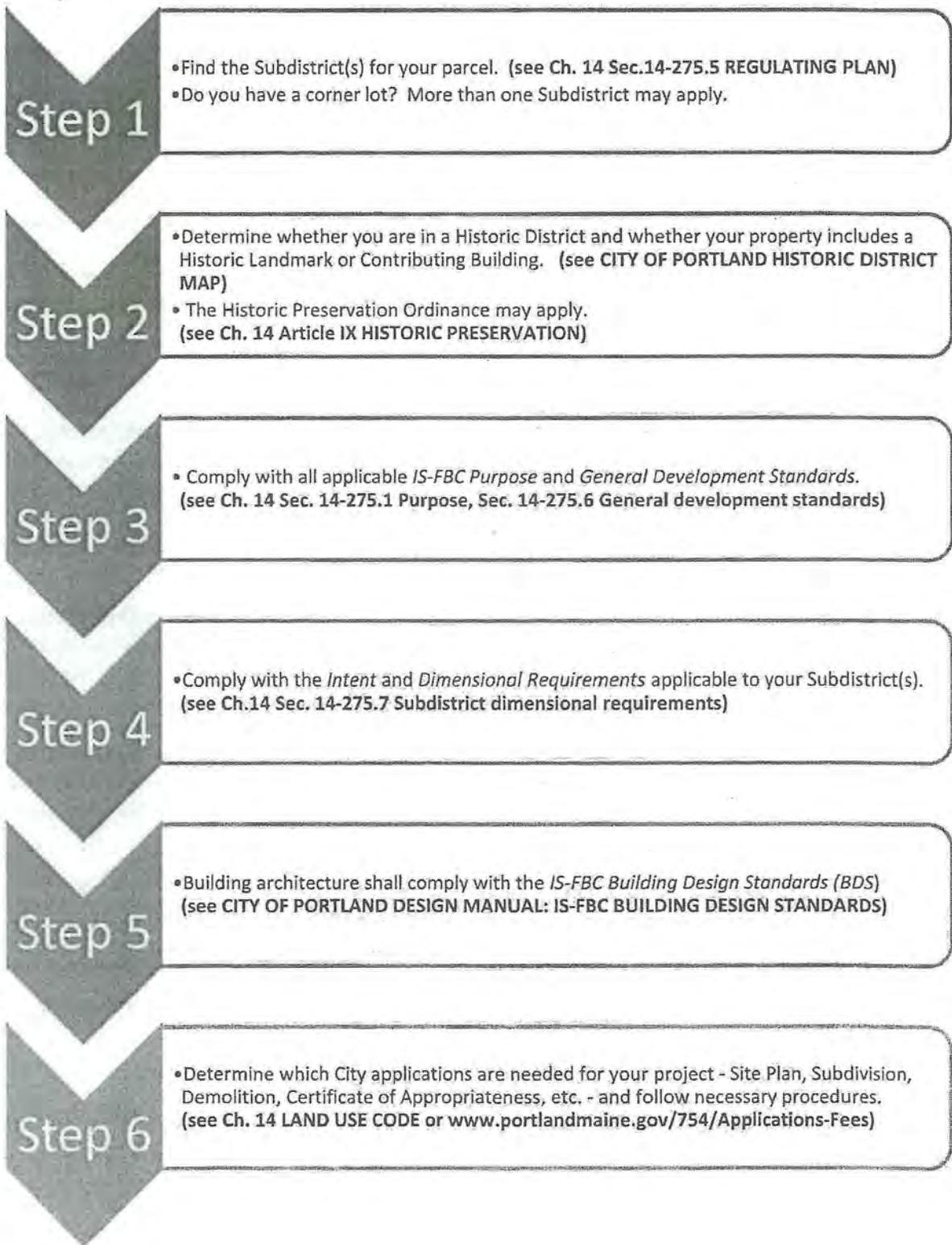
Notes:

- (1) Uses not listed are considered prohibited unless deemed similar by the Director of Planning or by the Planning Board through a special exception approval.
- (2) * Parking requirements in T-5.1, T- 5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to Planning Board approval.
- (3) Where more than 50% of floor space is devoted to Age Restricted Goods

S = Special Exception	P = Permitted	X-Prohibited
sp = parking space	sf = square foot of gross floor space	DU = Dwelling Unit



How to use the India Street Form-based Code Zone (IS-FBC)



DIVISION 15.2 IS-FBC - INDIA STREET FORM-BASED CODE ZONE

SEC. 14-275.1 PURPOSE

The India Street Form-based Code is different than traditional zoning, placing the primary emphasis on a building's physical form and its relationship to the street, and de-emphasizing land use. The intent of the India Street Form-based Code zone is to establish a zoning district that encourages a vibrant, walkable, mixed-use, urban district, preserves and values the existing historic neighborhood fabric, and fosters and supports local businesses and residential areas. The components of a Form-Based Code include the Guiding Principles, REGULATING PLAN, Subdistricts, General Development Standards, Dimensional Requirements, BUILDING DESIGN STANDARDS, Diagrams, and Definitions.

The goal of the India Street Form-based Code is the creation and preservation of an active and human-scale public realm and the reinforcement of existing neighborhood character through good street space design.

- a) **GENERAL GUIDING PRINCIPLES:** The General Guiding Principles set forth here shall be applicable to all subdistricts within the India Street Form-based Code Zone.
1. The street is a coherent space, with consistent building and streetscape character on both sides of the street. This agreement of buildings and streetscape across the street contributes to a clear public space and district identity.
 2. The street wall is visually well defined. Land should be clearly public or private. Buildings contribute to the vital and safe public space while providing a clear boundary to the private, protected realm.
 3. Street walls are engaged with the street environment. Buildings are inviting places that interact with and contribute to the street vitality. Inactive edges, vehicle storage, garbage, and mechanical equipment should be kept away from the street. Shared infrastructure to the extent practicable, including, but not limited to service alleys, parking areas, stormwater treatment, public transportation facilities, and driveways, shall be utilized.
 4. Buildings are designed for the urban environment. Buildings must be designed for the urban situation within the district which often includes mixed-uses. Buildings are positioned near the street and FACADES are oriented to the street.
 5. Respect historic character. If a property is within the India Street Historic District, Art. IX Historic Preservation is applicable. New construction, BUILDING ADDITIONS, or ALTERATIONS in the India Street Historic District shall reflect and complement the character defining features and elements of the existing historic development to which it is visually related.

SEC. 14-275.2 APPLICABILITY

The requirements set forth in this Division shall apply to all new development, primary and accessory structures, including BUILDING ADDITIONS within the India Street Form-based Code Zone as designated on the India Street REGULATING PLAN.

SEC. 14-275.3 ESTABLISHMENT OF SUBDISTRICTS

The India Street Form-based Code Zone as shown on the REGULATING PLAN is divided into three subdistricts.

- a) Urban Neighborhood (UN) Subdistrict
- b) Urban Transitional (UT) Subdistrict
- c) Urban Active (UA) Subdistrict

SEC. 14-275.4 DEFINITIONS

Terms used throughout this Form-based Code Zone may be defined in Section 14-47 or elsewhere in the Zoning Ordinance. Terms not so defined shall be accorded their commonly accepted meanings. In the event of any conflict between the definitions in this Section and those in Section 14-47, or any other sections of the Zoning Ordinance, the Subdivision Rules and Regulations, or any other local land use ordinances, rules or regulations, those of this Form-based Code Zone shall take precedence.

ALTERATION: A change or rearrangement in the structural supports, exterior appearance, or removing from or otherwise affecting the exterior appearance of a structure.

BUILDING ADDITION: Any increase to footprint or volume of an existing structure. See Table 14-275.4 c. Building – Principal & Accessory

BUILDABLE AREA: The area enclosed by the front, side, and rear yard setbacks and limited by lot coverage.

BUILDING, ACCESSORY: Detached structure that is incidental and subordinate in area and extent, and/or use to the principal building(s) on the property. A lot may have more than one accessory building. See Table 14-275.4 c. Building – Principal & Accessory

BUILDING, PRINCIPAL: The main structure(s) on a lot having the predominant area and extent, and/or use. A lot may have more than one principal building. See Table 14-275.4 c. Building – Principal & Accessory

BUILDINGS, ATTACHED: Two or more independent buildings that share at least one common PARTY WALL but have full building separation and independent PRINCIPAL ENTRIES; not free-standing. Attached buildings may or may not have common ownership.

BUILDING DESIGN STANDARD (BDS): The basic design parameters governing building form, including intent, guidelines, and standards for architectural elements such as proportion, articulation, fenestration, entries, roof lines, and materials.

ELEVATION: An exterior wall of a building not along a frontage line. See FAÇADE and Table 14-275.4 e. Frontage & Lot Lines

ENTRANCE, PRINCIPAL: The main point of access for pedestrians into a building. A building may have more than one principal entrance.

EXPRESSION LINE: A line prescribed at a certain level of a building for the major part of the width of a FAÇADE, expressed by a variation in material or by a limited projection such as a molding or balcony.

FAÇADE: Any exterior wall of a structure exposed to public view from a public right-of-way. See ELEVATION and Table 14-275.4 e. Frontage & Lot Lines

FAÇADE, BLANK: Building façade that contains expanses of wall area with no windows, no entrances, no articulation, and no other elements or features, or is otherwise undifferentiated.

GREEN ROOF: A roof of a building that is partially or completely covered with vegetation and designed to meet the Maine Stormwater Best Management Practices Manual standards and recommendations. A green roof installation must serve the purpose of reducing stormwater runoff through retention or slowing and consist of an assembly that at a minimum includes a root repellent system, a drainage system, a filtering layer, a growing medium and plants, and shall be installed on a waterproof membrane . The vegetated area of a green roof may be considered pervious for zoning impervious calculations.

LOT LAYER: A range of depth of a lot within which certain elements are permitted. See Table 14-275.4 d. Lot Layers

MID-BLOCK PERMEABILITY: A continuous, open-air corridor at least 20' in width that connects two streets or public rights-of-way and physically provides a break in the street wall. The corridor must be unobstructed and open to the sky for the majority of its length.

PARTY WALL: Any partition wall common to two adjacent or attached buildings.

REGULATING PLAN: A zoning map or set of maps that shows the boundary of the area and subdistricts subject to regulation by the India Street Form-based Code.

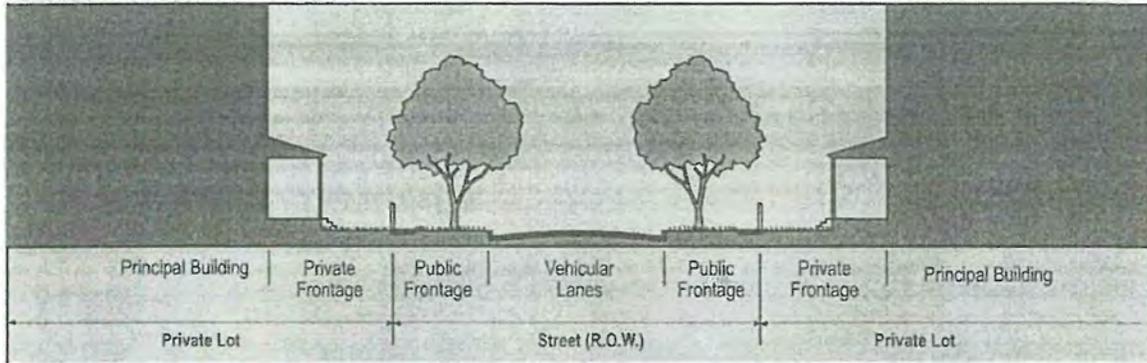
STEPBACK: A building setback of a specified distance measured from the ground floor building face that occurs at a prescribed number of stories or height above the ground and excludes the minimum necessary housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy.

YARD, SIDE: A yard adjoining a side lot line extending from the front yard to the rear yard, the width of which shall be the shortest horizontal distance between the side lot line and any structure. On corner lots, non-frontage yards shall be considered side yards. See Table 14-275.4 b. Setback Designations

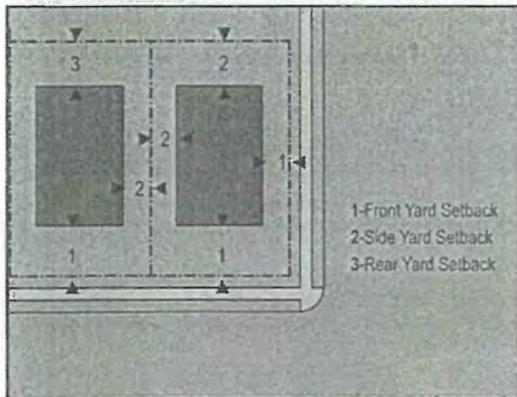
ZERO LOT LINE: The location of a structure on a lot such that one or more of the structure sides rests directly on a lot line. See Table 14-275.4 e. Frontage & Lot Lines

TABLE 14.275.4 DEFINITIONS ILLUSTRATED

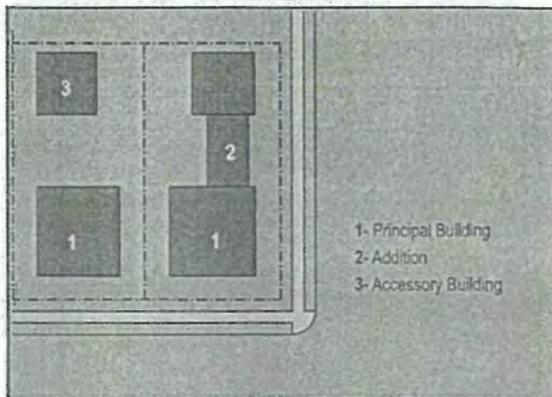
a. STREETS & FRONTAGES



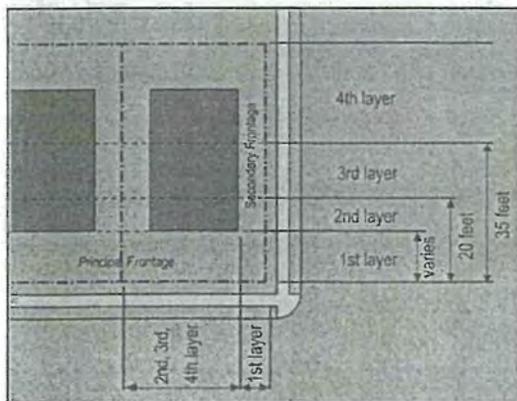
b. SETBACK DESIGNATIONS



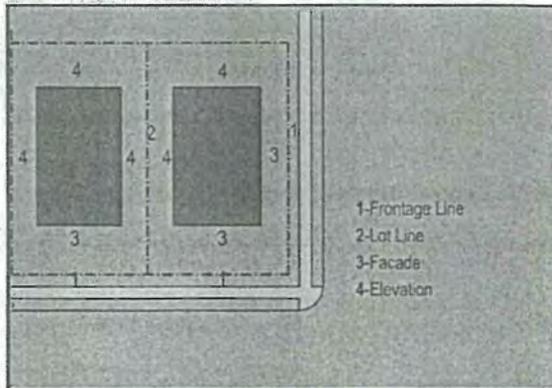
c. BUILDING - PRINCIPAL & ACCESSORY



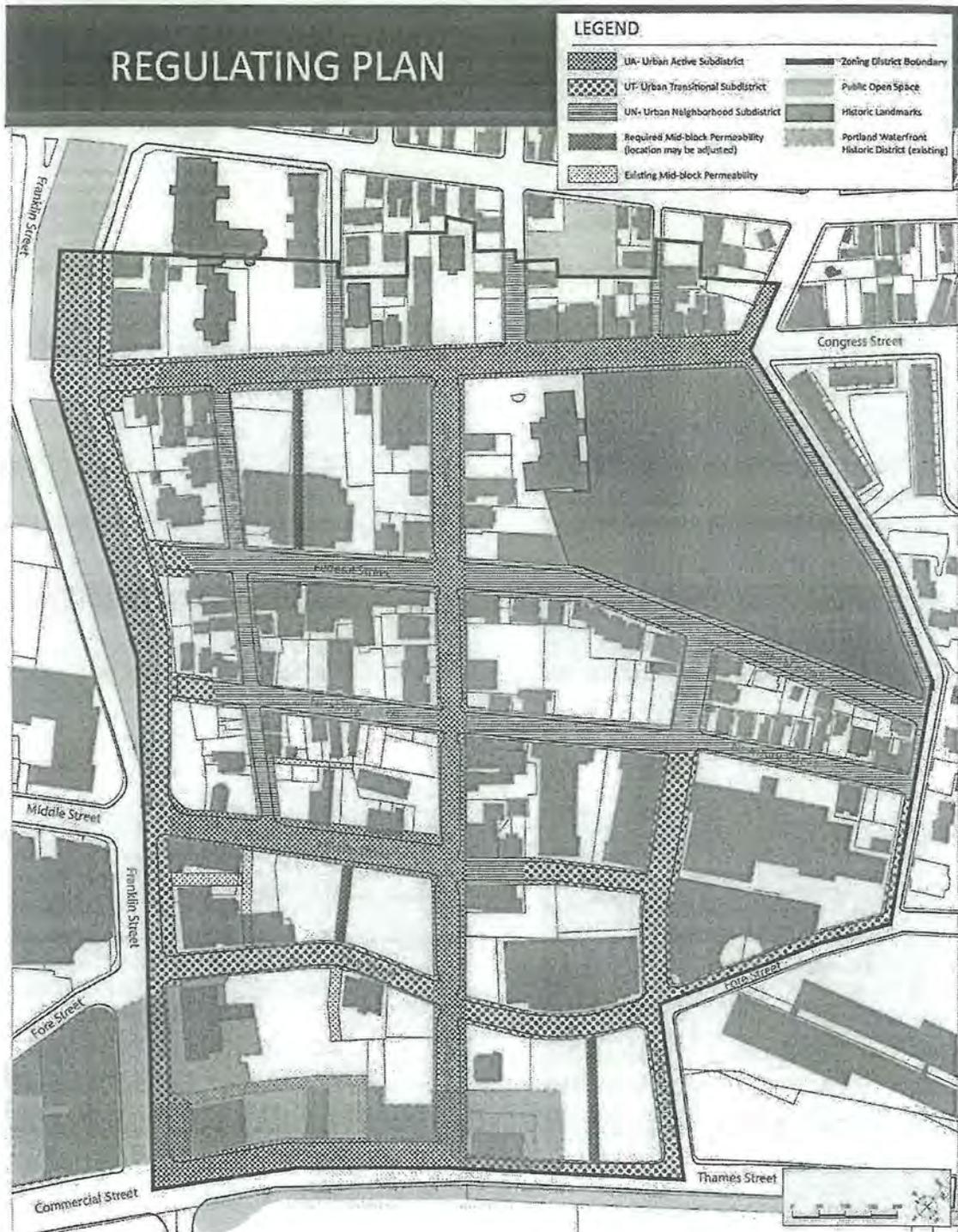
d. LOT LAYERS



e. FRONTAGE & LOT LINES



SECTION 14-275.5 REGULATING PLAN



SEC. 14-275.6 GENERAL DEVELOPMENT STANDARDS

The following standards apply to all subdistricts unless expressly stated otherwise.

- a) PROHIBITED USES – uses not to be established in the India Street Form-based Code Zone include:
 1. *Correctional facilities,*
 2. *Cremation facilities,*
 3. *Drive-through facilities,*
 4. *High-impact industrial uses, including industrial uses that are prohibited in the IL zone, specifically Section 14-233(c), (e – y), (aa),*
 5. *Major/minor auto-service station,*
 6. *Truck terminals,*
 7. *Waste related services,*
 8. *and storage and parking facilities for Class 1 flammable and combustible liquids (having an aggregate total of more than 100 gallons) but excluding storage that is part of a motorized vehicle or pleasure craft facility.*
- b) SITING STANDARDS
 1. MID-BLOCK PERMEABILITY
 - a. Lots with frontage on two streets roughly parallel to Commercial/Thames Street, for each and every 200' in street line length of lot, a full break between structures of at least 20' in width shall be provided roughly perpendicular to Commercial/Thames Street and within the middle third of the applicable street frontage. (see Table 14-275.7 a. Mid-Block Permeability)
 - b. Is encouraged in any location that connects existing public or private alleys, passages, or streets.
 - c. Any development providing MID-BLOCK PERMEABILITY with public access between two streets is eligible for one (1) additional story of up to 12' in height (see Sec. 14-275.6 (c) Height Bonuses). Public access shall be defined through a legal agreement such as an easement or license.
 - d. Refer to REGULATING PLAN for identified required MID-BLOCK PERMEABILITY locations.
 2. Frontage Requirements - Additional Building Length is allowed beyond the maximum building length under the following circumstances and according to the table below:
 - a. ATTACHED BUILDINGS: An unlimited number of ATTACHED BUILDINGS having up to 30' street-facing building length is allowed. A PARTY WALL condition is required at least every 30' and for the entire height of each building. (see Table 14-275.7 d Additional Building Length – ATTACHED BUILDINGS).
 - b. Ground Floor Partitions: Additional building length is permitted with the provision of ground floor partitions where the following conditions are met: (see Table 14-275.7 f Additional Building Length – Ground Floor Partitions)
 1. Partitions must extend from the FAÇADE at least 2/3rds of the building depth.
 2. Partitions must be architecturally expressed on the building exterior.
 3. Each module created by partition must have at least one functional, street-facing entry.
 4. Modules created by partition shall be sized to have reasonable function and proportion in relation to overall building length.

- c. Massing Variation: Additional building length is permitted where at least 30% and up to 40% of the total FACADE building length is set back to the 3rd LOT LAYER (at least 20') (see Table 14-275.7 e Additional Building Length – Massing Variation).
- d. Structured Parking Exception: Additional building length for one FACADE without partition walls is allowed for the use of ground-level structured parking.

Additional Building Length				
Subdistrict	ATTACHED BUILDINGS	Ground Floor Partitions	Massing Variation	Structured Parking Exception
UN	unlimited run	Not allowed	Not allowed	Not allowed
UT	unlimited run	200' max. length; 2 modules	200' max. length	200' max. length
UA	unlimited run	150' max. length; 3 modules	Not allowed	150' max. length

3. Setbacks

- a. Side Yard Setbacks for Small Lots – Lots with street frontage of less than 35' are not required to have side yards.
- b. Where new construction or BUILDING ADDITIONS creates a side yard of less than 5', a maintenance easement is required where a combination of the side yard and easement must be at least 5'. PARTY WALL conditions are exempt from providing a maintenance easement.
- c. Building FACADES within 10' of a corner are exempt from setback requirements in order to allow special corner architectural treatments.
- d. ATTACHED BUILDINGS on Individual Lots - Subdivision developments consisting of horizontally attached buildings on individual lots are not required to have side yards between buildings where a PARTY WALL condition will exist, but shall be required to meet the applicable side yard requirements at the external and internal subdivision lot boundaries between buildings that are not attached to each other.

4. Landscaping and Screening

- a. Surface parking areas shall be screened from view from sidewalks, public-right-of-ways, and public open spaces using landscaping, walls, fencing, or a combination thereof.
- b. Wall/Fence Dimensional Requirements

Wall/Fence Dimensional Requirements		
LOT LAYER	Height	Visual Permeability
1 ST	6' max.	Required above 2' from sidewalk grade
2 ND – 4 TH	8' max.	n/a

5. BUILDING ADDITIONS

- a. BUILDING ADDITIONS which exceed the footprint of the existing building to which it is an addition or which exceeds 50,000 square feet shall be subject to Level III Site Plan review.
- b. A BUILDING ADDITION length may match but not exceed the length of the existing building to which it is an addition. All other Subdistrict Dimensional Requirements shall apply. (See Table 14-275.7 b. Additions)
- c. BUILDING ADDITIONS may match existing building in number and height of stories. All other Subdistrict Height Standards shall apply.

c) HEIGHT STANDARDS

1. Height Bonus

a. Applicability:

1. If principal frontage faces a UT street, UN street, or Congress Street, then the building is eligible for a height bonus.
2. Only one height bonus may be applied per structure.

b. One (1) additional story of up to 12' in height is allowed if one of the following provisions is met:

1. For residential development with residential density equal to or greater than 150 dwelling units per acre (density may be achieved with the bonus floor)
2. For any development providing a GREEN ROOF, where:
 - i. at least 50% of the cumulative lot area is pervious and,
 - ii. at least 50% of the cumulative roof area is a GREEN ROOF. GREEN ROOF area may be applied towards the 50% lot area requirement.
3. For residential development where 20% of the units meet the definition of either "Workforce Housing Unit for Sale" or "Low-income Housing Unit for Rent" as per Section 14-485.

Subdistrict	Height Bonuses						
	Maximum pre-bonus Height	Mid-block permeability (publicly accessible)	Residential Density	GREEN ROOF	Afford. Housing	Maximum Height based w/bonus	Minimum Bonus floor Stepback (from the ground floor building edge facing any public right-of-way)
UN	45' and 4 stories	n/a	n/a	n/a	1 story Up to 12'	57' up to 5 stories	15'
UT	65' and 6 stories	1 story Up to 12'	1 story Up to 12'	1 story Up to 12'	1 story Up to 12'	77' up to 7 stories	15'
UA (Congress Street only)	50' and 4 stories	1 story Up to 12'	1 story Up to 12'	1 story Up to 12'	1 story Up to 12'	62' up to 5 stories	15'

d) PARKING STANDARDS

1. Parking shall be provided as per Division 20 Off-Street Parking of Chapter 14 Land Use Code.
2. Structured parking must meet the BDS for *Structured Parking* (see City of Portland Design Manual).
3. In the case of a BUILDING ADDITION, non-conforming existing surface parking may remain. In the case of new construction, surface parking must be brought into conformance with IS-FBC standards.

SEC 14-275.7. SUBDISTRICT DIMENSIONAL REQUIREMENTS

UN

Urban Neighborhood (UN) Subdistrict:

INTENT: The intent of this subdistrict is to maintain and promote a small-scale, less active urban fabric. Buildings may be more private in character and have smaller footprints with building types including, but not limited to, single-family, rowhouses, duplexes, triple-deckers, and double-triples. Building frontages may be less transparent and entries may be raised above sidewalk level with frontage types including raised, recessed doorways, porches, and stoops. The streetscape has variable setbacks and landscaping with many buildings within one block and streets tend to be narrow.

SITING STANDARDS

Orientation - Principal Frontage	determined by applicant
Lot Coverage	90% max

FRONTAGE REQUIREMENTS (1st LOT LAYER)

Building Length - Principal facade	50' max.
Building Length - Secondary fac.	50' max.
at least 75% of total building length must be built within 1st LOT LAYER (see Table 14.275.7 c.)	
Additional Building Length	(see also Table 14.275.7)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	not allowed
Massing Variation	not allowed
Structured Parking Exception	not allowed

SETBACKS

Principal Building	
(a) Front Yard (1st Lot Layer)	5' max.
Setback Applicability	75% of total building length must be built within 1st LOT LAYER
(b) Side Yard*	5' min. - May be reduced to zero provided that the cumulative side yards are not less than 10'
(c) Rear Yard	10' min.
Accessory Building	
Side Yard	5' min.
Rear Yard	5' min.

BUILDING ENTRIES (SEE ALSO BDS)

Frequency at frontage	at least 35'
Principal Entries	
Orientation	any orientation allowed
Elevated Stoop (> 1 step)	allowed

HEIGHT STANDARDS

Principal Building	
Building Height Min.	25', at least 2 stories
Building Height Max.	45', up to 4 stories
Ground Story Height	n/a
Accessory Building	
Building Height Max.	25'

PARKING STANDARDS

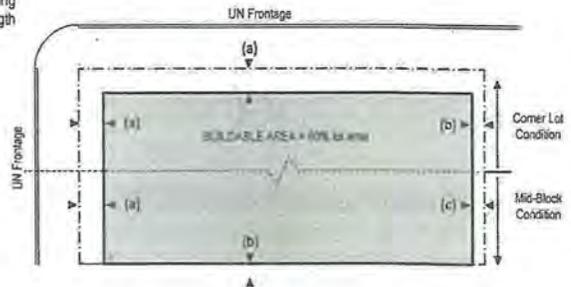
Surface Parking Location	
Side Yard	20' max in width per lot; may not exceed 50% of frontage length
Rear Yard	4th LOT LAYER only
Garage at frontage (attached or detached)	
Garage Door Setback (min)	2nd LOT LAYER
Garage Door Opening (max)	9' up to 40% of facade length
	20' max. limit

Notes and Exceptions

* Zero lot lines are allowed under certain conditions (see Sec. 14.275.6(b) 3. Setbacks)

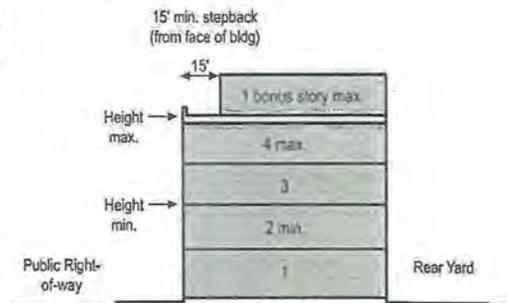
SITING STANDARDS

- The FACADES and ELEVATIONS of Principal Buildings shall be distanced from the lot lines as shown.
- FACADES shall be built along the frontage lines to the length specified in the table.



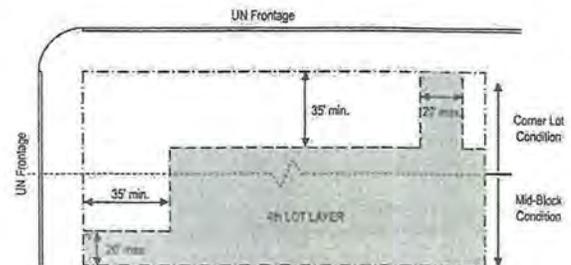
HEIGHT STANDARDS

- Height shall be measured as specified in Sec. 14-47 Definitions "Building, height of."
- Number of Stories excludes attics and raised basements.



PARKING STANDARDS

- Surface parking areas may be provided within the shaded area shown.



SEC 14-275.7. SUBDISTRICT DIMENSIONAL REQUIREMENTS

UT

Urban Transitional (UT) Subdistrict:

INTENT: The intent of this subdistrict is to encourage higher density, mixed-use building types that accommodate any use. Building frontages are a mix of activity level, have larger footprints, and the most flexibility of height and scale. Building ground floor spaces tend to accommodate flexible and changing uses with frontage types including doorways, forecourts, arcades, and storefronts. The streetscape may be less active than the UA subdistrict with wide sidewalks, street trees, and setbacks and stepbacks providing relief from large building masses.

SITING STANDARDS

Orientation - Principal Frontage	determined by applicant
Lot Coverage	90% max

FRONTAGE REQUIREMENTS (1st LOT LAYER)

Building Length	100' max.
at least 75% of total building length must be built within 1st LOT LAYER (see Table 14.275.7 c.)	
Additional Building Length	(see also Table 14.275.7)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	200' max., 2 modules
Massing Variation	200' max.
Structured Parking Exception	200' max.

SETBACKS

Principal Building	
(a) Front Yard (1st Lot Layer)	10' max.
Setback Applicability	75% of total building length must be built within 1st LOT LAYER
(b) Side Yard*	10' min. - May be reduced to zero provided that the cumulative side yards are not less than 20'
(c) Rear Yard	10' min.
(d) STEPBACK (adjacent to UN)	10' min. setback after 45' height
Accessory Building	
Side Yard	5' min.
Rear Yard	5' min.

BUILDING ENTRIES (SEE ALSO BDS)

Frequency at frontage	at least 95'
Principal Entries	
Orientation	any allowed
Elevated Stoop (>1 step)	allowed

HEIGHT STANDARDS

Principal Building	
Building Height Min.	3 stories
Building Height Max.	65', up to 6 stories
Ground Story Height	n/a
Accessory Building	
Building Height Max.	25'

PARKING STANDARDS

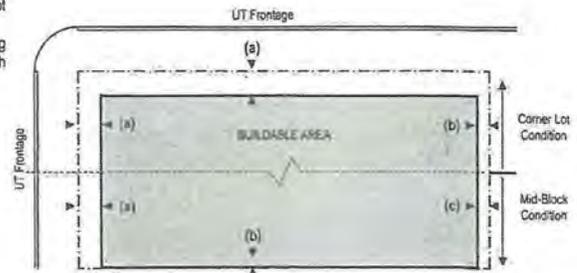
Surface Parking Location	4th LOT LAYER only
Garage at frontage (attached or detached)	
Garage Door Setback (min)	2nd LOT LAYER
Garage Door Opening (max)	9' up to 40% of facade length
	20' max. limit

Notes and Exceptions

* Zero lot lines are allowed under certain conditions (see Sec. 14.275.6(b) 3. Setbacks)

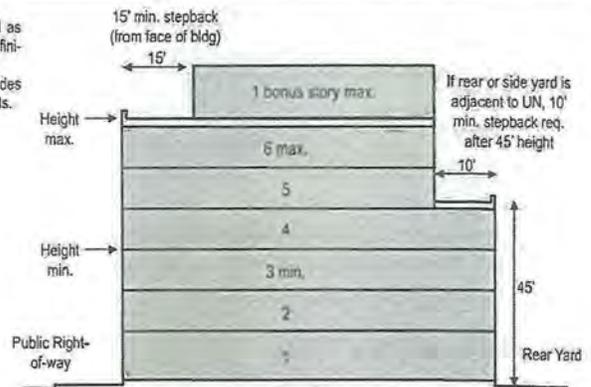
SITING STANDARDS

- The FACADES and ELEVATIONS of Principal Structures shall be distanced from the lot lines as shown.
- FACADES shall be built along the frontage lines to the length specified in the table.



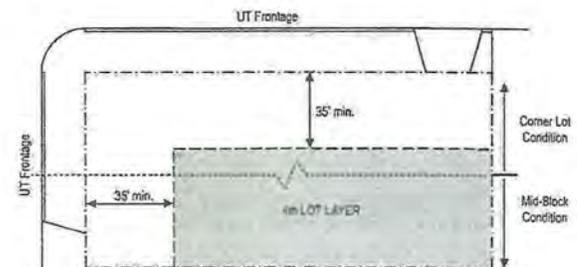
HEIGHT STANDARDS

- Height shall be measured as specified in Sec. 14-47 Definitions "Building, height of."
- Number of Stories excludes attics and raised basements.



PARKING STANDARDS

- Surface parking areas may be provided within the 4th LOT LAYER (shaded area) as shown.



SEC 14-275.7. SUBDISTRICT DIMENSIONAL REQUIREMENTS

UA

Urban Active (UA) Subdistrict:

INTENT: The intent of this subdistrict is to maintain and promote a moderate-scale, diverse, mixed-use neighborhood with vibrant streets and active ground floor spaces. Buildings are more active and engage with the street at the ground level. Building frontages are transparent and entries are at sidewalk level with frontage types including storefronts and recessed doorways. The streetscape has steady street planting, and buildings set close to the street providing a consistent street wall.

SITING STANDARDS

Orientation - Principal Frontage	face a UA street
Lot Coverage	90% max
FRONTAGE REQUIREMENTS (1st LOT LAYER)	
Building Length	50' max.
at least 75% of total building length must be built within 1st LOT LAYER (see Table 14.275.7 c.)	
Additional Building Length	(see also Table 14.275.7)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	150' max., 3 modules
Massing Variation	not allowed
Structured Parking Exception	150' max.
Fenestration, ground floor	60-80% (see BDS) facade area

SETBACKS

Principal Building	
(a) Front Yard* (1st Lot Layer)	50' max.
Setback Applicability	75% of total building length must be built within 1st LOT LAYER
(b) Side Yard**	5' min. - May be reduced to zero provided that the cumulative side yards are not less than 10'
(c) Rear Yard	10'0" min.
Accessory Building	
Side Yard	5'0" min.
Rear Yard	5'0" min.

BUILDING ENTRIES (SEE ALSO BDS)

Frequency at frontage	at least 40'
Principal Entries	
Orientation	at least 1 facing UA street or corner
Elevated Sloop (>1 step)	not allowed

HEIGHT STANDARDS

Principal Building	
Building Height Min.	3 stories
Building Height Max.	50', up to 4 stories
Ground Story Height	12'0" min, clear
Accessory Building	
Building Height Max.	25'

PARKING STANDARDS

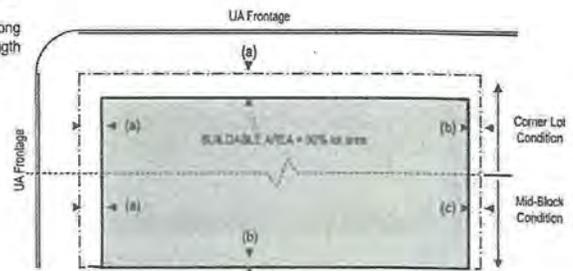
Surface Parking Location	4th LOT LAYER only
Garage at frontage (attached or detached)	
Garage Door Setback	3rd LOT LAYER
Garage Door Opening (max)	n/a
Notes and Exceptions	

* Up to 10'0" max. front yard setback is allowed if ground plane at frontage is a continuation of the accessible public right-of-way

** Zero lot lines are allowed under certain conditions (see Sec. 14.275.6(b) 3. Setbacks)

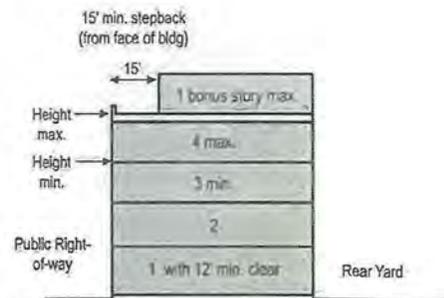
SITING STANDARDS

- The FACADES and ELEVATIONS of Principal Buildings shall be distanced from the lot lines as shown.
- FACADES shall be built along the frontage lines to the length specified in the table.



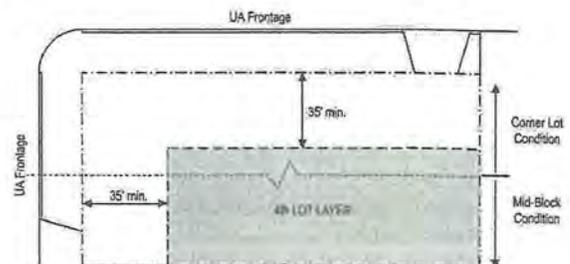
HEIGHT STANDARDS

- Height shall be measured as specified in Sec. 14-47 Definitions "Building, height of."
- Number of Stories excludes attics and raised basements.



PARKING STANDARDS

- Surface parking areas may be provided within the 4th LOT LAYER (shaded area) as shown.



SEC 14-275.7 SUBDISTRICT DIMENSIONAL REQUIREMENTS

CORNER

Corner Lot:

For corner lots where two subdistricts intersect at a street corner, the Dimensional Requirements and Building Design Standards of the "dominant" subdistrict shall apply from the 1st through 3rd Lot Layer (35' deep into the lot measured from the dominant lot line) along its associated street frontage or public ways including required mid-block permeability. Otherwise, Dimensional Requirements shall be according to the subdistrict onto which the building FACADE faces.

ORIENTATION

• Corner lots shall be treated as having street frontage on all streets regardless of building orientation
• Principal Building shall designate a Principal Frontage and Secondary Frontage*
• In the case of a corner lot having UA frontage, the Principal Frontage must face a UA street*

SETBACKS

(a) Front Yard (1st Lot Layer)	according to subdistrict
(b) Side Yard	according to subdistrict
Building facades within 10' of a corner are exempt from setback requirements in order to allow special architectural treatments.	

UA INTERSECTS UT

Dominant Subdistrict (35' deep)	UA
Orientation - Principal Frontage	UA street
Dominant Building Design Standards (applicable 35' deep)	
Ground Story Height	12' min. clear
Fenestration, ground floor	60-90% (see BDS) facade area
(measured as a percentage of the FACADE that is 2' above sidewalk grade)	

UA INTERSECTS UN

Dominant Subdistrict (35' deep)	UN
Orientation - Principal Frontage	UA street
Building Length - UN FACADES	100' max.
Dominant Building Design Standards (applicable 35' deep)	
Ground Story Height	12' min. clear
Fenestration, ground floor	60-90% (see BDS) facade area
(measured as a percentage of the FACADE that is 2' above sidewalk grade)	

UT INTERSECTS UN

Dominant Subdistrict (35' deep)	UN
Orientation - Principal Frontage	determined by applicant
• Corner lots shall be treated as having street frontage on all streets regardless of building orientation	

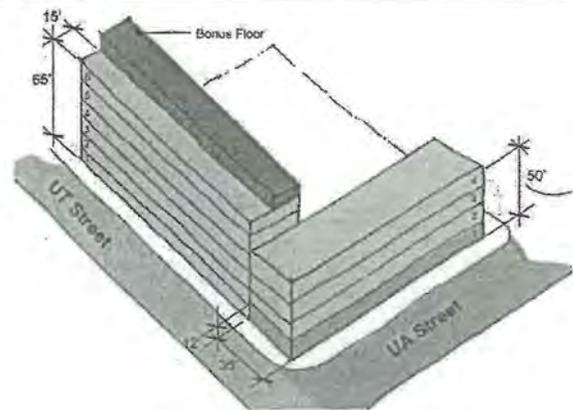
UN INTERSECTS UN

Building Length maximums:	
Principal Frontage	30' max.
Secondary Frontage	50' max.

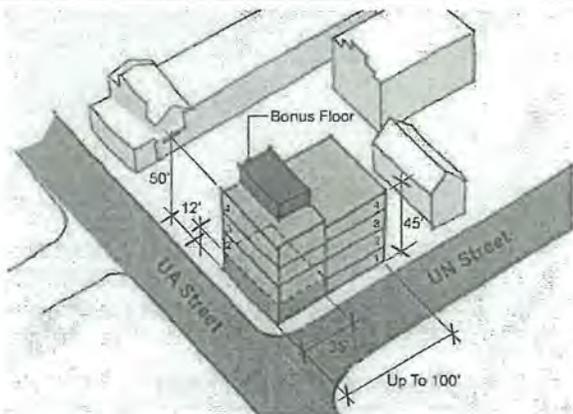
Notes and Exceptions

* Does not have to correspond to legal building address

UA INTERSECTS UT
(example only)



UA INTERSECTS UN
(example only)



UT INTERSECTS UN
(example only)

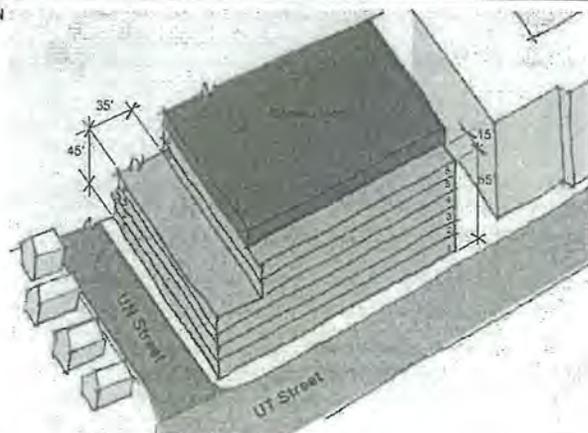
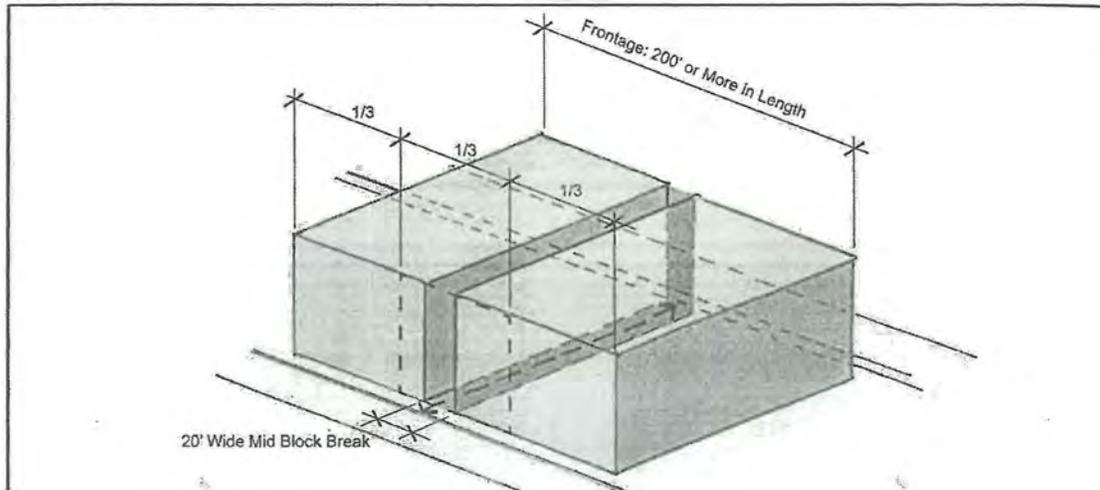
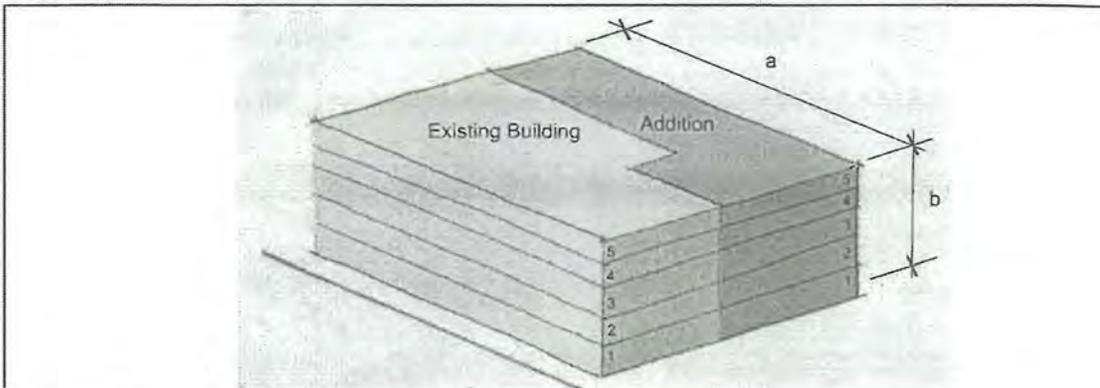


TABLE 14.275.7 DIMENSIONAL REQUIREMENTS ILLUSTRATED

a. MID-BLOCK PERMEABILITY

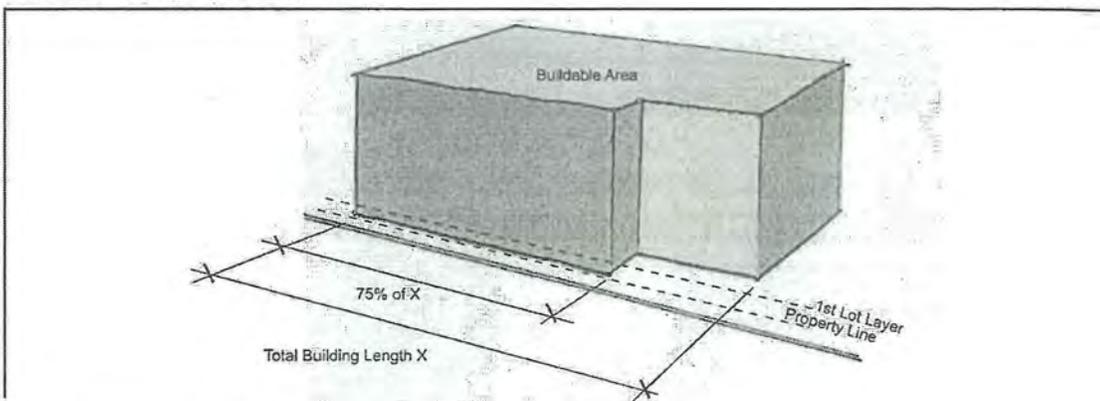


b. ADDITION



- a - Addition length may match but not exceed the length of existing building to which it is an addition. All other Subdistrict Dimensional Requirements apply.
- b - Addition height may match existing building in number and height of stories. All other Subdistrict Height Standards apply.

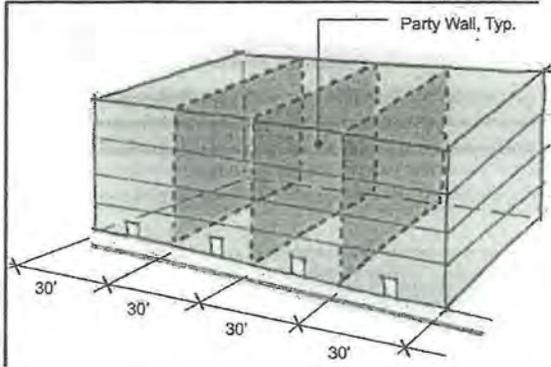
c. BUILDING LENGTH - 1st LOT LAYER



At least 75% of the total building length must be within the 1st LOT LAYER.

TABLE 14.275.7 DIMENSIONAL REQUIREMENTS ILLUSTRATED

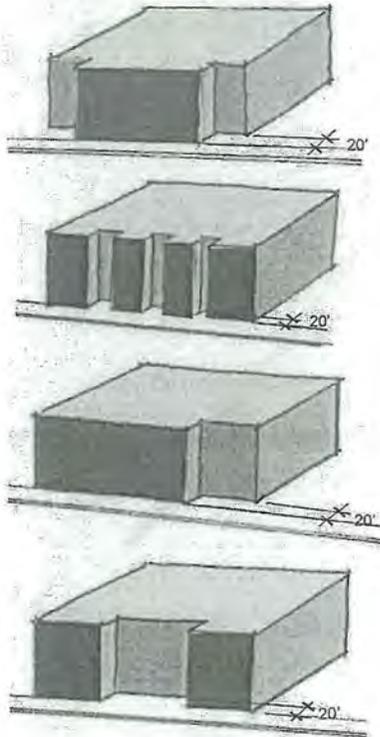
d. ADDITIONAL BUILDING LENGTH - ATTACHED BUILDINGS



An unlimited number of ATTACHED BUILDINGS having up to 30' street-facing building length is allowed.

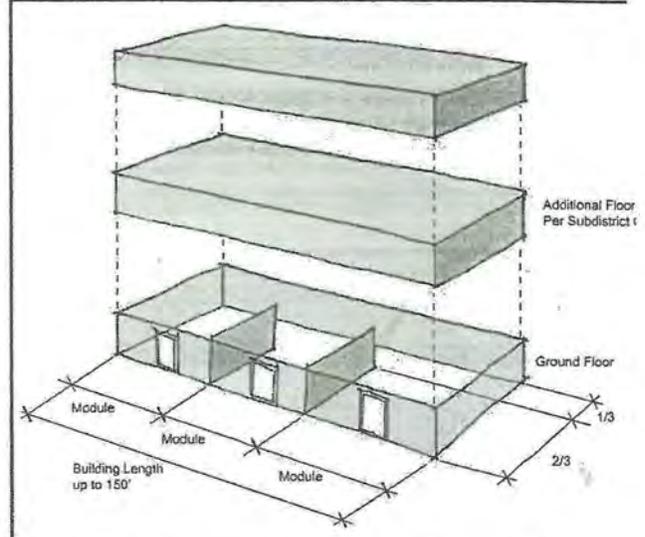
A PARTY WALL condition is required at least every 30' and for the entire height of each building.

e. ADDITIONAL BUILDING LENGTH - MASSING VARIATION (UT)



Additional building length is permitted where at least 30% and up to 40% of the total building length is setback to the 3rd LOT LAYER (20').

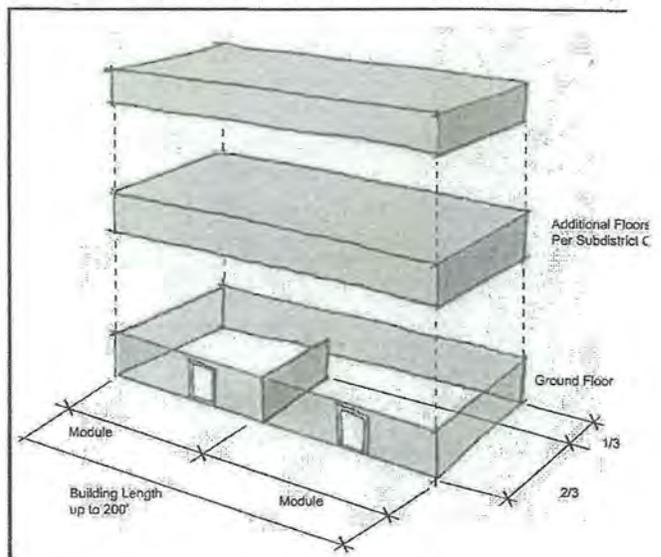
f.1. ADDITIONAL BUILDING LENGTH - GROUND FLOOR PARTITIONS (UA)



Additional Building Length is permitted up to 150' with the provision of a least two Ground Floor Partitions

See General Development Standards and BDS for additional requirements.

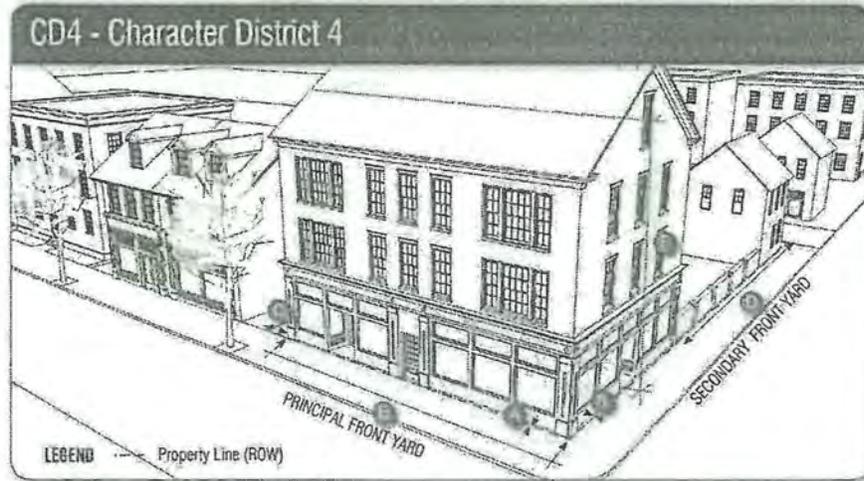
f.2. ADDITIONAL BUILDING LENGTH - GROUND FLOOR PARTITIONS (UT)



Additional Building Length is permitted up to 200' with the provision of at least one Ground Floor Partition.

See General Development Standards and the BDS for additional requirements.

FIGURE 10.5A41.10C DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4 (CD4)



BUILDING PLACEMENT – PRINCIPAL BUILDING*

Maximum principal front yard	10 ft	(A)
Maximum secondary front yard	15 ft	(B)
Side yard	NR	(C)
Minimum rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	(D)
Front lot line buildout		
On Ceres Street	50% max. (See Map 10.5A21C)	
Everywhere else	50% min.	

* Except for items listed under Section 10.5A42.12

BUILDING AND LOT OCCUPATION

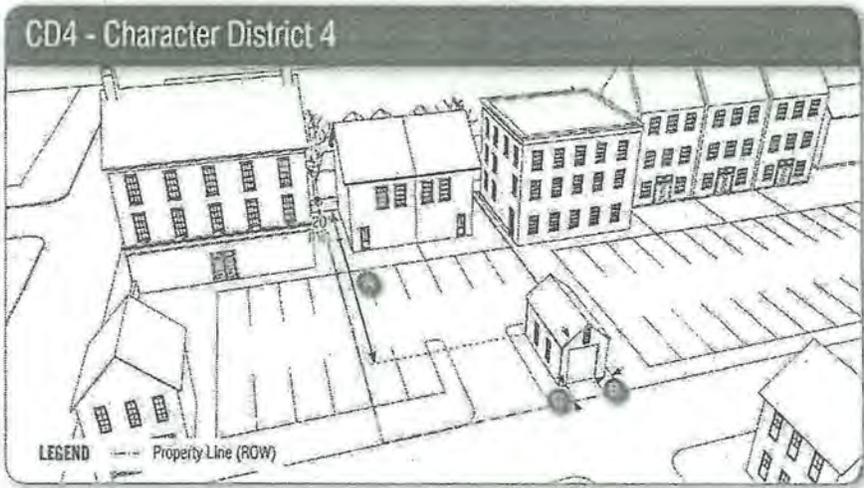
Maximum building block length	200 ft	(E)
Maximum façade modulation length	80 ft (see Section 10.5A43.20)	
Maximum entrance spacing	50 ft	
Maximum building coverage	90%	
Maximum building footprint	15,000 sf (or as allowed by Section 10.5A43.40)	

Minimum lot area	NR
Minimum lot area per dwelling unit	NR
Minimum open space	10%
Maximum ground floor GFA per use	15,000 sf

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	(F)
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Minimum second story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max.	
Hip	3:12 min.	
Mansard/gambrel	6:12 min. to 30:12 max.	

FIGURE 10.5A41.10C DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4 (CD4)



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building
Minimum side yard	0 ft
Minimum rear yard	3 ft

BUILDING TYPES

See Figure 10.5A43.60 for **building** type definitions

House	not permitted
Duplex	not permitted
Rowhouse	permitted*
Apartment building	permitted*
Live/work building	permitted**
Small commercial building	permitted
Large commercial building	permitted

*Not permitted in the Downtown Overlay District
 Residential **uses are not permitted on the **ground floor** in the Downtown Overlay District

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

See Figure 10.5A43.10 for **façade** type definitions
 Except where required **façade** types are indicated on Map 10.5A21C, the below standards apply:

Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

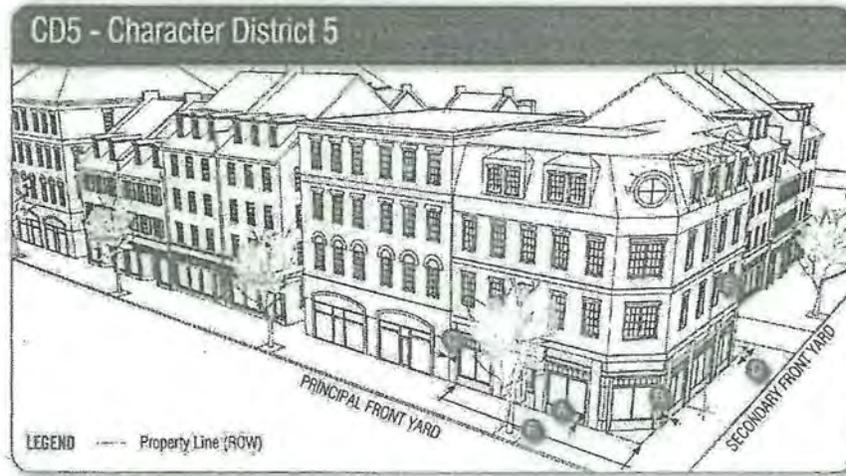
See Section 10.5A45

**FIGURE 10.5A41.10D DEVELOPMENT STANDARDS
CHARACTER DISTRICT 5 (CD5)**

This district consists of a high density center with a mix of **building** types and residential, retail and other commercial **uses**. There are no **front yards** or **side yards**, and limited **landscaping** and public parking facilities. **Streets** have **sidewalks** and trees or other pedestrian amenities, and define small to medium **blocks**.



FIGURE 10.5A41.10D DEVELOPMENT STANDARDS
CHARACTER DISTRICT 5 (CD5)



BUILDING PLACEMENT – PRINCIPAL BUILDING*

Maximum principal front yard	5 ft	(A)
Maximum secondary front yard	5 ft	(B)
Side yard	NR	(C)
Minimum rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	(D)
Minimum front lot line buildout	80%	

* Except for items listed under Section 10.5A42.12

BUILDING AND LOT OCCUPATION

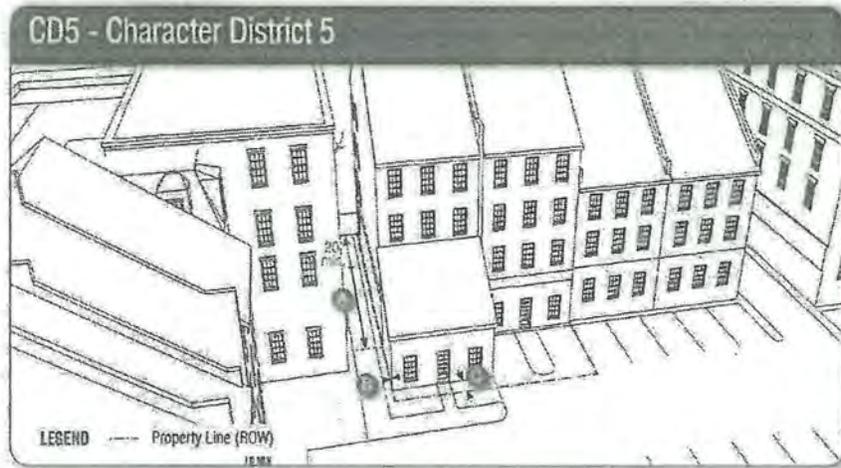
Maximum building block length	225 ft	(E)
Maximum façade modulation length	100 ft (see Section 10.5A43.20)	
Maximum entrance spacing	50 ft	
Maximum building coverage	95%	
Maximum building footprint	20,000 sf (or as allowed by Section 10.5A43.40)	

Minimum lot area	NR
Minimum lot area per dwelling unit	NR
Minimum open space	5%
Maximum ground floor GFA per use	15,000 sf

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	(F)
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Minimum second story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max	
Hip	3:12 min.	
Mansard/gambrel	6:12 min. to 30:12 max.	

FIGURE 10.5A41.10D DEVELOPMENT STANDARDS
CHARACTER DISTRICT 5 (CD5)



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	(A)
Minimum side yard	0 ft	(B)
Minimum rear yard	3 ft	(C)

BUILDING TYPES

See Figure 10.5A43.60 for **building** type definitions

House	not permitted
Duplex	not permitted
Rowhouse	not permitted
Apartment building	not permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted

*Residential **uses** are not permitted on the **ground floor** in the Downtown Overlay District

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

See Figure 10.5A43.10 for **façade** type definitions
Except where required **façade** types are indicated on Map 10.5A21C, the below standards apply:

Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A45

10.5A42 Building Placement

10.5A42.10 Yards

10.5A42.11 **Yards** shall be as required in Figures 10.5A41.10A-D (Development Standards).

10.5A42.12 **Yards** may be increased above the maximum permitted for truncated corners or other subtractive massing techniques, alleys, vehicular **accessways**, increased **sidewalk** width or **community spaces**.

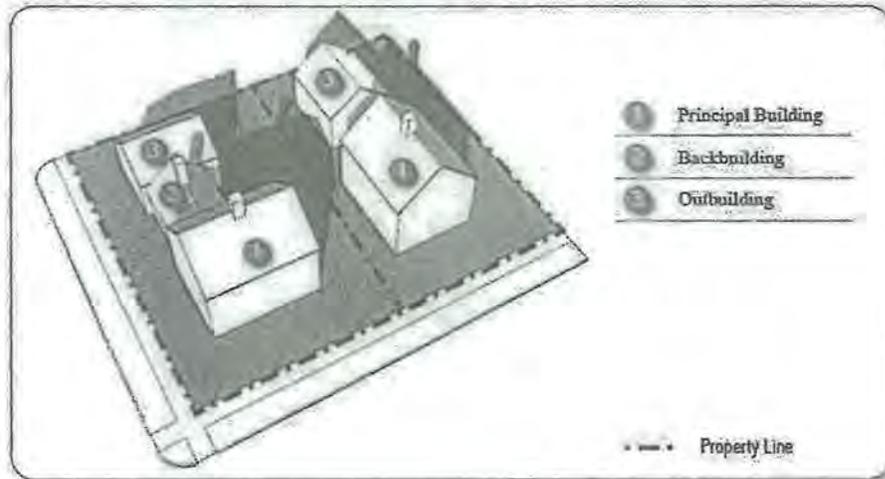
10.5A42.20 Façade Alignment

The **façade** facing the **principal front yard** shall be parallel to the **front lot line**. Where the **front lot line** is curved, the **façade** shall be parallel to a straight line connecting the points of intersection of the **front lot line** and the **side lot lines**.

10.5A42.30 Outbuildings and Backbuildings

A detached **outbuilding**, or an **outbuilding** attached to a **principal building** with a **backbuilding**, may be built on each **lot** to the rear of the **principal building**, as illustrated generally in Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

FIGURE 10.5A42.10 PRINCIPAL BUILDING/BACKBUILDING/ OUTBUILDING

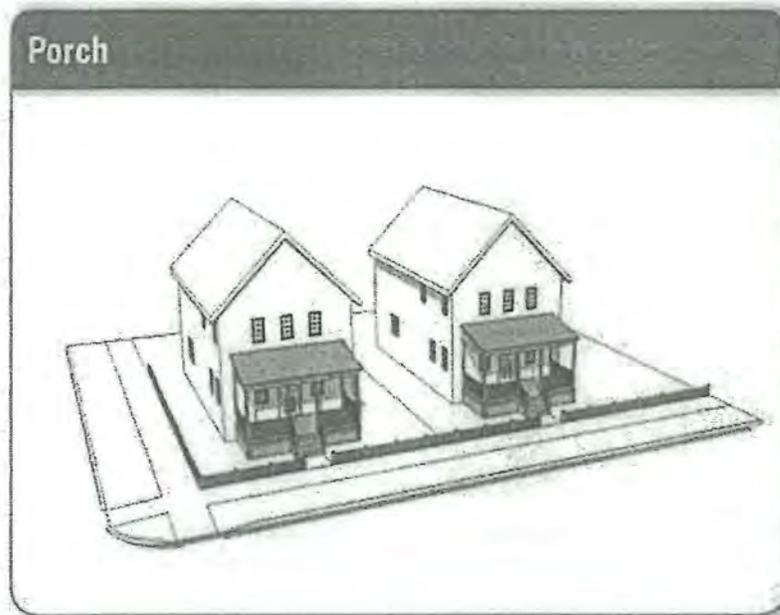


10.5A43 Building Form and Façades

10.5A43.10 Façade Types

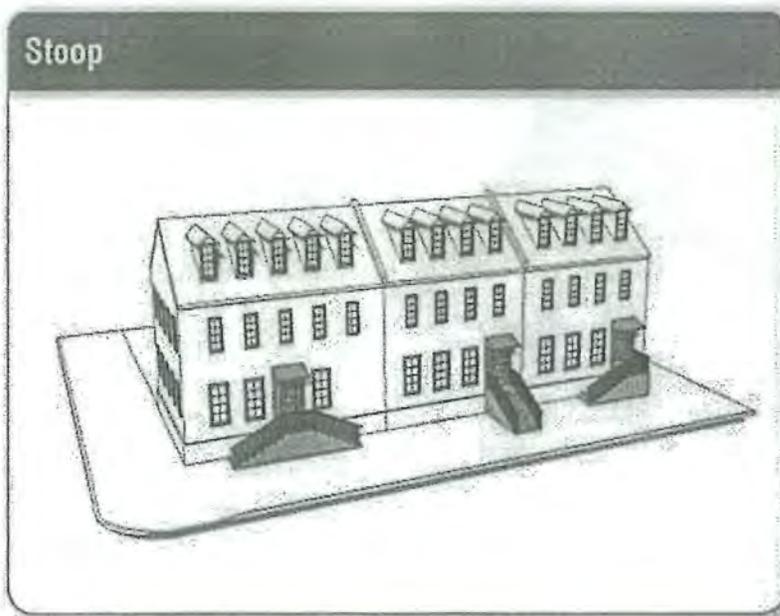
The **façade** facing the **principal front yard** shall conform to Figure 10.5A43.10 (Façade Types) and Figures 10.5A41.10A-D (Development Standards), and to any applicable **façade** type requirements indicated on the **Regulating Plan**. Permitted **building** form and **façade** types may be combined.

FIGURE 10.5A43.10 FAÇADE TYPES



The **façade** is set back from the **front lot line** with an attached porch or stoop permitted to **encroach**. This may be used with or without a fence to maintain **street** spatial definition.

Permitted districts:
CD4-L1, CD4-L2

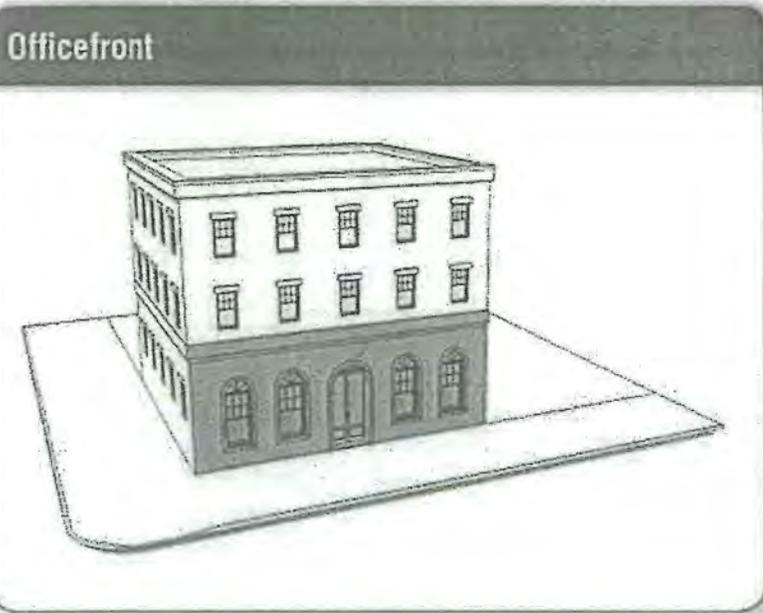


The **façade** is aligned close to the **front lot line** with the **ground floor** elevated from the **sidewalk** for privacy. The entrance has an exterior stair and landing.

This type is recommended for **ground floor** residential use.

Permitted districts:
CD5, CD4, CD4-W, CD4-L1,
CD4-L2

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)



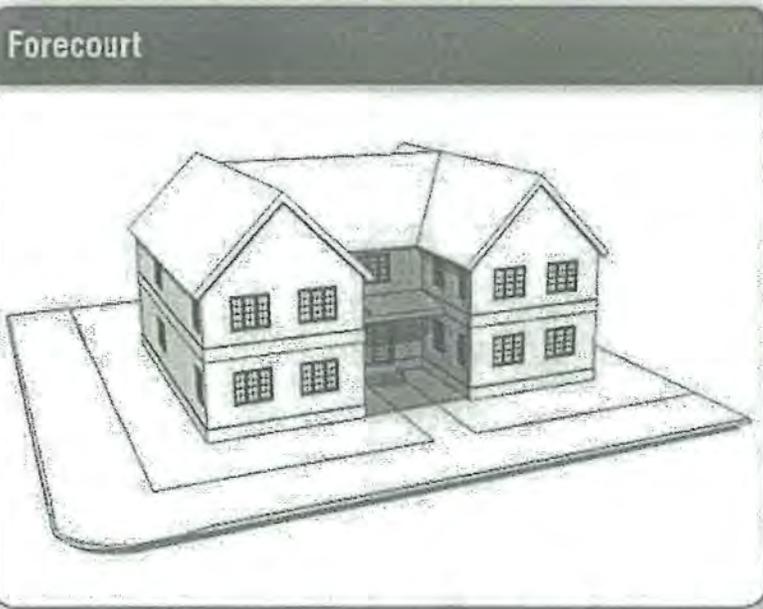
The **façade** is aligned close to the **front lot line** with the building entrance at or elevated above **sidewalk** grade. It may have substantial glazing on the **sidewalk** level.

This type is conventional for **office use**.

Permitted districts:

CD5, CD4, CD4-W

Only permitted in CD4-L1 & CD4-L2 where indicated on Map 10.5A21C.



The two ends of the **façade** are close to the **front lot line** and the central portion is set back.

Permitted districts:

CD4-L1, CD4-L2

This **façade** type is not permitted in the Downtown Overlay District.

Height Requirement Area	Minimum Height in Stories	Maximum Height in Stories	Maximum Height in Feet
1 story	1	1	20
2 stories	2	2	35
2 stories (short 3 rd)	2	2 + short 3 rd	35
2-3 stories	2	3	40
2-3 stories (short 4 th)	2	3 + short 4 th	45
2-4 stories	2	4	50
2-4 stories (short 5 th)	2	4 + short 5 th	60
2-5 stories	2	5	60

10.5A43.32 A **roof appurtenance** may exceed the maximum allowed **building height** as specified on Map 10.5A21B (Building Height Standards) by 10 feet, subject to the following:

- (a) All **roof appurtenances** and other features that exceed the allowed **building height** for the zoning district shall not exceed 33 percent of the total roof area of the **structure** and, except for elevators and stair towers, shall be set back at least 10 feet from any edge of the roof.
- (b) Solar energy panels shall not be subject to the 33 percent limitation provided that they are not visible from a point 20 feet above the edge of the **street** right-of-way on the opposite side of the **street**.
- (c) The area of **roof appurtenances** that comply with this section shall not be considered as part of the **building's gross floor area** calculations.

10.5A43.33 A **development** that is not located in an incentive overlay district and that contains at least one acre of **lot area** shall be allowed an additional **story** in height (up to 10 feet) if at least 20% of the property is assigned and improved as a **community space**. Such **community space** shall count toward the required **open space** listed in Figures 10.5A41.10A-D (Development Standards). The size, location and type of the **community space** shall be based on the size and location of the **development**, and the proposed and **adjacent uses**.

10.5A43.40 Maximum Building Footprint

10.5A43.41 No **building** or **structure** footprint shall exceed the applicable maximum **building footprint** listed in Figures 10.5A41.10A-D (Development Standards) except as provided in Sections 10.5A43.42-44 below.

10.5A43.42 In the CD5 district, a detached **liner building** may have a **building footprint** of up to 30,000 sq. ft. if it meets all other **development standards** and is integrated into a **parking structure** through the provision of **community space** or shared access.

- 10.5A43.43 For a **building** that contains **ground floor** parking, a **parking garage** or **underground parking levels**, and is not subject to Section 10.5A43.42, the Planning Board may grant a conditional use permit to allow a **building footprint** of up to 30,000 sq. ft. in the CD4 or CD4-W districts, and up to 40,000 sq. ft. in the CD5 district, if all of the following criteria are met:
- (a) No **story** above the **ground floor** parking shall be greater than 20,000 sq. ft. in the CD4 or CD4-W districts or 30,000 sq. ft. in the CD5 district.
 - (b) All **ground floor** parking areas shall be separated from any public or private **street** by a **liner building**.
 - (c) At least 50% of the **gross floor area** of the **ground floor** shall be dedicated to parking.
 - (d) At least 30% of the property shall be assigned and improved as **community space**. Such **community space** shall count toward the required **open space** listed under Figures 10.5A41.10A-D (Development Standards) and **community space** required under Section 10.5A46.20. The size, location and type of the **community space** shall be determined by the Planning Board based on the size and location of the **development**, and the proposed and **adjacent uses**.
 - (e) The **development** shall comply with all applicable standards of the ordinance and the City's land use regulations.
- 10.5A43.44 The **building footprint** of a **parking structure** shall be no greater than 40,000 sq. ft., and the **façade** length shall be no greater than 300 feet.

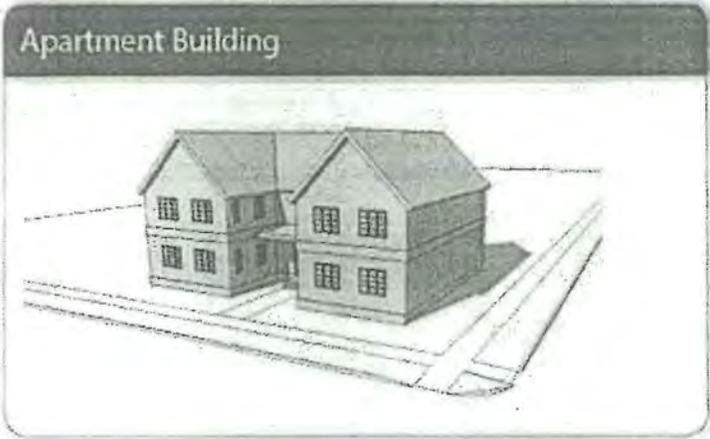
10.5A43.50 Streetscreens

Any **streetscreen** in a **front yard** shall be built on the same plane as the **façade** of the **principal building** and shall be between 3.5 and 4.0 feet in height.

10.5A43.60 Building Types

Buildings in each Character district shall be of one or more of the **building types** specified for such Character district in Figure 10.5A43.60 (Building Types).

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)



A **building** that has the appearance of a **multifamily dwelling**, with **yards** on all sides.

Permitted districts:
CD4, CD4-W, CD4-L1, CD4-L2
This **building** type is not permitted in the Downtown Overlay District.



A **building** designed to accommodate a **ground floor commercial use** and a residential **use** above or beside.

Permitted districts:
CD5, CD4, CD4-W, CD4-L1, CD4-L2
Residential **uses** are not permitted on the **ground floor** in the Downtown Overlay District.



A **building** with a **shopfront** or **officefront facade** type and minimal or no **front yard**, and that is no more than 3 **stories** in height.

Permitted districts:
CD5, CD4, CD4-W, CD4-L2

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)



A **building** with a shopfront or **officefront façade** type and minimal or no **front yard**, and that is 4 or more **stories** in height.

Permitted districts:
CD5, CD4, CD4-W

10.5A44 Off-Street Parking and Loading Requirements

10.5A44.10 General

10.5A44.11 Except as otherwise provided in this Section, all **buildings, structures** and **uses** in the Character districts and Civic districts shall comply with the **off-street parking** requirements set forth in Section 10.1110.

10.5A44.12 **Buildings, structures** and **uses** in the Character districts and Civic districts that are also within the Downtown Overlay District shall comply with the additional standards in Section 10.643.

10.5A44.20 Number of Required Spaces

10.5A44.21 **Uses** in the Character districts and Civic districts that are not located in the Downtown Overlay District shall provide **off-street parking** in accordance with Section 10.1112.

10.5A44.22 **Uses** in the Character districts and Civic districts that are included in the Downtown Overlay District shall comply with the **off-street parking** requirements for the Downtown Overlay District in accordance with Section 10.1115.

10.5A44.23 Subject to approval by the Planning Board, any portion of the required **off-street parking** spaces may be dedicated to public use.

10.5A44.30 Parking, Loading, and Driveway Locations and Standards

10.5A44.31 All **off-street parking** spaces shall be located at least 20 feet behind any **façade** of a **principal building**, except when in an **underground parking level**. This restriction shall not apply to **off-street parking** for a **single-family** or **two-family dwelling**.

- 10.5A44.32 **Parking lots** and loading areas shall be screened from the **street** by a **building** or **streetscreen** except for any **driveway**.
- 10.5A44.33 **Driveways** at the **street** and within a required **front yard** shall be no wider than 24 feet.
- 10.5A44.34 All **parking lots**, **garages**, and **parking structures** shall include a pedestrian exit directly to a **front lot line**.
- 10.5A44.35 The above-ground portion of a **parking structure** or **garage** shall have a **liner building** at least the height of the **ground floor** along the entire width of any **front yard** except for **driveways** and pedestrian entrances.
- 10.5A44.36 A **parking lot** containing more than 75 parking spaces shall have least one internal pedestrian walkway at least 8 feet wide that is paved differently from the parking spaces with respect to texture, material, style, and/or color.

10.5A44.40 Parking Lot Landscaping

Parking lots that contain 10 or more spaces shall conform to the following:

10.5A44.41 Landscape islands:

- (a) **Parking lots** shall contain one landscaped island for every 10 parking spaces.
- (b) A **parking lot** with more than one landscaped island shall have such islands distributed throughout the **parking lot**.
- (c) Each landscaped island shall be a minimum of 325 square feet.

10.5A44.42 Trees:

- (a) **Parking lots** shall contain at least one tree for every 7 parking spaces.
- (b) No parking space shall be more than 75 feet from a tree within the **lot**, as measured from the center of the tree to the nearest line demarcating the space.
- (c) All trees shall be separated from paved surfaces by at least 3 feet.

10.5A44.43 All **landscaping** required pursuant to this Section 10.5A44.40 shall be located and designed in a manner to protect the vegetation from vehicular damage.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: December 4, 2014
RE: December 8, 2014 Planning Board Agenda Item IV(b)

An amendment to the Zoning and Land Use Code, Article XII, Section 17. Off-street Parking and Loading, to remove the parking requirements for nonresidential uses and reduce the number of parking spaces required for residential uses in the Riverfront (RF), Mill (M), and Centreville (CV) districts.

Lewiston's off-street parking requirements, specifically in the greater downtown area have been called into question for many years. The current provisions provide a significant barrier to developing downtown Lewiston in a traditional way where investment and development occur incrementally over a period of time. The existing requirements increase the density of both parking spaces and cars. More cars create more traffic congestion, which in turn incites the need for more local remedies, such as street widening, additional turning lanes, traffic signal improvements, etc. The requirement for additional parking also results in excessive land requirements, requiring property owners to purchase additional land, potentially resulting in new development locating where land is cheaper and driving is required. The costs associated with providing off-street parking are rarely charged to the users motorists for parking (there are exceptions with some private lots and garages). This results in the cost of parking spaces being added to the cost of development.

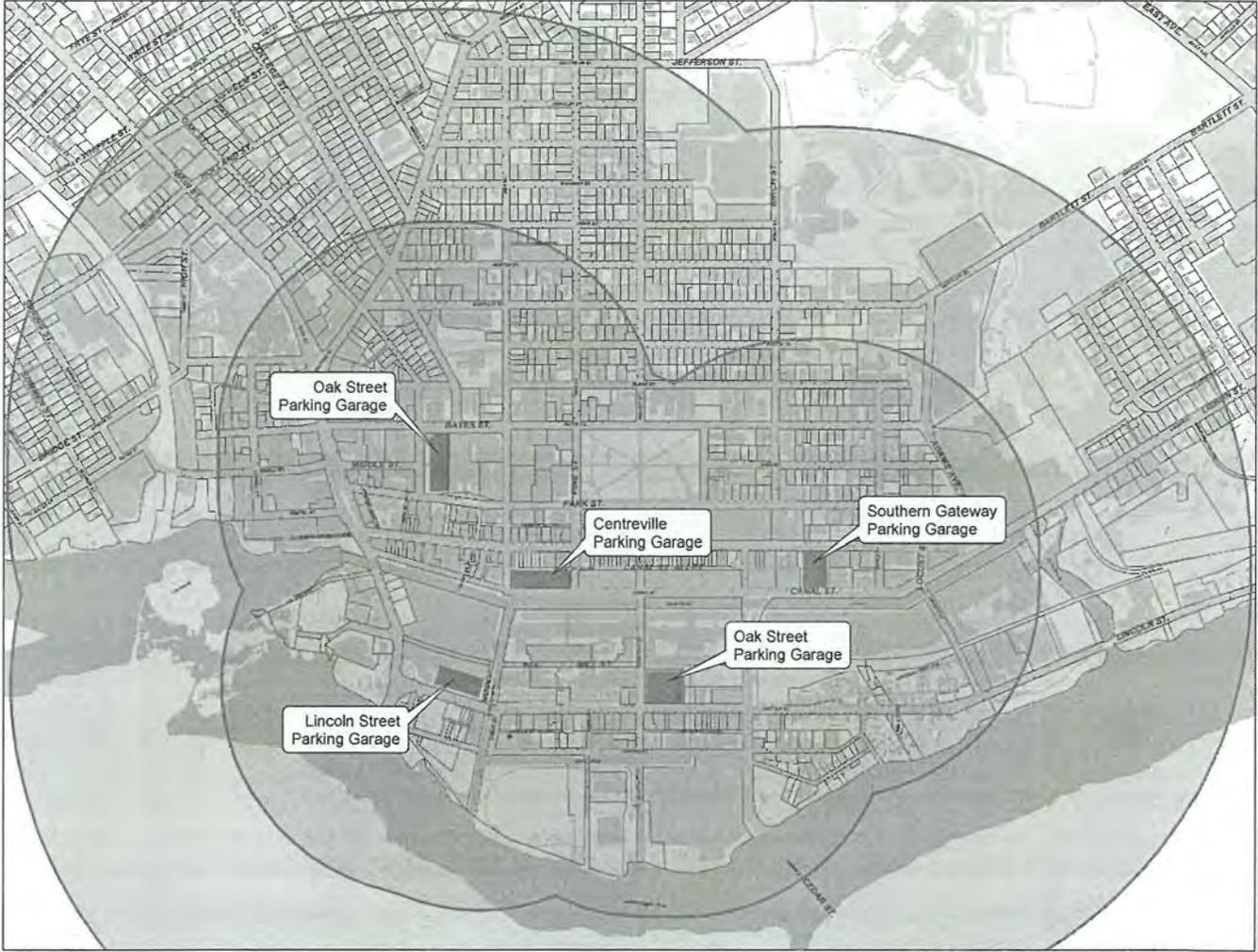
Staff discussed the parking requirements in these districts with the Planning Board on November 10th and the City Council on December 2nd. Both groups seemed supportive of removing the parking standards for nonresidential uses, but questioned whether residential units should still have parking requirements. The Board directed staff to prepare an amendment for their review and recommendation for the City Council's consideration.

The proposed amendment will eliminate the need for off-street parking for nonresidential uses located in the Centreville, Mill, or Riverfront districts. Residential uses in these districts shall be required to provide one space per dwelling unit, except as provided for nonconforming buildings, structures, or uses. The current ordinance makes the adaptive reuse of structures more difficult and restricts development for occurring in its current pattern. All three districts have municipal parking garages with excess capacity within walking distance (i.e. ¼ mile). The amendment will facilitate and stimulate development, allowing business and property owners to determine their parking demand without overbuilding. Other benefits of relaxed parking provisions include the support of walking, cycling and transit use; reduced stormwater management costs and water pollution; and, support the creation of a more attractive urban environment.

The proposed amendment also designates the appropriate reviewing authority (i.e. the planning board or staff review committee) the ability to authorize required or provided off-street parking, serving permitted or conditional uses, to be located off the site, provided it is located within 500 feet of the principal building or use and cannot reasonably be provided on the same lot. Currently, the board of appeals has this authority. Enabling the appropriate reviewing authority this ability provides the applicant to make their request at the same time to the same committee or board that is reviewing and approving their project.

ACTIONS NECESSARY

- Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to amend Article XII, Section 17. Off-street parking and loading, to remove the parking requirements for nonresidential uses and reduce the number of parking spaces required for residential uses in the Riverfront (RF), Mill (M), and Centreville (CV) districts and designates the appropriate reviewing authority (i.e. the planning board or staff review committee) the ability to authorize required or provided off-street parking, serving permitted or conditional uses, to be located off the site, provided it is located within 500 feet of the principal building or use and cannot reasonably be provided on the same lot (subject to any concerns raised by the Planning Board or staff).





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November 2010
 Scale 1" = 50'





CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: December 4, 2014
RE: December 8, 2014 Planning Board Agenda Item V(b)

Parking Requirements in the Downtown Residential (DR) and Neighborhood Conservation "B" (NCB) districts.

Discussions with the Planning Board and Council seemed generally supportive of providing some flexibility with the parking standards for nonresidential uses, but questioned whether residential units should still have parking requirements. The Board directed staff to provide some additional alternatives before scheduling a public hearing

The elimination of the overnight winter parking ban in the city has greatly increased the availability of year round on-street parking in these districts. Given that change, relaxing off-street standards would allow for on-street parking to occur when there is excess demand (i.e. family gatherings, special events or sales, etc.). Staff is suggesting a lesser parking standard be considered for select uses. Managing parking effectively in this area is supported by the Third Place Downtown Neighborhood Action Plan and is referenced in the draft comprehensive plan.

Staff suggests the following amendments be considered in the DR and NCB district:

- Single family, two family, single-family attached or multifamily dwellings: one space per unit.
- Any other allowed permitted or conditional use not exceeding 1,000 gross square feet: no off-street parking required.
- Any other allowed permitted or conditional use greater than 1,000 but not exceeding 5,000 gross square feet: 50% of the off-street parking that would otherwise be required.
- Any other allowed permitted or conditional use 5,000 gross square feet or greater: maintain the current off-street parking requirements.
- Increase the distance that required or provided off-street parking shall be located on the same lot with the principal building or use, or within from 500 feet to 1,320 feet (i.e. ¼ mile) measured along lines of public access.
- Allow for use of a municipal parking facility if within 1,320 feet (currently 500 feet) measured along lines of public access.

Staff believes establishing more realistic parking standards will help assist in the redevelopment of Lewiston's urban residential areas by reducing site costs for property owners and developers. Instead of investing in a vacant lot for parking, that lot could be used for additional future development or open space. It could be an incentive for property owners to invest in new construction or the rehabilitation of existing structures versus additional site costs. Other benefits of relaxed parking provisions include supporting walking, cycling and transit use; reduced stormwater management costs and water pollution; and the maintenance or creation of a more interesting and attractive urban environment.

Staff is looking to discuss options toward relaxing the current parking provisions with the Planning Board to learn of any concerns or suggestions prior to developing any specific amendment.

Below are Lewiston's existing parking requirements taken from Article XII, Section 17:

Sec. 17. Off-street parking and loading.

(a) *Applicability.* The following minimum off-street parking and loading requirements except as provided for in subsections (e)(3) and (e)(4) shall be met for:

- (1) The use of any parcel of land;
- (2) The construction of any building or structure;
- (3) The conversion of an existing building, structure or portion thereof to a new use;
- (4) The enlargement of an existing building or structure; or
- (5) The modification of an existing building or structure to create additional floor area, dwelling units, seats or similar measures of parking demand set out in the standards of subsection (d).

Modifications, enlargements or conversions of buildings or structures or the change in or intensification of use shall not be permitted unless off-street parking and loading is provided for an additional number of spaces representing the difference between what this Code requires for the existing building or structure and what this Code requires for the proposed building or structure.

(b) *Classification of use.* Off-street parking or loading which is provided to serve an allowed use or legally existing nonconforming use shall be considered to be an accessory use if it is provided on the same lot or on another lot in the same zoning district in accordance with the standards of this section.

Off-street parking provided in one zoning district to serve a use in another zoning district or off-street parking not associated with a particular use shall not be considered to be an accessory use and shall be permitted only in those zoning districts where commercial parking facilities are allowed as a principal use.

(c) *Parking facilities.* Parking required by this section may be provided in open air parking spaces or by spaces located in a garage. Parking spaces shall be so arranged so that each space can be used without another vehicle having to be moved except for single-family detached and two-family detached dwellings and for assigned parking for an individual dwelling unit in an attached single-family or multifamily dwelling, or assigned employee parking in nonresidential projects that are classified as minor developments under this code when reviewed in connection with development review pursuant to article XIII hereof.

(d) *Off-street parking required.* The following minimum off-street parking shall be provided and maintained for each situation identified in subsection (a). In computing the number of spaces required, lots with two or more uses shall meet the combined requirement for all of the uses. In calculating the parking requirement, major fractional spaces (0.5 or greater) shall be rounded up to the next whole space. Employee parking is based on the largest shift.

Single-family detached dwellings	two spaces per dwelling unit
Two-family dwellings	two spaces per dwelling unit
Single-family attached or multifamily dwellings with	two spaces per dwelling unit with three or more bedrooms, one and one-half spaces per dwelling unit with one or two bedrooms, one space per efficiency dwelling unit; plus 0.2 spaces per dwelling unit for visitor parking for all single-family attached or multifamily dwellings
Housing for the elderly	one-half space per dwelling unit
Types "A" and "B" group care facilities	one space per three bedrooms, plus one space per employee
Tourist homes	two spaces plus one space per lodging unit
Motels, hotels and inns	three spaces plus one space per sleeping room (accessory eating and drinking establishments or other facilities shall provide additional parking as required).
Rooming houses, boarding houses, lodging houses	one space per three bedrooms
Bed and breakfast establishments	one space per guest sleeping room and two spaces per dwelling unit plus one space per every two employees on the largest shift; establishments approved by

	development review pursuant to article XIII for meeting facilities for non-guests or for special outdoor functions shall provide one space per two seats in any meeting facilities and one space per two special outdoor function guests based on the approved capacity; if such additional off-street parking is provided off the site, it shall comply with the requirements of article XII section 17.e except that, notwithstanding the provisions of subsection e, the planning board shall have the authority to approve such off-site parking.
Hospitals	one space per patient bed plus one space per three employees
Medical clinics	two spaces per treatment room or patient bed, whichever is greater
Nursing or convalescent homes	one parking space per five resident beds and one space per employee
Schools	
Elementary schools	one and a half spaces per classroom
Secondary schools	five spaces per classroom
Residential colleges, universities and institutions of higher education, including accessory facilities athletic and assembly facilities designed primarily for student use	one space per 7 seats in classroom facilities
Business colleges and schools	one space per 4 seats in classroom facilities
Retail and personal service establishments	one space per two hundred fifty square feet of gross floor area. For retail stores which are part of a gasoline service station complex, one-half of the service spaces at the pump islands may be applied to meet not more than one-half of the required parking demand
Eating and drinking establishments	one space per three seats
Drive-in restaurants	ten spaces plus one additional space per one hundred feet of gross floor area
Professional and business offices	one space per 300 square feet of gross floor area
Construction contractors, tradesman, offices, laboratories and similar uses	one space per 500 square feet of gross floor area
Adult business establishments, drinking place	one space per 3 seats or 200 square feet of gross floor area, whichever is greater
New and used car dealers	five spaces plus one space per 3,000 square feet of display area (indoor and outdoor)
Auto repair garages and gasoline service stations	two spaces per service bay plus one space per employee
Light industrial uses, industrial uses, wholesale, storage and distribution facilities	one space per 500 square feet of gross floor area up to 3,000 sq. ft. plus one space for each 1,000 sq. ft. of gross floor area in excess of 3,000 square feet
Community centers, libraries, museums, civic clubs, theatres, places of indoor assembly, amusement or culture, religious facilities, and similar uses	one space per 4 seats where fixed seating is provided plus 1 space per 200 square feet of area otherwise available for assembly
Auditoriums, stadiums, sport arenas, race tracks, skating rinks, gymnasiums, convention halls or similar uses	one space per each 4 seats; where individual seats are not provided, each 24 inches of bench or other similar seating, or eight sq. ft. of seating or standing space shall be considered as one seat for the purpose of determining requirements thereof
Self storage facilities	five spaces
Uses not specifically listed or able to be placed into one of the above categories, or listed uses which can be clearly shown to have a differing parking need (either fewer or greater) than otherwise required	Sufficient spaces to accommodate the normal parking demand of the use without requiring on-street parking. The number of required spaces shall be determined by the planning board for major project development review or by the staff review committee for minor project development review or by the planning director if no review is required in accordance with accepted

standards.

(e) *Location of off-street parking facilities.* Required or provided off-street parking in all districts shall be located on the same lot as the principal building or use, except as may be allowed by the board of appeals on the basis of an appeal as provided below:

- (1) In residential districts, the board of appeals may authorize required or provided off-street parking, serving permitted or conditional uses, to be located off the site, provided it is located within 500 feet of the principal building or use and cannot reasonably be provided on the same lot. Such off-street parking shall be held in fee simple by the owner of the principal use served, or in such other tenure as assures continued availability for parking as long as the particular land will be needed for such use, provided that if tenure is other than ownership in fee simple, the form of tenure shall be approved by the planning director before the request is considered by the board of appeals. Evidence of fee simple ownership or approved tenure shall be required.
- (2) In all zones other than residential, required or provided off-street parking shall be located on the same lot with the principal building or use, or within 500 feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the board of appeals may permit such off-street parking to be located a reasonable distance from the principal buildings or use, measured along lines of access if such off-lot parking areas shall be held in fee simple by the owner of the use served, or in such other tenure as assures continued availability for parking as long as the particular land will be needed for such use, provided that if tenure is other than ownership in fee simple, the form of tenure shall be approved by the planning director before the request is considered by the board of appeals. Evidence of fee simple ownership or approved tenure shall be required, and such lots shall be located within nonresidential districts.
- (3) Required off-street parking in all districts other than residential may be substituted by parking facilities which, in the public's interest, may be provided by the municipality. Such substitution shall be shown to be representative of the off-street parking turnover or requirements of the particular use in question and shall take into consideration the needs of other uses with similar demands upon such public space. No such public off-street parking spaces shall be considered as a substitute unless located within 500 feet of the principal building or use measured along lines of public access.
- (4) No additional parking spaces shall be required for any structure that has been designated as significant for historic preservation under article XV, section 3 of this Code that is proposed for reuse. Any expansion to the building will need to provide the required additional parking. All modifications to the building must be done in accordance with the criteria established under article XV, section 5 of this Code.

(f) *Design of off-street parking facilities.*

(1) Parking space dimensions.

- a. Except as provided below, each parking space shall contain a rectangular area at least 18 feet long and nine feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.
- b. Up to 40 percent of required parking spaces need contain a rectangular area of only eight feet in width by 15 feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
- c. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than 22 feet by nine feet.

(2) *Parking aisle and driveway dimensions.*

- a. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

Aisle Width	Parking Angle (in degrees)				
	0	30	45	60	90
One-Way Traffic	12	10	12	16	22
Two-Way Traffic	18	19	20	22	22

- b. Driveways providing access to parking aisles shall be not less than ten feet in width for one-way traffic and 18 feet in width for two-way traffic, except that ten-foot-wide driveways are permissible for two-way traffic when; (i) the driveway is not longer than 50 feet; (ii) it provides access to not more than six spaces; and (iii) sufficient turning space is provided so that vehicles need not back into a public street.

(3) *Design requirements.*

- a. Unless no other practicable alternative is available, parking areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one- or two-family dwellings, although backing onto arterial streets is discouraged.
- b. Parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- c. Every parking area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation or other obstruction.
- d. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
- e. The standards of the City of Lewiston's Site Plan Review and Design Guidelines shall apply to design and layout of parking areas.
- f. Parking space and aisle and driveway dimensions for nonresidential projects that are classified as minor developments under this Code may be modified in connection with development review pursuant to article XIII hereof if no practicable alternative is available and all other provisions of this subsection are met.

(g) *Construction of off-street parking facilities.*

- (1) Parking areas that; (a) include lanes for drive-in windows; or (b) are required to have more than six parking spaces and that are used regularly at least five days per week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion and dust. The base of parking areas and driveways shall consist of a minimum of 12 inches of gravel. If bituminous surfacing is used, it shall consist of one and one-half inches of B mix and one inch of C mix laid in two courses or equivalent as approved by the city engineer.
- (2) Parking areas that are not provided with the type of surface specified in subsection (g)(1) shall be graded and surfaced with crushed stone, gravel, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a parking area abuts a paved street, the driveway leading from such street to such area shall be paved as provided in subsection (1) for a distance of 15 feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family dwellings or other uses that are required to have only one or two parking spaces.
- (3) Parking spaces in areas surfaced in accordance with subsection (g)(1) shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection (g)(2) shall be demarcated whenever practicable.
- (4) Parking areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.
- (5) When it has been determined under article XII, section 17(d) that a specific use requires less parking spaces than otherwise required, the additional parking spaces based on the listed use may be just shown as reserved on the plans. In addition, a developer may implement transportation demand management programs to reduce the need for off-street parking. The programs could involve strategies to involve more interurban transit use, car and van pooling, employee pick-up plans, flexible workhour schedules, subscription bus service and other similar incentives. These programs must be approved by the reviewing body prior to implementation and may not reduce the number of required spaces by more than 25 percent.
For projects classified as major under this Code utilizing the transportation demand management program provisions, or projects classified as minor under this Code that are proposing expansion, the reduced number of spaces must also be shown as reserved on the plans. Reserved parking spaces for all projects shall not be used for any purpose other than open space, and the reserved area may not be used to meet the minimum open space ratio. If the use changes with respect to the need for the additional spaces, or if the transportation demand management program is not successfully implemented, the additional number of spaces shall be constructed in accordance with the applicable design standards within 60 days of the change of use or determination that the transportation demand management program has not been successfully implemented. For projects classified as minor under this Code utilizing the transportation demand management program, but not proposing any expansion, the occupancy permit shall be contingent on the satisfactory implementation of

program. The required additional spaces shall be provided within 60 days of a determination that the program has not been successfully implemented. Otherwise, the use must cease or be converted to one that meets the required parking standards.

(h) *Joint use of parking facilities.*

- (1) One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.
- (2) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90 percent vacant on weekends, another development that operates only on weekends could be credited with 90 percent of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50 percent of capacity on days other than Sunday, another development could make use of 50 percent of the church lot's spaces on those other days.

(i) *Other use of parking facilities.* Parking areas shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind. The required parking areas shall be permanently available for use by patrons and employees of establishments providing such space.

(j) *Off-street loading.*

- (1) Subject to subsection (5), whenever the normal operation of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.
- (2) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the planning board may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

<i>Gross Leasable Area of Building</i>	<i>Number of spaces*</i>
5,000--79,999	1
80,000--127,999	2
128,000--191,999	3
192,000--255,999	4
256,000--319,999	5
320,000--391,999	6

Plus one space for each additional 72,000 square feet or fraction thereof.

*Minimum distance of 12 feet times 55 feet and overhead clearance of 14 feet from street grade required.

- (3) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can; (a) maneuver safely and conveniently to and from a public right-of-way; and (b) complete the loading and unloading operations without obstruction or interfering with any public right-of-way or any parking space or parking lot aisle.
- (4) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- (5) Whenever; (a) there exists a lot with one or more structures on it constructed before the effective date of this Code; and (b) a change in use that does not involve any enlargement of a structure is proposed for such lot; and (c) the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible, except as provided for in the district regulations of the urban enterprise district.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: March 27, 2017
RE: March 27, 2017 Planning Board Agenda Item V(c*)

Recommendation regarding the disposition of city property for stream preservation per the Maine Department of Environmental Protection's approval for construction of a new elementary school and new high school athletic fields at 145 Birch Street/156 East Ave/400 Bartlett Street. (*This item was added to the March 27, 2017 agenda.)

Pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code, the board shall review and make a recommendation to the city council with regard to the acquisition and disposition of all public ways, lands, buildings and other municipal facilities.

The Maine Department of Environmental Protection's (DEP) approval for construction of a new elementary school and new high school athletic fields at 145 Birch Street/156 East Ave/400 Bartlett Street required a number of mitigation measures due to impacts to streams and wetlands. As part of DEP's review, the Maine Department of Inland Fisheries and Wildlife (MDIFW) expressed concern that the proposed project would degrade the existing functions of a stream on the site. As a result, MDIFW recommended that the School maintain a 50-foot setback from the stream for the proposed walking trail that extends from Birch Street to the proposed elementary school and that the applicant seek further mitigation to off-set the loss of functions and value of the stream. The Department's Division of Environmental Assessment (DEA) reviewed the proposed project and recommended that the applicant preserve the remaining segments of streams and associated riparian buffer in perpetuity.

Therefore, to compensate for the loss of stream function and value associated with impacts from the proposed project, DEP's approval is requiring as part of a mitigation plan that the applicant/school preserve all remaining, un-impacted segments of the on-site stream and its riparian buffer. The preservation area will consist of three stream segments totaling 3,500 linear feet and 100 feet of riparian buffer on each side of the stream. DEP's approval included review of the attached draft Declaration of Restrictions to protect the stream and riparian buffer in perpetuity with the condition that within 60 days of issuance the permit (permit dated February 27, 2017) the deed restriction must be recorded with a copy submitted to DEP.

The City has been advised that due to the perpetuity of buffer tied to a DEP permit, the Planning Board and City Council must take action to dispose of the restricted portion of this property. Therefore, the Board is being asked to make a favorable recommendation for the disposition of city property for stream preservation per the DEP's permit approval for construction of a new elementary school and new high school athletic fields

ACTIONS NECESSARY:

Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of city property for stream preservation per the Maine Department of Environmental Protection's February 27, 2017 permit approval for construction of a new elementary school and new high school athletic fields at 145 Birch Street/156 East Ave/400 Bartlett Street.

DECLARATION OF RESTRICTIONS
(Forested Stream Buffer, Limited Disturbance)

THIS DECLARATION OF RESTRICTIONS is made April __, 2017, by the **CITY OF LEWISTON**, Androscoggin County, Maine 04240 (“Declarant” or “City”).

BACKGROUND

Declarant holds title to certain real property known as 156 East Avenue, Lewiston, Maine (“Property”) described in deeds recorded in Book 342, Page 198, Book 972, Page 399, Book 1029, Page 608, Book 1176, Page 183 and Book 2643, Page 211 of the Androscoggin County Registry of Deeds, as modified by subsequent conveyances recorded in Book 1046, Page 774, Book 1046, Page 775, Book 1176, Page 182 and Book 1222, Page 301. Under a permit received from the Maine Department of Environmental Protection (“MDEP”) under the Natural Resource Protection Act, Declarant has agreed to place certain restrictions on a portion of the Property (the “Restricted Buffer”) described as follows:

The Restricted Buffer shall be an area **200** feet wide, centered on the following stream channels within the Property, being a **100** foot buffer strip on either side, following the course of the stream channel centerline, except as shown otherwise on the New Elementary School, Lewiston Maine, Deed Restriction Plan, DR-1, by Harriman, dated January 27, 2017:

- a. Stream Channel #1: beginning at the headwater of the stream, at the outlet of the existing City storm drain culverts, approximately **120** feet northerly from the center of Bartlett Street at a point approximately **570** feet from the center of East Avenue; thence proceeding along the stream channel in a generally northwest meandering direction approximately **1,700** feet to the City storm drain culverts at Bartlett Street, at the easterly line of property now or formerly owned by Kenneth L. Hudson.
- b. Stream Channel #2: beginning at the headwater of the stream, at the outlet of the existing City storm drain culvert, approximately **140** feet northwesterly from the center of East Avenue at a point approximately **310** feet from the center of Webster Street; thence proceeding along the stream channel in a generally west meandering direction approximately **1,300** feet to the storm drain culvert beneath the Lewiston High School athletic fields.
- c. Stream Channel #3: beginning at the headwater of the stream, at the outlet of the existing storm drain culvert beneath the Lewiston High School athletic fields, being the downstream continuation of Stream Channel #2; thence proceeding along the stream channel in a generally south meandering direction approximately **500** feet to its confluence with Stream Channel #1.

As provided in the Natural Resource Protection Act, 38 M.R.S. §§ 480A-480Z, Declarant has agreed to impose the following restrictions (“Restrictions”) on the Restricted Buffer, and has agreed that these restrictions may be enforced by the MDEP or its successor.

Declarant declares that the Restricted Buffer is and shall forever be held, transferred, sold, conveyed, occupied and maintained subject to the conditions and restrictions set forth in this Declaration. The Restrictions shall run with the Restricted Buffer and shall be binding on all parties having any right, title or interest in and to all or any portion of the Restricted Buffer, and their heirs, personal representatives, successors, and assigns. Any present or future owner or occupant of all or any portion of the Restricted Buffer, by the acceptance of a deed, shall be deemed to have accepted the Restricted Buffer subject to the Restrictions and shall agree to be bound by, to comply with and to be subject to each and every one of the Restrictions.

1. Restrictions on Restricted Buffer. Unless the owner of the Restricted Buffer obtains the prior written approval of the MDEP, the Restricted Buffer must remain undeveloped in perpetuity, except for maintenance activities and in connection with construction described below. To maintain the ability of the Restricted Buffer to maintain compliance with the Natural Resource Protection Act and the permit issued thereunder to the Declarant, the use of the Restricted Buffer is hereinafter limited as follows.

a. No soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material will be placed, stored or dumped on the Restricted Buffer, nor shall the topography of the area be altered or manipulated in any way;

b. No trees may be cut or sprayed with biocides except for the normal maintenance of dead, windblown or damaged trees and for pruning of tree branches below a height of **12** feet, provided two thirds of the tree's canopy is maintained;

c. No undergrowth, ground cover vegetation, leaf litter, organic duff layer or mineral soil may be disturbed;

d. No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer;

e. No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment may be permitted on the Restricted Buffer;

f. Notwithstanding any other provision of this Declaration, Declarant retains the right to perform maintenance and construction activities within the Restricted Buffer, including cleaning, repair or replacement of the existing buried utility pipelines and structures, installing additions to the buried utility pipelines and structures including a planned in-line storage facility to address combined sewer overflow needs, clearing soil and vegetation as needed for the utility maintenance, resurfacing and reconstructing the gravel and paved walking trail and school walks, and use of motorized vehicles and mechanical equipment within the gravel and paved walking trail and other areas needed for permitted maintenance activities.

Any activity on or use of the Restricted Buffer inconsistent with the purpose of these Restrictions is prohibited. Any future alterations or changes in use of the Restricted Buffer must receive prior approval in writing from the MDEP.

2. Enforcement. The MDEP may enforce any of the Restrictions set forth in Section 1 above.
3. Binding Effect. The Restrictions shall be binding on any present or future owner of the Restricted Buffer. If the Restricted Buffer is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions to the extent that any of the Restricted Buffer is included within such owner's property.
4. Amendment. Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Restricted Buffer and by the MDEP.
5. Effective Provisions of Declaration. Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a land use restriction running with the land as a burden and upon the title to the Restricted Buffer.
6. Severability. Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.
7. Governing Law. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

DATED: April __, 2017

Edward A. Barrett,
City Administrator, City of Lewiston

STATE OF MAINE
ANDROSCOGGIN COUNTY

_____, 2017

Personally appeared before me the above-named Edward A. Barrett, City Administrator of the City of Lewiston, and acknowledged the foregoing instrument to be his free act and deed in his capacity.

Attorney At Law/Notary Public

Typed/Printed Name