

Chapter 29, Sections 29-9 and 29-10  
adopted June 1, 1978; replaces R2 and  
R3 with R3 and R8, respectively

- (6) Maximum height.
  - (a) Single-family dwellings. Two (2) stories or thirty-five (35) feet.
  - (b) Accessory buildings or structures. One and one-half (1½) stories or twenty-one (21) feet. (Ord. No. 77-15, 7-28-77)
- (7) Maximum building area.
  - (a) Single-family dwellings. Thirty (30) per cent of lot area.
  - (b) Accessory buildings or structures. If located on rear yard, it shall occupy not more than thirty (30) per cent of said rear yard.
- (8) Off-street parking and loading. Off-street parking and loading shall be provided in accordance with the provisions of section 29-33 of this chapter.

### Sec. 29-9. Residential 3 "R3" Zone.

#### (A) STATEMENT OF PURPOSE.

An "R3" Zone reflects an area in which the uses of real estate are residential in character and generally more densely built-up than the "R1" Zone or capable of supporting higher densities. The stipulated uses and space and bulk requirements are designed to reflect and protect this residential character. (Ord. No. 78-5, 6-1-78)

#### (B) PERMITTED USES.

In a "R3" Zone no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used for any purpose or in any manner other than for one (1) or more of the following as a matter of right:

- (1) Same as provided for in [an] "R1" Zone, section 29-8 (B) of this chapter, and in addition:
- (2) Single-family semi-detached dwellings, provided that each such single-family dwelling shall have its own undivided lot;

- (3) Duplex dwellings;
- (4) Two-family detached dwellings including those in which units are on the same level and those in which one (1) unit is above another, provided that each such two-family dwelling shall have its own undivided lot;
- (5) Two-family semi-detached dwellings, provided that each such two-family dwelling shall have its own undivided lot;
- (6) Multiple-family dwellings with up to three (3) dwelling units;
- (7) Multiple-family dwellings created by partitioning or dividing existing buildings are permitted when:
  - (a) No addition of more than ten per cent (10%) of the floor area is made to the building;
  - (b) A minimum net floor area of habitable space of six hundred (600) square feet per dwelling unit shall be provided after alteration and conversion;
  - (c) No living quarters shall be permitted below the first story;
  - (d) Living quarters shall conform to the City of Lewiston Life Safety Code.
- (8) Home occupations. (Ord. No. 78-5, 6-1-78)

#### (C) CONDITIONAL USES.

In a "R3" Zone the following conditional uses are permitted if and as authorized by the board of appeals upon issuance of a conditional use permit to the applicant. (See sections 29-19, 29-21, 29-22, 29-24, 29-25 of this chapter.)

- (1) Same as provided in [an] "R1" Zone, section 29-8 (C) of this chapter and in addition:
- (2) Nonprofit schools both public and private, (other than nursery school or kindergarten) offering general education courses, which shall have a minimum lot area of one-half ( $\frac{1}{2}$ ) acre;

- (3) Licensed day nursery or other agency for the day care of children (including nursery school or kindergarten);
- (4) Extension of an existing cemetery;
- (5) Any other use of a municipal agency not specifically listed herein, except sewage treatment plants and dumps. (Ord. No. 78-5, 6-1-78)

(D) SPECIAL REQUIREMENTS.

(1) Minimum lot area per dwelling unit.

(a) Where public or private community sewer is used, the following minimum lot areas per dwelling unit shall apply:

- 1 Seven thousand five hundred (7,500) square feet for single-family detached dwellings, except that a single-family dwelling may be erected on any lot of record as of July 14, 1964, provided that lot is held under separate and distinct ownership from adjacent lots on that date and has a lot area of at least five thousand (5,000) square feet and has a street frontage of at least forty (40) feet.
- 2 Seven thousand five hundred (7,500) square feet for single-family semi-detached dwellings.
- 3 Three thousand seven hundred and fifty (3,750) square feet for duplex dwellings.
- 4 Three thousand seven hundred and fifty (3,750) square feet for two-family detached dwellings.
- 5 Three thousand seven hundred and fifty (3,750) square feet for two-family semi-detached dwellings.
- 6 Seven thousand five hundred (7,500) square feet for the first dwelling unit plus two thousand five hundred (2,500) square feet for

each additional dwelling unit per multiple-family dwellings.

- (b) Where public or private community sewer is not used, the following minimum lot areas per dwelling unit shall apply:
- (1) Forty thousand (40,000) square feet for single-family detached dwellings;
  - (2) Forty thousand (40,000) square feet for single-family semi-detached dwellings;
  - (3) Twenty thousand (20,000) square feet for duplex dwellings;
  - (4) Twenty thousand (20,000) square feet for two-family detached dwellings;
  - (5) Twenty thousand (20,000) square feet for two-family semi-detached dwellings;
  - (6) Twenty thousand (20,000) square feet for multiple-family dwellings;
- (c) Notwithstanding the requirements of section 29-9 (D)(1)(b) of this chapter, if soil tests indicate suitability for sub-surface sewage disposal and the city department of health in accordance with the provisions of the state plumbing code approves, the board of appeals may reduce the required lot area per dwelling unit to the minimum consistent with the regulations and guidelines of Part II (Private Sewerage Disposal Regulations) of the state plumbing code and all other applicable state laws, provided such minimum is not less than twenty thousand (20,000) square feet per dwelling unit.
- (2) Minimum width of lot.
- (a) Where public or private community sewer is used, seventy-five (75) feet.
  - (b) Where public or private community sewer is not used, one hundred and fifty (150) feet.

- (c) Notwithstanding the requirement of section 29-9 (D) (2) (b) of this chapter, if the board of appeals grants a reduction in lot area to twenty thousand (20,000) square feet pursuant to section 29-9(D) (1)(c) of this chapter, one hundred (100) feet. (Ord. No. 68-5, 6-1-78)
- (3) Minimum rear yards.
- (a) Principal buildings or structures. Twenty (20) feet.
- (b) Accessory building or structures. There shall be at the rear of each accessory building or structure a rear yard having a width of five (5) feet from the lot line and a minimum distance from the principal building or structure of five (5) feet. Exempt from this rear yard requirement are accessory buildings or structures covering a ground area of less than one hundred twenty-five (125) square feet which shall be at least two (2) feet from the lot line; however, if it is separated from the lot line by a fence of at least five (5) feet in height, the accessory building or structure may be erected to the lot line. (Ord. No. 74-27, 11-13-74)
- (4) Minimum side yards.
- (a) Principal buildings or structures. There shall be on each side of each principal building or structure a side yard having a width of ten (10) feet from the lot line, and provided further that in the case of a dwelling house for which a permit has been granted as of July 15, 1964, an appurtenant garage, carport or breezeway may be constructed within ten (10) feet but in no case less than five (5) feet from the side lot line.
- (b) Accessory buildings or structures. There shall be on each side of each accessory building or structure a side yard having a width of five (5) feet from the lot line and a minimum distance from a principal building or structure of five (5) feet. Exempt from this side yard requirement are

accessory buildings or structures covering a ground area of less than one hundred twenty-five (125) feet which shall be at least two (2) feet from the lot line; however; if it is separated from the lot line by a fence of at least five (5) feet in height, the accessory building or structure may be erected to the lot line. (Ord. No. 74-7, 4-11-74)

(5) Minimum front yards.

- (a) Principal buildings or structures. There shall be in the front of each principal building or structure a front yard of twenty (20) feet from the sidewalk or lot line in new developments. In older built-up sections, the front yard need be no deeper than the depth of front yard of the next neighbor nearest the twenty (20) foot line or on the twenty (20) foot line, provided that on a lot held under separate or distinct ownership from adjacent lots and of record October 30, 1950, and less than one hundred (100) feet deep at the time it is placed in a residential zone, no front yard need be deeper than fifteen (15) per cent of the depth of said lot.
- (b) Accessory building or structures. No accessory building or structure shall be located in the required front yard of the lot or premises. (This includes detached garages.)

(6) Maximum height.

- (a) Principal buildings or structures. Two and one-half (2½) stories or thirty-five (35) feet.
- (b) Accessory buildings or structures. One and one-half (1½) stories or twenty-one (21) feet. (Ord. No. 77-15, 7-28-77)

(7) Maximum building area.

- (a) Principal buildings or structures. Thirty (30) per cent of lot area.
- (b) Accessory buildings or structures. If located in the rear yard, it shall occupy not more than thirty (30) per cent of said rear yard.

- (8) Off-street parking and loading. Off-street parking and loading shall be provided in accordance with the provisions of section 29-33 of this chapter.

#### Sec. 29-10. Residential 8 "R8" Zone.

##### (A) STATEMENT OF PURPOSE.

An "R8" Zone reflects an area in which uses of real estate are residential in character and generally more densely built-up than the "R3" Zone or capable of supporting higher densities. The stipulated uses and space and bulk requirements are designed to reflect and protect this residential character. (Ord. No. 78-5, 6-1-78)

##### (B) PERMITTED USES.

In a "R8" Zone no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used for any purpose or in any manner other than for one or more of the following as a matter of right.

- (1) Same as provided for in an "R3" Zone, section 29-9 (B) of this chapter, except that section 29-9 (B) (6) shall read "multiple-family dwellings with up to eight (8) dwelling units". (Ord. No. 78-5, 6-1-78)

##### (C) CONDITIONAL USES.

In a "R8" Zone the following additional uses are permitted if and as authorized by the board of appeals upon issuance of a conditional use permit to the applicant. (See sections 29-9, 29-21, 29-22, 29-24 and 29-25 of this chapter.)

- (1) Same as provided in [an] "R2" Zone, section 29-9(C) of this chapter. (Ord. No. 78-5, 6-1-78)

##### (D) SPECIAL REQUIREMENTS.

Space and bulk. All buildings and structures shall be constructed, added to, altered, enlarged, rebuilt, moved into or used only when in compliance with the following requirements.

- (1) Minimum lot area per family or apartment.
  - (a) Where public or private community electricity, water and sewer is used, the minimum lot area per family or apartment shall be the same as stipulated in [an] "R2" Zone, section 29-9(D)(2) of this chapter.
  - (b) The following minimum lot area per family or apartment shall be applied where no public or private community sewer is used except as provided in (c) below:
    1. Forty thousand (40,000) square feet for single-family detached dwellings;
    2. Forty thousand (40,000) square feet for single-family semidetached dwellings;
    3. Twenty thousand (20,000) square feet for duplex dwellings;
    4. Twenty thousand (20,000) square feet for two-family detached dwellings;
    5. Twenty thousand (20,000) square feet for two-family semidetached dwellings;
    6. Twenty thousand (20,000) square feet per dwelling unit for multiple-family dwellings with up to eight (8) dwelling units;
    7. Twenty thousand (20,000) square feet per dwelling unit for multiple-family dwelling created by partitioning or dividing existing buildings.
  - (c) Section 29-10(D)(1) above notwithstanding, the following minimum lot areas (not lot areas per family or apartment) may be applied where no public or private community sewer is used when and if the following requirements are met:
    1. A lot containing less than forty thousand (40,000) square feet may be used for detached and semidetached single-family residential purposes if:
      - a. Approved by the city department of health in accordance with the provisions of the state plumbing code.

- b. When soil tests indicate suitability for sub-surface sewage disposal, the Lewiston Zoning Board of Appeals may grant a reduction of lot size to the minimum as determined by the application of the regulations and guidelines set forth in Part II (Private Sewerage Disposal Regulations) of the state plumbing code and all other applicable state laws, but in no case shall the lot size be reduced to less than twenty thousand (20,000) square feet. (Ord. No. 75-9, 4-17-75)
2. A lot or lots of land which are used for duplex dwellings, two-family detached dwellings, semidetached dwellings, multiple-family dwellings with up to eight (8) dwelling units, or

membership club (but not including any use, the chief activity of which is one customarily conducted as a gainful business);

- (5) Hospitals (but not including veterinary hospitals), sanitariums, institutions for the handicapped provided they have a minimum lot area of two (2) acres;
- (6) Heliports;
- (7) Mobile home park (see section 29-31 of this chapter);
- (8) Governmental administrative building. (Ord. No. 78-5, 6-1-78)
- (9) Beauty parlors and barbershops, limited to one (1) licensed operator and five hundred (500) square feet of floor space per establishment. (Ord. No. 78-23, 10-19-78)

#### (D) SPECIAL REQUIREMENTS.

Space and bulk. All buildings and structures shall be constructed, added to, altered, enlarged, rebuilt, moved into or used only when in compliance with the following requirements:

- (1) Same as provided in an "R3" Zone, section 29-9(D) of this chapter, except that section 29-9(D)(1)(a)(6) shall read "Three thousand seven hundred fifty (3,750) square feet for the first two (2) dwelling units plus one thousand eight hundred and seventy-five (1,875) square feet for each additional dwelling unit per multiple-family dwelling." (Ord. No. 75-9, 4-17-75; Ord. No. 78-5, 6-1-78)

#### Sec. 29-11. Agricultural "A" Zone.

##### (A) STATEMENT OF PURPOSE.

An "A" Zone reflects a rural area in which uses of real estate are generally restricted to agriculture, silviculture and recreation. The stipulated uses and space and bulk requirements are designed to protect farming and open space and to deter development in those areas of the City of Lewiston where

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