OK

MAY 5, 1947

PROPOSED
ZONING ORDINANCE
OF
LEWISTON, MAINE

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AN ORDINANCE, regulating and restricting the location, construction and use of buildings and the use of premises in the City of Lewiston and for said purposes dividing the City into Zones.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Lewiston in Board of Mayor and Aldermen assembled:

ESTABLISHMENT OF ZONES

Section 1. a. In order to restrict the location of buildings and premises to be used for particular industries, trades, manufacturing, commercial and other purposes, to restrict the location of certain kinds of dwelling houses and tenement houses and to regulate the construction and use of buildings and the use of premises for the above purposes, the City of Lewiston is hereby divided in the following classes of zones:

UNRESTRICTED ZONES,

INDUSTRIAL ZONES,

COMMERCIAL ZONES,

APARTMENT HOUSE ZONES,

RESIDENTIAL ZONES,

which are hereby established as shown upon the Zoning Maps, dated the 28th day of April, 1947, and filed in the Office of the City Clerk of the City of Lewiston.

b. In interpreting and applying the provisions of this ordinance they shall be held to be minimum requirements for the promotion of health, safety, convenience and welfare of the inhabitants, for reducing the danger from fire and for improving the City of Lewiston.

c. No building shall be erected, altered or used and no premises shall be used except as permitted in the zone in which they are located; nor shall any existing building or premises, except as otherwise provided in this ordinance, be put to a use substantially different from the use of such building or premises at the time of the adoption of this ordinance except in a zone wherein such new use is permitted.

d. No lot shall be so reduced that the yards, courts or other open space shall be smaller than prescribed by this ordinance. No yard, court, or other open space shall at any time be counted as required open space for more than one building.

e. Unless otherwise specifically provided, words and terms used herein are defined for the purposes of this ordinance as follows:

PREMISES - "Premises" includes vacant or unimproved land as well as improved land and the buildings erected thereon within the confines of a specified zone.

FAMILY - A "Family" is any number of persons living together as a single housekeeping unit.

RESIDENCE - "Single residence" is a one-family dwelling designed for and occupied exclusively by one family.

"Duplex residence" is a two-family dwelling designed for and occupied exclusively by two families living independently of each other and separated by a common wall, or a four-family dwelling not over two stories in height and occupied by four families living independently of each other, two families to a story and separated by a common wall.

"Double residence" is a two family dwelling designed for and occupied exclusively by two families living independent of each other.

APARTMENT HOUSE - OR TENEMENT HOUSE, - A building or portion thereof used or designed as the home or residence for three or more families or households living independently of other, and doing their own cooking upon the premises and having a common right in the halls, stairways, cellars, water closet or privies or some of them.

ACCESSORY USE. - An "accessory use" is any use customarily incident to and located on the same lot with the main use.

BOARD OF APPEALS. - The "Board of Appeals" i.e. the Board of the City of Lewiston shall constitute the Board of Appeals within the meaning of this ordinance.

BUILDINGS. - "Buildings" shall include all construction of every kind attached thereto, such as porches, piazzas, bay windows, etc. except as otherwise provided herein.

GARAGE - Any building or portion of a building used for the storage of, or the business of repairing of, one or more self-propelled motor vehicles other than motorcycles.

GRADE - The mean elevation of the top of the curb on the principal front of a building, based upon the established grade of the curb. If the finished ground surface slopes away from the principal front of any building, or if a building is in the rear of a lot or faces upon a street where the grade of the curb has never been established, the grade shall be the lowest mean elevation of the finished ground surface adjoining the building

on any one side and or of the building.

HEIGHT OF A BUILDING - The vertical measurement from the grade, as specifically defined herein, to the highest point of the roof beams in flat roofs; to the highest point of the roof beams or the highest point of the deck of mansard roofs; to a level midway between the level of the eaves and the highest point of pitched or hipped roofs; or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. The level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

SIGN OR BILLBOARD - Any structure erected independently or attached to any other structure for the purpose of having place thereon anything in the nature of an advertisement, announcement or direction. Attached signs and billboards shall include such as are permanently attached to any building or other structure. Detached signs and billboards shall include all such as are specially constructed as such, without attachment to any other structure.

YARDS - (a) FRONT YARD - An unoccupied space extending the full width of the lot in front of a building.

(b) REAR YARD - An unoccupied space extending for the full width of the lot between the extreme rear line of a building and the rear lot line.

(c) SIDE YARD - An unoccupied space extending for the full length of a building between the building and the side lot line.

f. The measurement of yards shall ordinarily be taken at the grade, but, unless otherwise specifically provided, in case the entire first story of any dwelling house or tenement house is used for purposes other than living quarters, the measurement of yards may be taken at the second floor level. Every part of a required yard shall be open for its full required width from its lowest point to the sky unobstructed, except for projections into any yard of window sills, belt courses, and other ornamental features not more than four inches, and of cornices not more than eighteen inches; except for the projection into any rear yard of not more than one cellar entrance not exceeding five feet in width or length or three feet in height above the first story floor, of open or lattice-enclosed fire escapes, fireproof outside stairways or solid floored balconies upon fire towers not more than four feet; and except for the projection into the rear yard of an existing building of chimneys or flues not exceeding five square feet in horizontal area and not so located as to obstruct ventilation.

UNRESTRICTED ZONES

Section 2. IN AN UNRESTRICTED ZONE:

a. USE. Buildings or premises may be used for any purposes not prohibited by law, ordinance or regulation.

b. HEIGHT. No building shall exceed one hundred feet in height. No dwelling house, tenement house or hotel shall exceed fifty feet or four stories in height.

INDUSTRIAL ZONES

Section 3. IN AN INDUSTRIAL ZONE:

a. USE. No building shall be erected, altered or used, and no premises shall be used for any of the following specified trades, industries or uses:

1. Ammonia, bleaching powder or chlorine manufacture or refining;

2. Asphalt manufacture or refining;

3. Blast furnace;

4. Cement, gypsum, lime or plaster of Paris manufacture;

5. Coke manufacture;

6. Creosote manufacture;

7. Dextrin, glucose or starch manufacture;

8. Distillation of bones, coal or wood or manufacture of any of their by-products;

9. Dye manufacture;

10; Explosives or fire works manufacture, or storage in excess of five hundred pounds;

11. Fat, grease, lard or tallow manufacture, refining or rendering;

12. Fertilizer manufacture;

13. Gas (fuel or illuminating) manufacture in excess of one thousand cubic feet per day or storage in excess of ten thousand cubic feet;

14. Gelatin, glue or size manufacture;

15. Hair manufacture;

16; Hot rolling mill;

17. Hydrochloric, nitric, picric, sulphuric or sulphurous acid manufacture;

18. Incineration, cremation or reduction of dead animals, garbage, offal or refuse unless accumulated and consumed on the same premises without the emission of odor;

19. Lamp black manufacture;

20. Linoleum or oilcloth manufacture.

21. Match manufacture;

22. Metal or ore reduction or smelting;

23. The production or refining of petroleum or other inflammable liquids.

24. Pyroxylin manufacture, manufacture of articles thereof, or storage in excess of five hundred pounds unless in a vault approved by the Inspector of Buildings;

25. Rubber manufacture or treatment involving offensive odor;

26. Slaughtering except as permitted by the Board of Health;

27. Stockyards;

28. Tanning, curing or storage of raw hides or skins;

29. Tar distillation or manufacture;

30. Turpentine or varnish manufacture;
31. Bulk storage of gasoline exceeding 10,000 gallons.
32. Any other trade, industry or use that is injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise or other cause, but not including places of amusement; provided however that a building or use otherwise excluded but distinctly incidental and essential to a use of a building or plant with a series of buildings permitted in an Industrial Zone may be erected, altered and used if not more than ten per cent of the total floor area of the building or plant is to be so occupied, if not more than ten per cent of all the employees are to be engaged therein, if it is not located within fifty feet of any street line or lot line unless

such line faces or adjoins property in an unrestricted zone, and if it is not injurious or detrimental to the neighborhood. And provided further, that any building used for one of the above excluded uses at the time this ordinance goes into effect may be enlarged to an extent not exceeding fifty per cent of its volume for the same use or one not more objectionable or detrimental to the neighborhood.

b. HEIGHT. Buildings shall conform to the Height regulations in Unrestricted Zones.

COMMERCIAL ZONE

Section 4. IN A COMMERCIAL ZONE:

a. USE. No building shall be erected, altered or used, and no premises shall be used for any use prohibited in an Industrial Zone, or for any use injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise or other cause, but not including places of amusement.

b. HEIGHT. No building shall exceed one hundred and fifty-five feet in height, provided that a part of a building not exceeding in area one-quarter that of the building at a height of one hundred and twenty-five feet may exceed such limit by three feet for every foot that the maximum height of the remainder of the building is less than one hundred and fifty-five feet, and provided further that no part of a building shall exceed in height twice the horizontal distance from the face of such part to the line of the street on the opposite side. Within one hundred feet of the intersection of two streets the height on the narrower street need not be less than that hereby permitted on the wider street. Where not more than one hundred feet of a street frontage would otherwise be subjected to a height limit lower than that permitted immediately beyond both ends of such frontage the height limit on such frontage shall be equal to the lesser of such greater limits.

APARTMENT HOUSE ZONES

Section 5. IN AN APARTMENT HOUSE ZONE.

a. USE. No building shall be erected, altered or used, and no premises shall be used for any use other than one or more of the following uses, and any use injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise is prohibited:

1. Tenement or apartment house, lodging house or any use permitted in the Residence Zone.
2. Hotel, provided it conforms to all the requirements of this ordinance and of the building code for a tenement house;
3. Club, except clubs the chief activity of which is a service customarily carried on as a business;
4. Church;
5. Educational use;
6. Hospital or sanitarium;
7. Municipal recreational use;
8. Telephone exchange office;
9. Accessory use customarily incident to any of the above uses.

The term " ccessory use" in this and the next three sections shall not include

a. Any use injurious or offensive to the neighborhood;

b. Any use not on the same lot with the building to which it is accessory;

c. Garage space for more than three automobiles or for more than one commercial automobile, provided that on a lot with a building for four families only one additional non-commercial automobile may be provided for.

d. Any use (except one in the same building to which the use is accessory) located closer to a street line than any existing dwelling house on an adjoining lot; or located closer than ten feet or the average of front yards of other buildings within the block, whichever is less, to any lot line if the proposed use is less than fifty feet from the nearest street line; or located closer to the nearest street line than fifteen feet in an Apartment House Zone, twenty-five feet in a Residence Zone, the distance to be determined by the more restricted zone in which the proposed use or the nearest adjoining lot is located.

e. Signs except those pertaining to the lease, sale or use of a lot or building on which placed, and not exceeding a total area of eight square feet; on a lot occupied by a dwelling house or tenement house there shall not be more than one sign bearing the name or occupation of an occupant for each family housed and no such sign shall exceed two square feet in area.

b. REAR YARD - There shall be behind every building a rear yard having a minimum depth of twelve feet or twenty per cent

of the depth of the lot, whichever is the less.

c. SIDE YARDS. - Where side yards are provided they shall have a minimum width of five feet.

d. FRONT YARDS - There shall be in front of every building a front yard having a minimum depth of five feet, provided that no front yard need be deeper than the average of the depths of front yards on the lots next thereto on either side, a vacant lot or a lot occupied by a building with a front yard more than five feet deep being considered as having a front yard five feet deep.

e. CORNER CLEARANCE - Between the lines of intersecting streets and a line joining points on such lines ten feet distant from their point of intersection or, in the case of a rounded corner, the point of intersection of their tangents, no building may be erected above a height three and one-half feet above the plane through their curb grades.

f. HEIGHT - No building shall exceed sixty-five feet or five stories in height unless it sets back from each street and lot line ten feet in addition to the above requirements plus one foot for each foot of excess height. No building shall exceed seventy feet or five stories in height.

g. BUILDING AREA - No building shall occupy more than seventy per cent of its lot, provided that on a corner lot an additional four hundred square feet may be occupied.

h. AREA OF LOT PER FAMILY - Apartment house Zones - No dwelling shall be erected or altered to accommodate or make provision for more than one family for each five hundred square feet of the area of the lot.

RESIDENCE ZONES

Section 6. IN A RESIDENCE ZONE.

A. USE. No building shall be erected, altered or used, and no premises shall be used for any use other than one or more of the following uses, and any use injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise is prohibited.

1. Single-family, two family dwelling, Duplex houses, or apartment houses created by subdivision of existing buildings without substantial additions or enlargements, or adding stories, wherein the contour of such building will not be changed;
2. Church or cemetery;
3. Club, except clubs the chief activity of which is a service customarily carried on as a business and clubs with more than five sleeping rooms;
4. Educational use;
5. Garden, nursery or greenhouse;
6. Hospital, sanitarium, institution, physician's office;
7. Municipal recreational use;
8. Aviation;
9. Accessory use customarily incident to any of the above uses.

b. SIDE YARDS - There shall be on each side of each building or pair of semi-detached buildings a side yard having a minimum width of five feet, provided that on no lot held under separate and distinct ownership from adjacent lots and of record at the time it is placed in a Residence Zone shall the buildable

width be reduced by this requirement to less than twenty-four feet.

c. FRONT YARDS - There shall be in front of every building a front yard having a minimum depth of fifteen feet, provided that no front yard need be deeper than the average of the depths of front yards on the lots next thereto on either side, a vacant lot or a lot occupied by a building with a front yard more than fifteen feet deep being considered as having a front yard fifteen feet deep; and provided further that on a lot held under separate and distinct ownership from adjacent lots and of record at the time this ordinance becomes effective, and less than one hundred feet deep at the time it is placed in a Residence Zone no front yard need be deeper than fifteen per cent of the depth of the lot.

d. CORNER CLEARANCE - Between the lines of intersecting streets and a line joining points on such lines fifteen feet distant from their point of intersection, or, in the case of a rounded corner, the point of intersection of their tangents, no building may be erected above a height three and one-half feet above the plane through their curb grades.

e. HEIGHT - No building shall exceed thirty-five feet or two and one-half stories in height.

f. BUILDING AREA - No dwelling house shall occupy more than forty per cent of its lots and no building other than a dwelling house shall occupy more than sixty per cent of its lot, provided that on a corner lot an additional area of four hundred square feet may be occupied.

g. AREA OF LOT PER FAMILY - No dwelling house shall be

erected or altered to accommodate or make provision for more than one family for each one thousand square feet of the area of the lot, provided that a single family dwelling house may be erected on any lot of record at the time this ordinance is adopted.

BULK REGULATIONS AND EXCEPTIONS

Section 7. The foregoing requirements shall be subject to the following exceptions and regulations:

a. No part of a required yard or court shall be higher in level above the floor of the first story than one foot for each two feet of distance from the building, except as provided herein, for buildings of accessory use or garages in any zone and for a building other than a dwelling house or tenement house and not in a Residence Apartment House or Commercial Zone, no yard, except the yard on the street frontage, is required by this Ordinance for the first story.

b. Where a lot containing ten thousand square feet or less is completely surrounded by streets or alleys, the building area may be increased twenty per cent.

c. The limitation of building area herein prescribed shall apply in a Residence or Apartment House Zone at the curb grade; for a dwelling house in any other zone at a level not more than two feet above the first story floor; for other buildings not more than two feet above the second story floor; and not more than twenty feet above the mean curb grade in any case.

d. A front yard shall extend unoccupied for the full width of the lot between the extreme front line of the building and the front lot line, except that it may be occupied by a one-story entrance porch not enclosed, if the floor area does not exceed one hundred square feet.

e. On a lot occupied by a dwelling house or a tenement house a one-story building of accessory use thereto and not more than twelve feet high may be located in and occupy not more than forty per cent of the rear yard of such dwelling or tenement house. Garages of accessory use to dwelling houses or tenement houses and attached to the same, or portions of dwelling houses or tenement houses for such garage use only, and in either case not more than twelve feet in height, shall be considered as encroachments upon rear and side yards, and shall be permitted in required rear yards not to exceed forty per cent of the area of the required rear yard, and shall be permitted in the rear twenty per cent of length of the required side yard. The area occupied by such building of accessory use or garage shall be included as occupied area in computing the percentage of lot occupancy.

f. Chimneys, elevators, tanks, spires and towers not used for human occupation may extend above the height limit fixed herein fixed, and parapet walls may so extend not more than five feet.

g. Where any Business Zone abuts upon a Residential or Apartment House Zone in such a manner that the dividing line between the zones is 100 feet or less from the main business street of such business zone, no building of non-conforming use in such Residential or Apartment House Zone shall be built and no such existing building shall be altered so as to have its front or any entrance door of any part thereof used for a non-conforming use in such Residential or Apartment House Zone,

facing upon any other street than said main business street.

h. Any open porch existing with a roof over the same at the time of adoption of this ordinance and encroaching upon any yard required by this ordinance, may be enclosed if the major portion of the enclosure is of glass.

i. On a corner lot in any zone, a dwelling house may face either street; and the front yard shall be required upon the street on which the house is to be numbered. In case a dwelling house has its front yard upon the long side of the lot, the rear yard may be reduced to a minimum depth of five feet, provided the aggregate of the widths of both side yards and depths of front and rear yards is not less than the similar aggregate of required dimensions of all yards required if the front yard were faced on the short side of the lot.

j. No building in any zone shall be erected, altered, or used as a garage for the storage of more than three motor vehicles or for the business of repairing motor vehicles, if any part of either old or new building when completed would be closer than seventy-five feet to any part of any boundary line of any church, public or private hospital or schoolhouse; or if any part of either old or new building when completed would be less than fifteen feet from the boundary line of any lot upon which any part of any church, public or private hospital or schoolhouse is located. No existing garage used for the storage of more than three motor vehicles or for the business of repairing motor vehicles shall be deemed to become a non-conforming use through the subsequent erection of such a church, hospital or schoolhouse

closer than the aforesaid distance to such a garage.

k. No premises in any commercial Zone, shall be used for advertising display consisting of signs or billboards located upon or above any roof less than ten feet in height above the grade of the sidewalk nearest the front of the building upon or above which the sign or billboard is proposed, unless such sign or billboard does not exceed thirty-six square feet in area; six feet in least dimension, ten feet in height above the roof upon or above which it is proposed, and is not located with any part closer than ten feet, measured horizontally, to any window in the same or any other building. No premises in any zone shall be used for advertising display consisting of signs or billboards detached from buildings or located upon or above any roof and exceeding thirty-six square feet in area of face, six feet in least dimension, or ten feet in height above the ground or roof upon or above which the sign or billboard is proposed, if any part of such sign or billboard is to be located closer than 100 feet to any part of any Apartment House Zone, or Residence Zone; and no such sign or billboard to be located upon or above any roof, or to be located on the ground closer than ten feet, measured horizontally, to any window, shall be permitted unless the permit has been approved by the Chief of the Fire Department.

l. No premises shall be used for business purposes consisting of temporary stands, booths, platforms or vehicles intended for the sale of merchandise or for other mercantile purposes, if any part of such stand, booth, platform or vehicle

is proposed to be located nearer than 125 feet to any Residence Zone, or Apartment House Zone.

m. No part of an exterior wall of any building in a Commercial Zone, Apartment House, or Residence Zone shall be located closer to the line of any street than the exterior wall closest to the same street line of any building used for habitation on an adjoining lot or closer to the line of any street than 15 feet, if the next adjoining lot on such street is vacant and located in a Residence Zone, or closer to the line of any street than 20 feet, if the next adjoining lot on such street is vacant and located in a Residence Zone; provided that these requirements as to setback from street lines shall not apply to a proposed new building or an addition to an existing building used exclusively for habitation of the existing dwelling on the adjoining lot is more than 100 feet from the proposed location of the new building or addition, and that nothing in this paragraph, in case a building exclusively for habitation is to be built on a lot between two existing buildings used exclusively for habitation, shall prevent setting the proposed building back from the street line only the mean of the setbacks of the buildings existing on either side.

BOUNDARIES OF ZONES

Section 5.

a. Unless otherwise shown, the zone boundary lines [illegible] the center lines of streets, alleys or railroad rights-of-[illegible] or such lines extended. Unless otherwise shown, lines within blocks less than two hundred feet wide are median lines between their sides, and lines within blocks two hundred feet or more wide are one hundred feet distant from the less restricted side of the block.

b. Where a zone boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty feet into the more restricted portion, provided the lot has frontage on a street in the less restricted zone.

NON - CONFORMING USES

Section 9.

a. Any lawful building or use of a building or premises or any part thereof existing at the time of the adoption of this ordinance or any amendment thereto may be continued, although such building or use does not conform to the above provisions hereof, but if such non-conforming use is discontinued for a period of one year, any future use of said buildings and premises shall be in conformity with the provisions of this ordinance. Such use may be changed or if in a part of a building or premises designed or intended for such use may be extended throughout such buildings or premises, provided the Planning Board shall rule that such change or extended use is not substantially more detrimental or injurious to the neighborhood.

b. A building of non-conforming use may be enlarged or altered or additional buildings may be erected on the same or an adjacent parcel of land in the same single or joint ownership of record at the time it is placed in a zone for an extension of such use, provided the Planning Board shall rule that such addition or alteration is not substantially more detrimental or injurious to the neighborhood.

c. A permit for a quarry or gravel or sand pit or for a non-conforming temporary building or use incidental in the development of a neighborhood may be issued for an initial period of not more than two years, provided the application therefor is accompanied by a bond and bill of sale to the city in case the building is not removed and the use discontinued prior to the expiration of the permit, and provided the Planning Board shall rule that such building or use is not seriously detrimental or injurious

to the neighborhood. Permits may be renewed under like conditions for successive periods of not more than one year each.

d. A building may be erected or altered and premises used in any zone for any of the following purposes provided the Planning Board shall rule that such use is not detrimental or injurious to the neighborhood:

1. Aviation;
2. Cemetery;
3. Greenhouse, garden or nursery;
4. Hospital, sanitarium, institution or philanthropic use;
5. Municipal use;
6. Public utility building or use necessary for the public welfare;
7. School building or use incidental thereto;

e. A garage, mercantile establishment, filling station, trucking terminal or stable otherwise excluded, may be erected, altered and used, provided the Planning Board shall rule that such buildings are not detrimental or injurious to the neighborhood, and provided further, that there are on file with the Planning Board the written consents of all the abutting property owners and seventy-five per cent of all the frontage of the following property, exclusive of the lot for which the permit is sought and exclusive of all lots used for such a garage, mercantile establishment, filling station, trucking terminal or stable and lots in unrestricted and commercial zones.

1. All lots within three hundred feet of such lot;
2. All additional lots abutting on any street or alley to which such garage, filling station, trucking terminal, or stable is to have vehicular access, or on a street or alley in substantially direct continuation thereto,

and within five hundred feet of the site of the proposed building. Where a portion of a lot is within the above limits a length of frontage equal to the width of such portion only shall be included. On a corner lot with both sides within the above limits the longer side only shall be included. In the case of a garage in a residence or apartment house zone repairs other than minor repairs of automobiles stored therein shall not be done, and, except on a farm, not more than one commercial automobile shall be stored.

f. Nothing herein shall prevent a physician, surgeon, dentist, musician, artist or a member of a similar profession from having his place of business in his residence or in an adjoining building.

A PLANNING BOARD

Section 10.

1. A Planning Board shall hereby be established pursuant to Section 84 to 88 inclusive of Chapter 80 of the Revised Statutes of 1944 and acts amendatory thereto. The word Board when used in this Section shall be construed to mean the Planning Board. The Board shall consist of five members who shall be residents of the City of Lewiston and shall be appointed by the Mayor of the City of Lewiston at a regular meeting of the Mayor and Board of Aldermen of the City of Lewiston. The term of office of the members of the Board shall be five years, excepting that the five members first appointed shall serve respectively for terms of one year, two years, three years, four years, and five years; and thereafter a member shall be appointed for terms of five years each. A vacancy shall be filled for the unexpired term by the Mayor within thirty days from the date the vacancy occurred. The members may be removed for cause as provided for in Article 16, Section 6 of the Charter of the City of Lewiston. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this section.

2. The Board shall keep minutes of its proceedings, recording the vote of each member upon each question and indicating the absence, or failure to vote, of any member; and the final disposition of appeals shall be recorded by resolution indicating the reasons of the board therefore, all of which shall be a public record.

ENFORCEMENT

Section 11.

a. It shall be the duty of the Inspector of Buildings to enforce the provisions of this ordinance. No permit shall be issued for the construction, alteration, moving or change of use of any building, structure of part thereof, or for the use of any premises unless the plans and intended use indicate that the building, structure or premises is to conform in all respects to the provisions of this ordinance.

b. The Inspector of Buildings shall upon the approval of any application for a building permit furnish to the applicant a permit, retain a copy thereof, and file copies thereof with the Planning Board and the City Clerk.

c. The Building Inspector shall act upon applications for all permits required by this ordinance, either by issuing or refusing to issue such permits, within a reasonable time. Notice of refusal to issue any permit shall be given to the owner or to his authorized representative in writing and shall state the reasons for said refusal.

d. The use of any part of any building or structure for a single family dwelling house, two family dwelling house, lodging house, hotel, tenement house, dormitory, educational use, club, church, farm use, hospital, sanitarium, institution, aviation, office or bank, place of amusement or assembly, retail business or service other than a gasoline filling or motor vehicle service station, wholesale business, manufacturing, storage warehouse, gasoline filling or motor vehicle service station, stable, garage for storage only of more than three motor vehicles, garage for storage only of more than one commercial automobile, garage for repairing motor vehicles, any use prohibited in an Industrial Zone, or

for any other distinctive use shall not be changed to any other use in this list of uses or to any other distinctive use, whether alterations in the building or structure are involved or not, until a permit authorizing such change of use has been first secured from the Inspector of Buildings, unless the proposed use conforms with the requirements of this ordinance for the zone in which the building or structure or part thereof is located. Failure to secure such a permit before such a change is made shall be a violation of this ordinance.

e. It shall be unlawful to use or permit the use of any building or part thereof hereafter erected or altered wholly or partly in its use or structure, or of which the yards, courts or other open spaces of which are in any way reduced, until the Inspector of Buildings shall have certified on the building permit, and on the certificate of occupancy if one is required, specifying the use to which the building, upon being sufficiently completed to comply with the provisions and regulations relating hereto, may be put.

f. Appeal shall lie by any person aggrieved by a decision of the Inspector of Buildings to the Board of Appeals and from said Board of Appeals to the Superior Courts. The Board of Appeals may affirm or reverse the decision of the Inspector of Buildings in accordance with the terms of this ordinance; or may, by four-fifths vote of their entire membership, change such decision in specific cases wherein its enforcement would involve practical difficulty or unnecessary hardship and wherein desirable relief may be granted without substantially derogating from the intent and purpose of this ordinance, but not otherwise. Petition for appeals shall be filed with the City Clerk of the City of Lewiston.

g. Before action is taken by the Board of Appeals upon any appeal from the decision of the Inspector of Buildings, and before action is taken by the Board of Appeals upon any petition for a garage, filling station, trucking terminal or stable otherwise excluded, a public hearing shall be held on each such question. Notices of such public hearings, stating subject, time and place of hearing, shall be mailed by the City Clerk of the City of Lewiston at least ten days before the date of each hearing to The Building Inspector, the Planning Board, and the owners of property within three hundred feet of all the frontage on both sides of the street and all abutting owners of the lot involved in the appeal, and for the purposes of this paragraph, the owners of property shall be considered to be the parties listed by the Board of Assessors as those against whom taxes are assessed. The appellant or petitioner in such a case shall pay a fee of five dollars. Failure of any property owners to receive a notice of public hearing shall not necessitate another hearing and shall not invalidate any action by the Board of Appeals.

h. The right to any variance of the terms of this ordinance secured by vote of the Board of Appeals to change the decision of the Inspector of Buildings in a specific case shall expire if the work or change involving such variance is not commenced within six months of the date on which the change is voted, and if the work or change is not substantially completed within one year of the date on which such change is voted. Provided however the Board may extend the time thereof.

i. Upon any well founded information in writing from any person aggrieved or from the Building Inspector that the provisions of this

ordinance are being violated or upon its own initiative, the Planning Board shall inform the Corporation Counsel, who is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this ordinance, the same to be brought in the name of the city.

j. Any person or persons, firm, or corporation being the owner or tenant of, or having the control or use of any building, structure or premises, or part thereof, who violates any of the provisions of this ordinance, or fails to conform to any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than twenty dollars. Each day such violation or failure to comply is permitted to exist after notification thereof shall constitute a separate offense.

BOARD OF APPEALS

Section 12.

a. A Board of Appeals is hereby established. The word "board" when used in this section shall be construed to mean the Board of Appeals. The Board shall consist of the Planning Board. The Board shall, at their first meeting, and annually thereafter, designate one member of the Board as chairman. The Board shall adopt from time to time special rules and regulations as they may deem necessary to carry into effect the provisions of this section.

b. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, recording the vote of each member for each question and indicating the absence, or failure to vote of any member; and the final disposition of appeals shall be recorded by resolution indicating the reasons of the Board therefor, all of which shall be a public record.

APPLICATION AND VALIDITY

Section 13.

a. This ordinance shall not interfere with, abrogate, annul or repeal any ordinance, rule, regulation or permit previously or hereafte enacted, adopted or issued, pursuant to law, provided however that, unless specifically excepted, where this ordinance imposes greater restrictions its provisions shall control.

b. If any section or part thereof of this ordinance is held invalid by the courts, the remainder of the ordinance shall not be affected thereby.

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AMENDMENT

Section 14. Upon recommendation of the Planning Board, this ordinance may be amended and its regulations, boundaries and zones changed by the Mayor and Board of Alderman by a two-thirds vote of its entire membership at a regular or special meeting of the Council, duly called, provided that the statutory provisions pertaining to public hearings are fully complied with.

CITY OF LEWISTON

IN BOARD OF MAYOR AND ALDERMEN:

Read twice under suspension of the rules and passed to be approved.

YEAS 5 (1,2,4,5,6) NAYS 1 (3)

Lucien Lebel
City Clerk

TO THE CITY COUNCIL:

The Committee on Engrossed Bills to which the foregoing Ordinance has been referred, respectfully report that it has examined the same and find it to be truly and correctly engrossed.

COMMITTEE ON ENGROSSED BILLS
Anthony J. Petropulos
Ernest Malenfant

Dated at Lewiston,

IN BOARD OF MAYOR AND ALDERMEN:

This Ordinance having been twice read and having been passed to be engrossed and having been reported by the Committee on Engrossed Bills as truly and correctly engrossed was passed to be ordained.

YEAS 5 (1,2,4,5,6,) NAYS 1 (3)

Louis P. Gagne, Mayor

Lucien Lebel, City Clerk

APPROVED:
May 1, 1947.

Louis P. Gagne, Mayor

APPROVED: May 16, 1947.