ZONING ORDINANCE FOR THE CITY OF LEWISTON

REVISED ZONING ORDINANCE OF LEWISTON, MAINE

AS AMENDED AND APPROVED JULY 14, 1964

AN ORDINANCE, regulating and restricting the location, construction and use of buildings and the use of premises in the City of Lewiston; drafted as an integral part of a comprehensive plan for municipal development, and for the promotion of the health, safety and general welfare of the residents of the City of Lewiston; designed among other things to encourage the most appropriate use of land throughout the municipality, to promote traffic safety, to provide safety from fire and other elements, to provide adequate light and air, to prevent overcrowding of real estate, to promote a wholesome home environment, to prevent housing development in unsanitary areas, to provide an adequate street system, to promote the coordinated development of unbuilt areas, to encourage the formation of community units, to provide an allotment of land area in new developments sufficient for all the requirements of community life, to conserve natural resources, to provide for adequate public services; 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. 29-1

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:

Page 5 Sec. 2	AGRICULTURAL ZONES
5 Sec. 3	INDUSTRIAL ZONES - GENERAL
7 Sec. 4	COMMERCIAL ZONES
8 Sec. 4	COMMERCIAL ZONES - RETAIL
8 Sec. 5	APARTMENT HOUSE ZONES
10 Sec. 6	RESIDENTIAL A ZONES
11 Sec. 6	RESIDENTIAL B ZONES

which are hereby established as ~~shown upon the Zoning Map dated July 14, 1964, and as~~ described verbally in the appendix to this ~~ordinance, filed in the office of the City Clerk of the City of Lewiston; that said Zoning Map is hereby made an official part of this Zoning Ordinance.~~

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 purposes of this ordinance as follows:

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

APARTMENT HOUSE OR TENEMENT HOUSE A building or portion thereof used or designed as the home or residence for three (3) or more families or households living independently of each other, and doing their own cooking upon the premises and having a common right in the halls, stairways, cellars, water closets, or privies or some of them.

BOARD OF APPEALS The Lewiston Zoning Board of Appeals 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, porticos, windows, etc., except that 25 square feet be provided for a front porch entrance.

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

GARAGE FOR COMMERCIAL ZONE Any building or portion of a building used for the storage of, sale or display of, or the business of repairing one or more self-propelled vehicles of any kind.

GARAGE FOR RESIDENTIAL ZONE Any building or portion of a building used for storage for one or more self-propelled vehicles other than motor vehicles for use by residents of the accompanying building only.

GRADE The mean elevation of the top of the curb or 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 (2/3) 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.

JUNK Waste such as iron, glass, paper, etc. which may be used again in some form; or valueless refuse.

OFFICE USES Professional services, business or administrative functions of a predominantly clerical nature, and similar activities.

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

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.

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

RESIDENTIAL TRAILERS OR MOBILE HOMES Any vehicle which is used as sleeping or living quarters, which is or may be mounted on wheels, and which is or may be propelled either by its own power or by another power-driven vehicle by which it may be attached.

RETAIL USES The offering within a building of goods for use or consumption either within the building, or on or off the premises.

SERVICE USES The offering within a building of accommodations or satisfying a general demand to persons or repairs to property excluding automotive service and repair facilities, including nursing homes, rest homes, lodging houses and boarding houses.

SIGN OR BILLBOARD Any structure erected independently or attached to any structure for the purpose of having placed 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 such as are specially constructed as such, without attachment to any other structure. (see "h" - Residential Zones)

YARDS (A) Front Yard An unoccupied space extending the full width of the lot in front of a building. (see "c" - Residential Zones)

(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 from the lot line. 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 ot more than eighteen inches; except for the projection into any rear yard of not more than one cellar entrance not exceeding five eet 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

e than four feet; and except for the projection into the rear d of an existing building of chimneys or flues not exceeding ve square feet in horizontal area and not so located as to obstruct ntilation.

AGRICULTURAL ZONES

Section 29.3 ~~2.~~ IN AN AGRICULTURAL ZONE

a. USES:

1. Agricultural pursuits --all types of crop or livestock farming.

2. Residential A and B uses.

b. No building shall exceed three stories in height.

c. Lot size and frontage for any new use shall be in conformance with the requirements for Residence Zone B.

INDUSTRIAL ZONES

Section 29.4 ~~3.~~ IN AN INDUSTRIAL ZONE--GENERAL

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 or 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 fireworks manufacture, or storage in excess of five hundred (500) 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 (1,000) cubic feet per day or storage in excess of ten thousand (10,000) cubic feet;

14. Gelatin, glue or size manufacture;
15. Hair manufacture;
16. Hot rolling mill;
17. Hydrochloric, nitric, picric, sulphuric of suphurous 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 (500) 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 rawhides or skins;
29. Tar Distillation or manufacture;
30. Turpentine, paint or varnish manufacture;
31. Bulk storage of liquid fuels of any kind exceeding twenty thousand (20,000) gallons. Any bulk storage of gasoline under twenty thousand (20,000) gallons must meet the requirements of the Lewiston City Ordinance for gasoline bulk storage;
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 (10) per cent of the total floor area of the building or plant is to be so occupied, if not more than ten (10) per cent of all the employees are to be engaged therein, if it is not located within fifty (50) feet of any street line or lot line unless such line faces or adjoins property in an agricultural 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 nto effect may be enlarged to an extent not exceeding fifty (50) per cent of its volume for the same use or one not more objectionable or detrimental to the neighborhood.

HEIGHT Buildings shall conform to the height regulations provided for commercial zones, or not over one hundred fifty-five (155) feet.

And be it further provided that the above listed specific uses may be permitted in the Industrial-General Zone if any such use is found to be not detrimental or injurious to the neighborhood or the City by the Lewiston Zoning Board of Appeals. Each request for such a finding shall be filed with the Building Inspector and the City Clerk. A public hearing shall be held by the Zoning Board of Appeals on each such request. Notice for said hearing shall be published at least forty-eight (48) hours in advance of the hearing. All property owners within three hundred (300) feet of the land in question shall be notified in writing of the hearing.

The application for a finding on permitting one of these specific uses shall be accompanied by a fee of twenty-five ($25) to cover costs of hearing notification and publication.

b. Recreational areas shall be permitted in Industrial-General Zones.

COMMERCIAL ZONES

Section 29-5 K. 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 fifty-five (155) feet in height, provided that a part of a building not exceeding in area one-quarter (¼) that of the building at a height of one hundred twenty-five (125) feet may exceed such limit by three (3) feet for every feet that the maximum height of the remainder of the building is less than one hundred fifty-five (155) 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 (100) feet of the intersection of two(2) 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 (100) 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. All buildings in a Commercial Zone must conform to the Building Code, the provisions of which are to take precedence over any height provisions of this ordinance, which conflict with the Building Code.

c. The following types of uses are permitted but with one exception that no garage, filling station or service station shall be constructed, erected, or used within the area bounded by Main Street, Canal Street, Birch Street, and Blake Street:

Apartment house;
Hotel (or motels or other transient housing);
Light manufacturing;
Multiple family dwellings (including rooming houses);
Office uses;
Retail trade;
Residences;
Service uses (including places of amusement);
Warehousing;
Wholesale trade;
Rooming and boarding houses;
Church;
Educational use;
Hospitals;
Municipal recreational use;

d. IN COMMERCIAL ZONES-RETAIL Only retail uses, service uses and office uses shall be permitted.

APARTMENT HOUSE ZONES

Section 29-6. 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(1) 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 or boarding 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 "accessory 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. 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 two (2) square feet; on a lot occupied by a dwelling house or tenement house there shall not be more than one (1) sign bearing the name or occupation of an occupant for each family housed and no such sign shall exceed two (2) square feet in area.

b. REAR YARD There shall be behind every building a rear yard having a minimum depth of twelve (12) feet.

c. SIDE YARDS Side yards shall be provided a minimum width of five (5) feet from the lot line.

d. FRONT YARDS There shall be in front of every building a front yard having a minimum depth of five (5) 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; a lot occupied by a building with a front yard more than five (5) feet deep being considered as having a front yard five (5) feet deep.

e. CORNER CLEARANCE Between the lines of intersecting streets and a line joining points on such lines ten (10) 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 (3½) feet above the plane through their curb grades.

f. HEIGHT No building shall exceed sixty-five (65) feet or five (5) stories in height unless it sets back from each street and lot line ten (10) feet in addition to the above requirements plus one (1) foot for each foot of excess height. No building shall exceed seventy (70) feet or five (5) stories in height. All buildings in an Apartment Zone must conform to the Building Code, the provisions of which are to take precedence over any height provisions in this ordinance which conflict with the Buiding Code.

g. BUILDING AREA No building shall occupy more than seventy (70) per cent of its lot, provided that on a corner lot an additional four hundred (400) 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 (1) family for each five hundred (500) square feet of the area of the lot.

RESIDENTIAL ZONES

Section 29-7 6. IN RESIDENTIAL ZONES A AND B:

a. USE No building shall be erected, altered or used, and no premises shall be used for any use other than one (1) 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 dwellings, two (2) family dwellings, and duplex houses are permitted.

   Eight (8) family dwellings of not more than two (2) stories are permitted in Residential A and B areas.

   Apartment houses created by partitioning or dividing existing buildings are permitted when:

   a. No addition of more than 10 per cent of the floor area is made to the building and provided further that all additions are built according to the requirements of this Section 6.

   b. At least four hundred fifty (450) square feet of floor area per dwelling unit shall be provided after alteration.

   c. No more than six (6) dwelling units per structure shall be permitted.

2. Church;
3. Educational use;
4. Garden, for private use only;
5. Hospital, sanitarium, ~~physician's office~~;
6. Municipal recreational use;
7. 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 of at least ten (10) feet from the lot line.

In the case of a dwelling house already erected or for which a permit has been granted as of July 15, 1964 and appurtenant garage, carport or breezeway may be constructed within 10 feet, but not less than 5 feet from the side line.

c. FRONT YARDS There shall be in front of every building a front yard at least fifteen (15) feet deep from the sidewalk or lot line in new developments. In older built-up sections the front yard

. . be no deeper than the depth of the next neighbor nearest the fteen (15) foot line or on the fifteen (15) 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 15 per cent of the depth of said lot.

d. CORNER CLEARANCE Between the lines of intersecting streets and a line joining points on such lines fifteen (15) 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 (3½) feet above the plane through their curb grades.

e. HEIGHT No building shall exceed thirty-five (35) feet or two and one-half (2½) stories in height and must conform to the Lewiston Building Code.

f. BUILDING AREA No dwelling house shall occupy more than forty (40) per cent of its lots and no building other than a dwelling house shall occupy more than sixty (60) per cent of its lot, provided that on a corner lot an additional area of four hundred (400) square feet may be occupied.

g. AREA OF LOT PER FAMILY No dwelling house shall be erected except in conformity with at least the following minimum standards:

RESIDENTIAL ZONE

Single Family

A	
Lot Size	Frontage
7,500 sq. ft.	75 ft.

B	
Lot Size	Frontage
1 Acre	150 ft.

(1) A single family dwelling house may be erected on any lot of record at the time this ordinance is adopted provided the owner of said lot does not own adjacent land.

(2) A variance may be granted by the Board of Appeals to allow a reduction of the lot size in Residence B Zone to twenty thousand (20,000) sq. ft. and one hundred (100) foot frontage- where the soil has suitable affluent capacity and requirements of the Sewer Ordinance, 1961, can be met with this lot size for single family home lots being served by individual septic tanks and drainage. Suitable affluent capacity shall be a

percolation rate of not more than fifteen (15) minutes per inch in at least one (1) part of each of twenty thousand (20,000) square feet involved in the variance.

(3) A variance shall be granted by the Building Inspector allowing a reduction of lot size to nine thousand (9,000) square feet area and ninety (90) feet frontage in Residence B Zone in the following cases:

(a) Where a community sewage disposal system is installed in accordance with the Sewer Ordinance;

(b) Where city sewer installation is available. (If a city sewer installation is to be used, it must be available at the time of approval of the plan).

(c) If a percolation test conducted in accordance with the requirements of the Sewer Ordinance can be passed with a rate of not more than ten (10) minutes per inch in at least one (1) part of each nine (9,000) thousand square foot lot.

h. REAR YARDS. There shall be at the rear of each building a rear yard of at least five (5) feet to the lot line.

i. SIGNS AND BILLBOARDS. Signs one (1) by two (2) feet only are allowed. Billboards may not be erected in residential zones except those that were already erected before the effective date of this ordinance. Renewal of Billboard Contracts must have the approval of the Building Inspector acting with the advice and consent of the Zoning Board. Public hearings shall be given to applications for erection of billboards or renewal of Billboard Contracts.

Signs that are legally in existence and which exceed one by two (1 x 2) feet, may be replaced by similar signs. Changes in sign size or method of illumination shall be deemed a substantial change, and shall not be allowed unless a variance is first granted by the Zoning Board of Appeals.

j. RESIDENTIAL A - CLASS A area restricting the use in such area to single family homes of not more than 2 stories in height.

~~Start at corner of East Avenue and Pleasant Street, easterly on Mitchell Street, northeasterly to Webster Street, then northwesterly to corner of East Avenue and Webster Street, then to a point of beginning.~~

~~Start at corner of East Avenue and Russell Street, northeasterly to Montello Street, northwesterly to Main Street, southwesterly to Russell Street, then to a point of beginning.~~

~~Start at corner of East Ave. and Russell Street, northeasterly~~

~~East Avenue to the boundary line between the present Residential A Residential B zones, southeasterly to Old Greene Road at Rachel Boulevard, southwesterly to a point 250 feet north of Sabattus Street, westerly to a point 500 feet east of Highland Spring Road, northerly to Montello Street, northwesterly to Highland Spring Road, southerly to northerly line of present Commercial Zone, the northerly line of present Commercial Zone, southerly to a point 250 feet north of Sabattus Street, westerly to Russell Street, northwesterly to the point of beginning.~~

BULK REGULATIONS AND EXCEPTIONS

Section 29-7. 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 (1) foot for each two (2) 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 Residential, 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 (10,000) square feet or less is completely surrounded by streets or alleys, the building area [illegible] be increased twenty (20) per cent.

c. The limitation of building area herein prescribed shall apply in a Residential or Apartment House Zone at the curb grade; for a dwelling house in any other zone at a level not more than two (2) feet above the first story floor; for other buildings not more than two (2) feet above the second story floor; and not more than twenty (20) 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 (1) story entrance porch not enclosed, if the floor area does not exceed one hundred (100) square feet.

e. On a lot occupied by a dwelling house or a tenement house a one (1) story building of accessory use thereto and not more than twelve (12) feet high may be located in and occupy not more than forty (40) per cent of the rear yard at 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 (12) feet in height shall be considered as encroachments upon [illegible]r and side yards, and shall be permitted in required rear yards not to exceed forty (40) per cent of the area of the required rear [illegible], and shall be permitted in the rear twenty (20) per cent of [illegible]gth of the required side yard. The area occupied by such building of accessory use or garage shall be included as occupied area in

(uting the percentage of lot occupancy.

f. Chimneys, elevators, tanks, spires and towers not used for man occupation may extend above the height limitations herein fixed, and parapet walls may so extend not more than five (5) 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 one hundred (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 mum depth of five (5) feet, provided the aggregate of the widths o. 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 (3) 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 (75) 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 (15) 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 (3) 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 (10) feet in height above the grade of the sidewalk nearest the front of the building upon or above which a sign or billboard is proposed, unless such sign or billboard does not exceed thirty-six (36) square feet in area; six (6) feet in least ension, ten (10) feet in height above the roof upon or above which it is proposed, and is not located with any part closer than ten (10)

:, measured horizontally, to any window in the same or any other building. No premises in any zone shall be used for advertising splay consisting of signs or billboards detached from buildings or located upon or above any roof and exceeding thirty-six (36) square feet in area of face, six (6) feet in least dimension or (10) 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 one hundred (100) feet to any part of any Apartment House Zone, or Residential 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 (10) 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 one hundred twenty-five (125) feet to any Residential Zone, or Apartment House Zone.

m. No part of an exterior wall of any building in a Commercial Zone, Apartment House, or Residential Zone shall be located closer to the line of any street than the exterior wall closest to the same eet line of any building used for habitation on an adjoining lot closer to the line of any street than fifteen (15) feet, if the next adjoining lot on such street is vacant and located in an Apartment Zone; or closer to the line of any street than fifteen (15) feet, if the next adjoining lot on such street is vacant and located in a Residential 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 if the existing dwelling on the adjoining lot is more than one hundred (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 (2) 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.

n. On lots along main arteries and collector streets buildings used exclusively as dwellings shall be set back from the street lines at least thirty (30) feet. Buildings used for other than dwelling purposes, accessory thereto, such as a garage shall be set back fifty (50) feet. Streets in this category shall include:

South and East of East Avenue	(Lisbon St. and Road from westerly wall of present (North American Phillips Plant easterly to the (Lisbon Line. Webster Street from Scribner Boule- (vard - Sabattus Street from Golder Road to (Webster Line.

College Street and Road from Montello Street.

North and East of Russell Street	(Northeasterly to the Greene Line. (Main Street from Gulf Island Road. (Northerly to the Greene Line.

The entire Mitchell Street.

o. No part of an exterior wall of any building in a Commercial Zone or Industrial-General Zone shall have less than a side yard of five (5) feet from said line, but if building constructed or altered with fire wall, said structure may be built on lot line.

RESIDENTIAL TRAILERS OR MOBILE HOMES

Section ~~8.~~ 29-9

a. Mobile Homes or Trailers, including singly and collectively, may be used only in trailer parks that conform to the provisions of the trailer park ordinance, and in Agricultural Zones.

b. In Agricultural Zones, Commercial Zones and Industrial Zones, except the Industrial Zones along the Androscoggin River beginning at Riverside St. and continuing to that Industrial Zone which is westerly of South Ave. and Mount Hope Ave. from its present location in a general southwesterly direction to the River, northwesterly from Westminster St. to Mitchell St., South, Northerly from Pleasant Street to Webster St., Mobile Homes or Trailers may be used in parks subject to the following regulations.

Tents, trailers, tenting areas, trailer parks and similar temporary structures are prohibited from the area bounded as follows:

Commencing at the intersection of Mitchell Street and Webster Street on the Southeasterly side of Mitchell Street and continuing along Mitchell Street in a Southwesterly direction to Pleasant Street; thence in a General Southerly direction along the Northeasterly side of Pleasant Street and the Lisbon Road to its intersection with Westminster Street; thence at a right angle along the Northwesterly side of Westminster Street in a Northeasterly direction and continuing along the same course to Webster Street; thence at a right angle along the Southerly side of Webster Street in a General Northwesterly direction to the point of beginning.

Nothing herein shall be construed to prevent non-residential tenting or outdoor camping by youth groups, nor temporary trailers contain-

ing education exhibits.

~~c. In Residence B, Agricultural, or Commercial Zones, Mobile Homes or Trailers may be used in parks subject to the following regulations:~~

(1) License: It shall be unlawful for any person to construct, maintain, operate, or alter any trailer park within the city unless he holds a valid license issued annually by the municipal officers. A fee shall be required according to the following schedule: ten (10) or less trailer spaces - ten dollars ($10) per year. Over ten (10) spaces - ten dollars ($10) per year plus one dollar ($1) for each space over ten (10) per year.

(2) Design standards.

(a) Access roads shall have at least a thirty (30) foot right-of-way and be suitably passable to a width of at least sixteen (16) feet.

(b) Automobile parking spaces. Not less than two hundred (200) square feet shall be provided for each individual trailer space. This may be a part of the individual lot or of the access way other than the roadway and shall have a well drained stabilized or suitable surface, maintained in good repair.

(c) The area of the park shall be sufficiently large to provide for the designated number of trailer spaces, the access roads, adequate parking, service, play, maintenance and office facilities.

(d) Individual trailer spaces shall be a minimum of thirty-five (35) feet wide.

(3) Use requirements.

(a) No trailer shall be without adequate hygiene and sanitary facilities, a continuing potable supply of water, adequate sewerage disposal conditions, adequate electric power service.

(b) There shall be not less than ten (10) feet between any two trailers. No trailer, vehicle, or building in any trailer park shall be located less than ten (10) feet from any lot line.

(c) Storage and non resident use (small camp trailers, etc.)

(1) A trailer not intended for use on the property may be stored on any individual property within the city. Such trailer shall be placed so as to not violate the setback and yard requirements of the individual property.

(2) A trailer for office or other non-resident use may be located within the City of Lewiston for a period of up to ninety (90) days upon written permission of the Board of Appeals. Said permit shall be subject to such conditions as the Board may find advisable.

(d) Increases in the size of (or number of) trailers in existing mobile home parks shall conform to these standards.

MISCELLANEOUS CONSTRUCTION AND INSTALLATIONS

Section ~~8-A~~ 29.9A

(1) SWIMMING POOLS

DEFINITION. For the purpose of this amendment, swimming pool shall mean: A body of water in an artificial receptacle or other container, whether in the ground or above the ground, enclosed, outdoors, used or intended to be used for swimming or bathing and designed for a water depth of twenty-four (24) inches or more or with a surface area exceeding two hundred fifty (250) square feet.

No swimming pool shall be constructed closer than ten (10) feet from the side or rear lot line to the water line of said swimming pool. If said swimming pool is located on the street side, it shall not be so located closer than twenty-five (25) feet from the front or street side lines to the water's edge of said swimming pool.

ENCLOSURES: Every outdoor swimming pool shall be completely surrounded by a fence or wall no less than five (5) feet high from the ground, and of a character to exclude children, and which shall be so constructed as not to have opening, holes or gaps larger than four (4) sq. inches in any dimension except for doors and gates. A dwelling house or accessory building may be used as part of such enclosures.

All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely locked at all times when not in actual use.

Any view-obstructing fence shall not be closer than fifteen (15) feet from any street lot line.

POOLS UNDER CONSTRUCTION. No swimming pool under construction shall be left unattended without a fence or cover.

OTHER POOLS. Any other pool not included in the above definition, must, when not in use, be fenced, drained or covered.

CONSTRUCTION PERMIT AND APPROVAL. Before work in commenced on the construction of a swimming pool or on any alteration, addition, remodeling or other improvement to a swimming pool, an application for a permit to construct and the plans and specifications and pertinent explanatory data shall be submitted to the Building Inspector for his approval, and no part of the work shall be commenced until the Building Inspector has granted such approval by a written permit to construct and has further evidenced his approval by a suitable endorsement upon such plans, and specifications. No department of the City charged with the duty of issuing permits for plumbing or electrical work, for sewer connections or for other work in connection with the construction of a swimming pool or the construction of any alteration, addition, remodeling or other improvement to a swimming pool shall issue a permit for a swimming pool until the plans specifications therefor have been thus endorsed and approved by the Building Inspector. The Building Inspector shall review such plans and specifications to determine whether they comply with the provisions of this amendment and with reasonable standards of swimming pool construction for the protection of the public safety, health and morals pursuant to this amendment.

The application to the Building Inspector for a permit to construct a swimming pool or to construct any alteration, addition, remodeling or other improvement to a swimming pool shall be submitted in such forms and be supported with such information and date, as well as plans, specifications and pertinent explanatory data, as the Building Inspector may require.

All swimming pools, as defined above, constructed previous to the date of this ordinance, must comply to the fence regulations stated above. Owners of such pools will have six (6) months in which to comply with such regulations.

POOL OCCUPANCY PERMIT. After construction of a pool, a pool occupancy permit must be obtained from the building inspector and said permit must be displayed near the swimming pool.

HEALTH REQUIREMENTS. The owner of property not serviced by City ers, must obtain a permit from the Health Department before a con- uction permit will be issued.

BOUNDARIES OF ZONES

Section ~~9~~ 29-2.

a. Unless otherwise shown, the zone boundary lines are the center lines of streets, alleys or railroad right-of-way or such lines extended. Unless otherwise shown, lines within blocks less than two hundred (200) feet wide are median lines between their sides, and lines within blocks two hundred (200) feet or more wide are one hundred (100) feet distant from the less restricted side of the block.

b. Where a zone boundary line divides a lot in a 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 (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted zone.

NON-CONFORMING USES

Section ~~10~~ 29-10.

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 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 (1) 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 Boardoof Appeals 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 Board of Appeals 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 (2) years, provided the application therefor is accompanied by a bond and bill of sale to the city in case the building is not removed nd the use discontinued prior to the expiration of the permit, and provided the Board of Appeals shall rule that such building or use is t seriously detrimental or injurious to the neighborhood. Permits y be renewed under like conditions for successive periods of not more than one (1) year each.

GENERAL USE EXCEPTIONS AND PROHIBITED USES

Section 29-11.

a. A building may be erected or altered and premises used in any zone for any of the following purposes provided the Zoning Board of Appeals 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 hereto;
8. Nursing homes, rest homes, convalescent homes, homes for the aged, etc.
9.

b. The following uses shall be prohibited except as found to be not detrimental or injurious to the neighborhood by the Board of Appeals following a public hearing:

(1) Accumulations of junk are prohibited in all zones except junk yards built and operated in conformity with the provisions of Chapter 100, Revised Statutes of 1954, General Laws of Maine, in which case said junk yards may be permitted in General-Industrial and Agricultural Zones.

(2) Two (2) or more unregistered vehicles on any one (1) property in residential zones.

c. A public hearing shall be held on any question arising under this section. Notice of such public hearing stating subject, time and place of hearing shall be mailed by the City Clerk of the City of Lewiston, at least seven (7) days before the date of each hearing to the Building Inspector and the owners of property within 300 feet of all frontage of both sides of the street and all abutting owners of all lots involved in the appeal, and for the purpose of this paragraph, the owners of the property shall be considered to be the parties listed by the Board of Assessors as those against whom taxes are assessed. The Apellant or Petitioner in such a case shall present the request and pay a fee of $5 at least 10 days before the hearing, 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 Zoning Board of Appeals.

AN ORDINANCE PERTAINING TO ZONING

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

The Revised Ordinances of the City of Lewiston are amended by adding in its proper place the following:

To Chapter 29, Section 29-11 (a.) add:

(9.) Chicken houses; including, but not limited to, all structures for the breeding, growing, storing, or housing for any reason, of chickens or other poultry in any quantity.

BOARD OF APPEALS

Section ~~12~~ 29-12.

a. A Board of Appeals is hereby established pursuant to Private and Special Laws of Maine, 1961, Chapter 189. Such Board shall have those duties, authorities and shall conduct its affairs all as specified in Revised Statutes of Maine, 1954, Chapter 90-A, Section 61 III A and B as now amended and any future amendment or replacement thereof.

b. The Board shall consist of 5 members and 1 associate member who shall be residents of the City of Lewiston and appointed by the Mayor thereof. The 3 members in office, when this Ordinance becomes effective, shall serve out their unexpired terms without interruption. The Associate member shall become a regular member and shall serve out his unexpired term without interruption, and the term of the new member appointed shall expire September 5, 1967, and the term of the new Associate member shall expire September 5, 1968; thereafter, the term of office of all members shall be 5 years. Any vacancy shall be filled for the unexpired term by the Mayor within 30 days from the date the vacancy occurred.

c. The Building Inspector of the City of Lewiston shall have the [illegible] to grant variances when such variances are of a minor nature, provided there is no substantial departure from the intent of the ordinance.

ENFORCEMENT

Section ~~13~~ 29-13.

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 or 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 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. All applications for permits for proposed buildings shall be accompanied by a floor plan reflecting the outside contour of all

ldings and main bearing partition and location of said building on lot. After granting or refusal of an application, the Building Inspector shall file with the Board of Appeals copies of all permits which he has granted together with plans filed with him.

c. 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 Board of Appeals, the City Clerk, and the Board of Assessors of the City of Lewiston.

d. A permit shall be secured from the Building Inspector before changing the use of any building or parcel of land.

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. Hereafter when a new building is completed or an alteration is completed on an old building, a certificate of occupancy must be obtained from the Building Inspector, prior to the occupancy of such building or any parts thereof, showing that same corresponds to the plan submitted and permit issued, to the extent of the construction at the time said Certificate of Occupancy is obtained. The buildings shall otherwise conform to the requirements of the Ordinance of the City of Lewiston and the laws of the State of Maine.

g. 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 (4/5) vote of their entire membership, change such decision in specific cases wherein its enforcement would involve undue 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.

h. Public hearing shall be held on any question arising under this section. Notices of such public hearings, stating subject, time and place of hearing, shall be mailed by the City Clerk of the City Lewiston at least seven (7) days before the date of each hearing to the Building Inspector, and the owners of property within three hundred (300) feet of all the frontage on both sides of the street

all abutting owners of the lot involved in the appeal, and for the pose 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 present the request and pay a fee of five dollars ($5) at least ten (10) days before the hearing. 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.

i. 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 (6) months of the date on which the change is voted, and if the work or change is not substantially completed within one (1) year of the date on which such change is voted. Provided, however, the Board may extend the time thereof.

j. 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 Zoning 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 the name of the city.

k. 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 ($5) nor more than twenty dollars ($20). Each day such violation or failure to comply is permitted to exist after notification thereof shall constitute a separate offense.

APPLICATION AND VALIDITY

Section ~~14~~. 29-14

a. This ordinance shall not interfere with, abrogate, annul or repeal any ordinance, rule regulation or permit previously or hereafter 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 ffected thereby.

AMENDMENT

Section 29-15.

Upon the recommendation of the Planning Board this ordinance may be amended and its regulations, boundaries and zones changed by the Mayor and Board of Aldermen by a majority vote of the Aldermen present at a regular or special meeting, duly called, and the Mayor authorized to break a tie vote, provided that a public hearing has been held by the Municipal Officers or the Planning Board for its consideration at least ten (10) days before it is submitted to the legislative body.

The Mayor and Board of Aldermen may recommend changes to the ordinance to the Planning Board and after thirty (30) days may vote on said changes whether or not recommendations have been submitted by the Planning Board.

WALLS, FENCES AND CORNER CUT-BACKS

Section 29-16.

This section is intended to provide for the regulation , location and height for walls, fences and landscaping so as to permit maximum enjoyment of the use of property and for the maximum safety for persons using sidewalks and streets related thereto, and to provide for building setback at corners.

A. HAZARDOUS AREAS A fence or wall not less than six (6) feet in height may be required along the perimeter of any area which, by reason of the conditions on the property of physical hazards, such as frequent inundation, erosion, excavation or grade differential, are considered by the Building Inspector to be dangerous.

B. SECURITY FENCING Security fencing as required by any governmental agency or jurisdiction shall be permitted, notwithstanding any other provision of this Ordinance.

C. INTERSECTION VISIBILITY AND CORNER CUT-BACK

1. Streets and Alleys: There shall be no visual obstructions, including buildings, within the corner cut-back area of any corner lot. The corner cut-back shall be defined by a line on a horizontal plane connecting two points along the front and street-side property lines and forming a triangle. These points shall be measured twenty (20) feet back from the intersection of the prolongation of the front and street side property lines in areas where yard setbacks are required and eight (8) feet in areas where no yard setbacks are required.

HEIGHT STANDARDS

1a. Walls and fences not exceeding six (6) feet in height shall be permissive along all side and rear yards and lot lines, except as provided below. All walls and fences in any required front yard and required side yard along a street may not exceed four and one-half (4½) feet in height. In the corner cut-back area of corner lots, the height of mature landscaping without pruning, walls, fences, buildings and other obstructions may not exceed three (3) feet. (See diagram 1.) Provided, however, that the portion of a building more than eight (8) feet above the curb grade or crown of the abutting road may occupy any portion of the corner cutback area permitted by other applicable sections of the Zoning Ordinance. (See diagram 2 & 3). Existing landscaping now exceeding three (3) feet in height shall be removed no later than two (2) years following enactment of this ordinance. Provided also that fences not exceeding four and one-half (4½) feet shall be permitted in the corner cut-back area so long as the vertical surface is not more than ten (10) percent solid.

1b. Notwithstanding the above provisions, existing walls and fences shall be permitted to remain unless and until the property owner applies for a Building Permit to reconstruct, remodel or otherwise perform any construction activity upon his property. At such time any walls and fences shall be brought into compliance with sub-paragraph D-1a above, as a condition of obtaining such Building Permit.

1c. Notwithstanding the above provisions, walls, fences or other screening surrounding an auto graveyard or junkyard shall be permitted to exceed the maximum height limitation set forth in this section if necessary to meet the requirements set forth in the applicable state statutes. This exception shall not apply in the corner cut-off area.

2. To enclose tennis courts located within the rear half of the lot, fences over six (6) feet in height shall be permitted, provided that portion of said fence or structure which is higher than six (6) feet shall be composed of wire mesh or other material whose vertical surface is not more than ten (10) percent solid.

3. Method of Height Measurement: The Height of walls, fences and landscaping, as permitted, shall be measured from the top of existing curb grade or crown of abut-

ting road.

4. Exceptions: The foregoing provisions shall not apply to: Permanant buildings existing on the effective date of this Ordinance; retaining walls; utility poles; trees trimmed at the trunk line at least eight (8) feet above the level on the intersection; supporting members or appurtenances to permanent buildings existing on the effective date of this Ordinance; official warning signs or signals. Violations of this article shall be corrected no later than two (2) years following enactment of this Ordinance.