Chapter 29

ZONING*

Sec. 29-1. Statement of purpose.

An ordinance regulating in the City of Lewiston the location and use of real estate for industrial, commercial, residential and other purposes; construction, height, number of stories, area and bulk of all structures, size and open spaces of real estate; population density and setback of structures along ways of public property. An ordinance drafted as an integral part of a comprehensive plan for municipal development and promotion of health, safety and general welfare of the residents of the City of Lewiston, among other things, designed 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 ade-

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*Editor's note—Ord. No. 72-26 enacted a new zoning ordinance consisting of §§ 29-1—29-15, 29-17—29-19 and 29-21—29-37. Said ordinance, which, in an opinion rendered by the corporation counsel of the city, became effective on Nov. 30, 1972, was codified as superseding former Ch. 29, §§ 29-1—29-17, pertaining to the same subject matter. Said former chapter was derived from the following ordinances:

Ord. No.	Section	Date	Ord. No.	Section	Date
		7-14-64;	71-7		6-27-71;
		2- 2-69;	71-8	1, 2	7- 7-71,
		2-13-69;	71-9	1, 2	7- 7-71;
69-5		5-29-69;	71-12	1—4	8-25-71;
70-3	2—4	2- 3-70;	72-10	(1), (2)	7-12-72;
70-11	(1), (2)	7-25-70;	72-13	(1)	8- 9-72.
70-15		9- 2-70;			

The substantive provisions of Ord. No. 72-26 are included herein as enacted, however in several instances the editors renumbered subsections and added catch phrases in order to maintain uniformity within the chapter, added word in brackets for purposes of clarification and changed "ordinance" to "chapter" where appropriate.

The absence of a history note following a section or subsection in Ch. 29 indicates that said section or subsection derives unchanged from Ord. No. 72-26; conversely, a history note enclosed in parentheses following a section or subsection indicates amendment by the ordinance or ordinances cited therein.

Cross references—Official map, § 2-11; buildings, Ch. 7; subdivisions, Ch. 24.

State law references—Municipal authority to enact a zoning ordinance, 30 M.R.S.A. § 4953; municipal authority to regulate buildings, structures, trailers and equipment, 30 M.R.S.A. § 451(4); zoning generally, 30 M.R.S.A. §§ 4951—4957; a nuisance exists when emissions of offensive smells or other annoyances become injurious and dangerous to the public, 17 M.R.S.A. § 2802.

quate 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 requirements of community life, to conserve natural resources, to provide for adequate public services, and for said purposes dividing the city into zones as hereafter designated, defined and described.

Sec. 29-2. Short title.

This chapter shall be known and may be cited as "The Zoning Ordinance for the City of Lewiston, Maine". The original zoning ordinance was adopted June 16, 1947, and subsequently amended. The adoption of this chapter which becomes effective October 31, 1972, includes all the amendments to that date.

Sec. 29-3. Definitions.

Unless otherwise expressly stated the following words shall, for the purpose of this chapter, have the meaning herein indicated:

Accessory use or structure. A subordinate use of a building, other structure or land, or a subordinate building or other structure:

(a) Whose use is customary in connection with the principal building, other structure or use of land; and

(b) Whose use is clearly incidental to the use of the principal building, other structure or use of land;

(c) Which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment; and

(d) Which does not constitute, in effect, conversion of the principal use of the premises to one not permitted.

Addition. As applied to a building or structure, means any construction which increases the area or the height of any portion of the building or structure.

Adjoining, adjacent. Lying near, close or contiguous, neighboring.

Alley. A public highway which is a narrow way, less in size than a street, and which is not designed for general travel, which is used primarily as a means of access to the rear of residences and business establishments and which, generally, affords only a secondary means of access to the property abutting along its length.

Alteration. As applied to a building or structure, means any change or modification in construction, exit facilities or permanent fixtures or equipment which does not include an addition to the building or structure. Ordinary repairs shall not be considered alterations.

Amendment. The addition of new material to this chapter or the correction, modification or alteration of this chapter by the city council in the manner prescribed by this chapter for its amendment.

Apartment. See "dwellings, lodgings and related terms" and "dwelling unit".

Apartment house (tenement house). See "dwellings, lodgings and related terms" and "multiple dwelling".

Area. As applied to a building or structure, means the maximum horizontal projected area of the building or structure at or above grade.

Auto court. See "dwellings, lodgings and related terms" and "hotel".

Automobile graveyard. A yard, field or other area used as a place of storage for three (3) or more unserviceable, discarded, worn-out or junked motor vehicles.

Automobile parking station. Any parking lot open to the public for which charges are made for parking or storage of

automobiles. (See "garage, commercial" for parking or storage in structures where charges are made.)

Automobile service station. A repair garage or any structure, enclosure or premises used for repairs other than or in addition to those permitted at gasoline supply stations.

Basement. A story (or portion of a story) of a building or structure having one-half (½) or more of its clear height below grade. Also see "story".

Billboard or poster panel. See "display".

Board of appeals. The Lewiston Zoning Board of Appeals shall constitute the board of appeals within the meaning of this chapter.

Boarding house. An establishment where meals are regularly prepared and served for compensation for three (3) or more persons and where most of the food is placed upon the table family style, without service or ordering of individual portions from a menu, and also where lodging units are sometimes available.

Building area. The portion of the lot remaining after required yards have been provided. Buildings may be placed in any part of the building area, but if there are limitations on per cent of the lot which may be covered by buildings, some open space may be required within the buildable area.

Building inspector. An administrative agent of the City of Lewiston appointed by the board of appeals who is charged, among other things, with inspecting buildings, issuing building or use permits upon a showing by the applicant of compliance with all applicable City of Lewiston ordinances and laws of the State of Maine, enforcing this chapter and performing any other duties required of him by the board of appeals.

Building. A combination of materials to form a construction that is safe and stable and adapted to permanent or continuous occupancy for residential, agricultural, industrial, commercial or institutional purposes; the term "building" shall be construed as if followed by the words "or part thereof".

Building, accessory. See "accessory use of structure".

Building, height of. See "height".

Building line. See "setback line".

Building, principal. A building in which the primary use of the premises is conducted.

Building or use permit. A document to be secured from the Building Inspector of the City of Lewiston by every landowner or his agent within the City of Lewiston who desires to construct, add to, alter, move or demolish any building or structure on his land or change the present use of his land or of any building or structure on it, showing that the landowner has fully complied with the provisions of all City of Lewiston ordinances and laws of the State of Maine.

Bulk. The term used to describe the size of buildings or other structures and their relationship to each other and to open areas and lot lines, and therefore includes: (a) the size of buildings or other structures, and (b) the area of the zoning lot upon which a residential building is located, and the number of dwelling units or rooms within such building in relation to the area of the zoning lot, and (c) the shape of buildings or other structures and (d) the location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows or to other buildings or other structures, and (e) all open areas relating to buildings or other structures and their relationship thereto.

Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Club. Buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated primarily for profit or to render a service which is customarily carried on as a business.

Cluster development. A land development that groups dwellings to increase dwelling densities on some portions of the development area in order to have other portions as open space.

Commercial use. The use of real estate, [a] building or structure, or any portion thereof, for the displaying, selling or buying of goods, wares or merchandise.

Compatible use. A use which is capable of existing in harmony with other uses situated in its immediate vicinity.

Comprehensive plan. A compilation of policy statements, goals, standards, maps and all pertinent data relative to the past, present and future trends of the municipality with respect to its population, housing, economics, social patterns, land use, and water resources and their use, transportation facilities and public facilities prepared by the municipal planning board, agency or office. The comprehensive plan, being as much a process as a document capable of distribution, may, at successive stages, consist of data collected, preliminary plans, alternative action proposals and finally as a comprehensive plan to be adopted. In its final stages, it may consist of a series of subsidiary but interrelated plans such as, but not limited to, a water and sewerage system plan, a land use plan, a community facilities plan, a transportation plan, an urban renewal or rehabilitation plan, an air or water pollution plan and a park and open space plan. The comprehensive plan shall include recommendations for plan execution and implementation such as, but not limited to, capital improvements program, renewal and rehabilitation programs, land use control ordinances and building, safety and housing codes. The comprehensive plan shall include mechanisms which will ensure continual data collection, re-evaluation in light of new alternatives and revision. The comprehensive plan may in-

clude planning techniques such as, but not limited to, planned unit development site plan approval, open space zoning and clustered development.

Conditions (requirements). Three (3) broad categories of conditions are recognized:

(a) General conditions defined in a land use control ordinance which must be met by all applicants seeking a required permit under the chapter;

(b) Special conditions defined in a land use control ordinance which must be met, in addition to the general conditions, by applicants seeking a conditional use, special use or special exception permit under this chapter; and

(c) Those conditions which may be imposed by a zoning board of appeals in granting a variance to protect abutting and nearby property owners from any adverse effects which would otherwise flow from the grant of the requested variance and to ensure consistency with the comprehensive plan.

Conditional use (special use, special exception, secondary uses). A use or structure not permitted as a matter of right subject only to general conditions, but permitted under the provisions of this chapter if those special conditions defined in this chapter are additionally met.

Constructed. The word "constructed" shall be construed to include the words "built", "erected", "reconstructed", "altered", "enlarged", "moved" and "placed".

Convalescent home (nursing home, rest home, home for the aged). See "nursing home".

Conversion. The changing of use or occupancy of a dwelling by alterations or by other reorganization so as to increase the number of families or dwelling units in a structure.

Court. An open, uncovered, unoccupied space on the same lot with a building:

(a) "Inner court" means any court other than an outer court or a yard.

(b) "Outer court" means a court other than a yard having at least one (1) side thereof opening onto a street, alley or yard or other permanent open space.

(c) "Yard" means a court on the same lot with a building extending along the entire length of a lot line.

Covenant. An agreement in writing usually recorded between two (2) or more parties having an interest in the land wherein the covenantor affirms that certain acts either will or will not be done. The covenant may be a specified duration, may bind and be enforced only by the signatory parties, or, if so intended, may be designed to run with the land binding and giving enforcement powers not only to the signatory parties but to all who may subsequently hold through them. The City of Lewiston in which the land is located may be a coventee (beneficiary of a covenant).

Coverage. That percentage of the lot area or plot covered by the building area.

Curb level. The elevation of the street curb as established in accordance with law; referring to a building, it means the elevation at that point of the street grade that is opposite the center of the wall nearest to and facing the street line.

Day nursery or kindergarten. An agency, organization or individual providing day time care of four (4) or more children younger than sixteen (16) years, not related by blood, or marriage to, or not the legal wards of or foster children of, the attendant adult.

Developer. Any person, corporation, municipality or other governmental agency or authority or any combination of these entities engaged in any planning or land use control activity or activities aimed at using, reusing or rehabilitating air space, land, water or other natural resources.

Dog kennel. A structure used for the harboring of more than four (4) dogs that are more than four (4) months old.

Display sign. A structure erected independently or attached to any structure that is arranged, intended, designed or used as an advertisement, announcement or direction, and includes a sign, sign screen, billboard and advertising devices of every kind. Attached display signs shall include such as are permanently attached to any building or other structure. Detached display signs shall include such as are specially constructed, as such, without attachment to any other structure.

Driveway. That space specifically designated and reserved on the lot for the movement of vehicles from one lot to another or from a lot to a public street.

Dwelling, attached. Buildings containing only one (1) or two (2) dwelling units and with three (3) buildings attached to each other. Side yards shall be required only at the ends of rows of attached dwellings; such buildings shall have individual lots, or shall be so located on land in the same ownership that individual lots meeting the requirements of zone regulations could be provided for each, or shall be so located and grouped on land in the same ownership that individual lots plus common open space for each and all groups would yield a lot area per dwelling unit at least equal to that required for the zone. The term "attached dwelling" is intended to apply to row houses, town houses, patio houses and other forms with three (3) buildings attached to each other, provided that any such building containing more than two (2) dwelling units shall be considered a multiple-family dwelling.

Dwelling, detached. A building containing only one (1) or two (2) dwelling units entirely surrounded by yards or other separation from buildings on adjacent lots.

Dwelling, duplex. A building containing only two (2) dwelling units, but with a single front entrance and all exterior characteristics of a one-family dwelling.

Dwelling, multiple. A building containing three (3) or more dwelling units.

Dwelling, one-family. A building containing only one (1) dwelling unit. The term is general, including such specialized

forms as one-family detached, one-family semi-detached and one-family attached (row houses, town houses, patio houses and the like). For regulatory purposes, the term is not to be construed to include mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents or other forms of temporary or portable housing.

Dwelling, semi-detached. A building containing only one (1) or two (2) dwelling units separated from only one (1) other building containing only one (1) or two (2) dwelling units by a party wall without openings, and with each building having a separate lot with at least minimum dimensions required by zone regulations for such buildings, or so located on land in the same ownership that such lots could be provided. For the purpose of side yard regulations, semi-detached dwellings with common party walls shall be considered as one (1) building occupying one (1) lot.

Dwelling, two-family. A building containing only two (2) dwelling units. The term is general, including duplex, two-family detached, two-family semi-detached and two-family attached.

Dwelling unit. A room or rooms connected together constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease on weekly or longer terms, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent kitchen and sleeping facilities. Dwelling units available for rental or occupancy for periods of less than one (1) week shall be considered lodging units.

Elderly. Families or persons included in the term "elderly" under the United States Housing Act of 1937, as amended. (Ord. No. 77-31, 10-20-77)

Erected. See "constructed".

Fabrication. Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber. Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects.

Family. One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without

being counted as a family or families and that no more than two (2) lodging units may be occupied by a total of two (2) or less roomers, who may also board with the family. Two (2) or less boarders, including, but not necessarily restricted to, roomers on the premises, may be accommodated. The term "family" shall not be construed to mean a fraternity, sorority, club or institutional group. (For two (2) or more roomers or boarders, see "boarding house" and "rooming house".)

Filling station. See "gasoline supply station".

Garage, commercial. A structure used for parking or storage of automobiles, generally available to the public and involving payment of a charge for such parking or storage. A garage used solely in conjunction with a multiple-family dwelling or hotel shall not be construed to be a commercial garage, but rather a permitted accessory structure and use, even though not on the same premises as the multiple-family dwelling or hotel.

Garages, private, residential. An accessory building or part of the residence for parking or temporary storage of automobiles of residential occupants of the premises. In private residential garages for one- or two-family dwellings, not more than one (1) space may regularly be used by the private passenger automobile of a person not resident on the premises. (Ord. No. 74-19, 9-5-74)

Gasoline supply stations. Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail and where, in addition, the following services may be rendered and sales made, and no other:

(a) Sales and servicing of spark plugs, batteries, and distributors and distributor parts;

(b) Tire servicing and repair, but not recapping or regrooving;

(c) Replacement or adjustment of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses,

floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;

(d) Radiator cleaning and flushing; provision of water, antifreeze and the like;

(e) Washing and polishing and sale of automotive washing and polishing materials;

(f) Greasing and lubrication;

(g) Providing and repairing fuel pumps, oil pumps and lines;

(h) Servicing and repair of carburetors;

(i) Emergency wiring repairs;

(j) Adjusting and repairing brakes;

(k) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;

(l) Provision of cold drinks, packaged foods, tobacco, and similar convenience goods for gasoline supply station customers, but only as accessory and incidental to principal operation;

(m) Provisions of road maps and other informational material to customers; provisions of restroom facilities;

(n) Serving as an "official inspection station" when and as provided by the applicable laws of the State of Maine.

Uses permissible at a gasoline supply station do not include operation of an automobile parking station or commercial garage as an accessory use, or any activity involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in gasoline supply stations.

Grade. With reference to a building or structure, it means the average elevation of the ground adjoining the building or structure on all sides.

Height. As applied to a building, means the vertical distance from grade to the average elevation of the roof of the

highest story; "height" of a building in stories does not include basements - see "story":

(a) "Height", as applied to a court, means the vertical distance from the level of the floor of the lowest story served by that court to the level under consideration;

(b) "Height", as applied to a story, means the vertical distance from top to top of two (2) successive tiers of floor beams or finished floor surfaces;

(c) "Height", as applied to a wall, means the vertical distance to the top measured from the foundation wall, or from a girder or other immediate support of such wall.

Home occupation. An occupation conducted in a dwelling unit, provided that:

(a) No person other than a member of the family residing on the premises shall be engaged in such occupation; and

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five per cent (25%) of the floor area of the dwelling units shall be used in the content of the home occupation; and

(c) There shall be no change in the outside appearance of the building or premises, or any visible evidence of the conduct of such home occupation other than one (1) sign, except not hereinafter permitted, (see section 29-35 of this chapter, not exceeding one (1) square foot in area non-illuminated and mounted flat against the wall of the residence); and

(d) No home occupation shall be conducted in an accessory building or structure; and

(e) No traffic shall be generated by such home occupations in greater volumes than would primarily be expected in the neighborhood, and any need for parking gen-

erated by the conduct of such home occupation shall be met off the street and other than in a required front yard; and

(f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the home occupation is conducted in a detached one-family dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises; [and]

(g) There shall be no stock in trade regularly maintained, or any new commodity sold on the premises; and

(h) The following are specifically excluded as home occupations: convalescent or nursing home, tourist home, animal hospital, restaurants, doctors' offices, and dentists' offices.

Hospital. An institution providing health services primarily for in-patients and medical or surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Hotel (motel, motor lodge, tourist court, auto court). These terms as used herein are synonyms and mean a building or group of attached or detached buildings containing in combination ten (10) or more lodging or dwelling units intended primarily for rental or lease to transients by the day or week, as distinguished from multiple-family dwellings in which rentals or leases are for weekly or longer periods and occupancy is generally by residents rather than transients.

Home for the aged (nursing home, rest home, convalescent homes). See "nursing home".

Household pets. Animals for use by the residents of the premises only. Household pets shall not be construed to in-

clude farm animals such as: horses, sheep, pigs, chickens, geese, pigeons. The term "household pets" is distinct from "dog kennel"; see the latter.

Industrial use. The use of real estate, [a] building or structure, or any portion thereof, for assembling, fabricating, finishing, manufacturing, packaging or processing operations.

Junkyard. A yard, field or other area used as a place of storage for:

(a) Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
(b) Discarded, scrap and junked lumber;
(c) Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and
(d) Garbage dumps, waste dumps and sanitary fills.

Living quarters. A general term including lodging units and dwelling units.

Loading space. An on-the-property space for the standing, loading or unloading of vehicles to avoid undue interference with the public use of streets and alleys. Such space shall be not less than fourteen (14) feet in width, fourteen (14) feet in height and fifty (50) feet in length, exclusive of access aisles and maneuvering space.

Lodging house (tourist home). A building or group of attached or detached buildings containing in combination three (3) to nine (9) lodging and/or dwelling units for occupancy for daily or weekly periods, with or without board, and primarily for occupancy by transients, as distinguished from multiple dwellings and rooming houses in which occupancy is primarily by residents rather than transients.

Lot. A lot, for zoning purposes, is a piece of land identified on a plat of record or in a deed of record and of sufficient area and dimensions to meet zone requirements for width, area, use and coverage and to provide such yards and open spaces as are required. A lot may consist of combinations of adjacent individual lots and/or portions of lots so re-

corded; provided, however, that in no case of division or combination shall any residual lot, portion of lot or parcel be created which does not meet the requirements of this chapter and the subdivision regulation of Lewiston. All lots shall have direct vehicular access to a public street as herein defined.

Lot area. The area of land enclosed within the boundary lines of a lot.

Lot, corner. A parcel of land at the junction of and fronting on two (2) or more intersecting streets.

Lot, interior. A lot other than a corner lot.

Lot, depth of. The mean distance from the street line of the lot to its opposite line, measured in the general direction of the side lines of the lot. In a corner lot the depth is the longer dimension thus measured.

Lot, width of. The longest single dimension of the lot measured along the line of the street, being synonymous with the street frontage. (Ord. No. 74-30, 12-19-74)

Lot line. A line dividing one (1) lot from another, or from a street or other public space.

Manufacturing. The making of goods and articles by hand or, especially, by machinery.

Master plan. See "comprehensive plan".

Mobile home. A vehicular portable structure built on a chassis designed as a single-family dwelling unit suitable for year-round occupancy containing sleeping accommodations, kitchen facilities, the same water supply, waste disposal and electrical conveniences as immobile housing and with plumbing and electrical connections provided for attachment to outside systems. A mobile home shall be considered as a mobile home whether it is placed on a slab or permanent foundation, whether the wheels are removed or whether any other action is taken to make it appear as anything but a mobile home.

Mobile home lot. A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

Mobile home park. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use.

Mobile home stand. A part of the individual lot which has been reserved for placement of the mobile home, appurtenant structures or additions.

Multiple dwelling use. For the purpose of determining whether a lot is in multiple dwelling use, the following considerations shall apply.

(a) Multiple dwelling uses may involve dwelling units intended to be rented and maintained under central ownership or management or [such as] cooperative apartment[s], condominiums and the like;

(b) Where an undivided lot contains more than one (1) building and the buildings are not so located that lots conforming to requirements for one-or two-family dwellings in the zone could be provided, the lot shall be considered to be in multiple dwelling use if there are three (3) or more dwelling units on the lot, even though the individual buildings may each contain less than three (3) dwelling units;

(c) Servants' quarters shall not be considered as dwelling units in computations under (b) above.

(d) Any multiple dwellings in which dwelling units are available for rental or lease for periods of less than one (1) week shall be considered a tourist home or hotel, depending on the number of dwelling and/or lodging units available for periods of less than one (1) week; provided, however, that temporary living quarters for guests of regular tenants only may be provided in any multiple dwelling, with [the] number of such units limited to ten (10) per cent of the number of dwelling units and subject to other requirements of the zone as to lot area per unit, off-street parking and the like.

Neighborhood grocery store. A small retail store having an interior selling space of less than three thousand (3,000)

square feet offering foodstuffs to the inhabitants of the immediate neighborhood in which it is located.

Nonconforming use of structure. Any legal use or structure already in existence or begun before the passage of this land use control ordinance or amendment thereto, which ordinance or amendment by its terms would now make the particular use or structure either totally impermissible, impermissible as presently located, or impermissible by virtue of the manner in which the use or structure is being operated.

Nursing home (convalescent home, rest home, home for the aged, boarding home, etc.). An institution principally devoted to offering nonintensive nursing care and board to persons who are chronically ill, infirm because of age or disabling physical or mental defect or disease, or convalescing from illness or surgery. In the proposals of this chapter, nursing homes shall be included under boarding houses.

Occupied. As applied to a building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied".

Off-street parking space. An all-weather surfaced area not in a street or alley and having an area nine (9) feet by twenty (20) feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street by an all-weather surface driveway (which affords ingress and egress for an automobile without requiring that any vehicle back out into a street or requiring that any other vehicle be moved).

Open space. That portion of a lot which is characterized by natural scenic beauty or openness and which is dedicated to being preserved or kept open in order to enhance urban or rural areas as important physical, social, recreational, conservation, aesthetic or economic assets.

Owner. This includes his/her duly authorized agent or attorney, a purchaser, devisee, fiduciary and a person having a vested or contingent interest in the property in question.

Penthouse. An enclosed structure, other than a roof structure, located on the roof, extending not more than twelve (12) feet above and used primarily for living or recreational accommodations. Also see "story".

Performance guaranteed. A cash, property or other bond satisfactory to the City of Lewiston issuing a required building, use or other permit or approval under the provisions of this land use control ordinance to ensure the actual carrying out of every duty, act, requirement or condition, the performance of which was the basis for issuing the permit or approval. A performance guarantee may be required before the actual work allowed under the permit or approval has begun or at any time prior to the completion of the act allowed under the permit or approval. Failure to provide a performance guarantee when required to do so revokes any permit or approval which may previously have been obtained. Failure to perform successfully the acts for which the guarantee is posted may result in a partial or total forfeiture of the guarantee.

Permitted use (principal use, primary use). A use or structure permitted in a given location as a matter of right under the provisions of this land use control ordinance subject only to those general conditions (requirements) which are to be met by all applicants seeking a required permit under this chapter.

Planned unit development. A land development composed of separate elements which has been designed from the beginning as a unit. This may apply to a shopping center, an industrial park or a residential development, especially one containing a variety of housing types and recreational and shopping services for the residents.

Premises. Includes vacant or unimproved land and the buildings erected thereon within the confines of a specified zone.

Primary use. See "permitted use".

Principal building. The building occupied by the chief or principal use on the premises. When a garage is attached to

the principal dwelling in a substantial manner as by a roof or common wall, it shall be considered as a part of the principal dwelling for the purpose of computing yard requirements.

Principal use. See "permitted use".

Processing. Any operation changing the nature of material or materials such as chemical composition or physical qualities. Does not include operations described as fabrication.

Repair. The replacement of existing work with equivalent materials for the purpose of its maintenance, but not including an addition, change or modification in construction, exit facilities or permanent fixtures or equipment.

Requirements. See "conditions".

Residential use. The use of real estate, [a] building or structure, or any portion thereof, by persons for whom sleeping accommodations are provided, but who are not harbored or detained to receive medical, charitable or other care or treatment, or who are not involuntarily detained.

Rest home (nursing home, convalescent home, home for the aged). See "nursing home".

Retail. Sale to the ultimate consumer for direct consumption and not for trade.

Roof. The roof slab or deck with its supporting members.

Roof structure. A structure above the roof of any part of a building enclosing a stairway, tank, elevator machinery or service equipment, or such part of a shaft as extends above the roof, and not housing living or recreational accommodations.

Rooming house. A building or group of attached or detached buildings containing in combination three (3) to nine (9) lodging units for occupancy for weekly or longer periods with or without board, as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients.

Setback. The required distance and the land resulting therefrom between a street line and the closest possible line of conforming structure.

Sign or billboard. See "display sign".

Spot zoning. A zoning amendment which permits a small "island" of land for more intensive use than permitted on adjacent properties. Spot zoning is invalid where some or all of the following factors are present:

(a) A small parcel of land is singled out for special and privileged treatment;

(b) The singling out is not in the public interest but only for the benefit of the owner;

(c) The action is not in accord with the comprehensive plan.

Story. The part of a building comprised between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds thirty-three and one-third per cent (33⅓%) of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one thousand (1,000) square feet or thirty-three and one-third per cent (33⅓%) of the roof area. The basement of a building, other than a single-family house, used for additional occupancy shall be considered a story if it is used for purposes other than storage or heating.

Street. A public way laid out and established by the State of Maine, County Commission of Androscoggin County, or accepted by the City Council of the City of Lewiston or a way shown on a plan of a subdivision duly approved by the planning board.

Street line. A lot line dividing a lot from a street.

Structure. A combination of material to form a construction that is safe and stable, including, among others, buildings, stadiums, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, swimming pools (above and below ground), trestles, piers, wharves, sheds,

coal bins, shelters, fences and display signs; the term "structure" shall be construed as if followed by the words "or part thereof".

Tenement house. See "apartment house".

Tourist home. See "dwelling, lodgings, and related terms".

Use. See "permitted use, conditional use, and accessory use".

Used. The word "used" shall be construed to include the words "arranged", "designed", "converted", "rented", or "leased to be used".

Variance. A special exemption to do what would otherwise constitute a violation of this chapter, which is granted where strict application of a provision of this chapter would cause undue hardship or would not be in the best interest of the community.

Warehousing. The storage of goods, wares, and merchandise in a warehouse.

Wholesale. Sale for resale, not for direct consumption.

Yard, front. The open, unoccupied space, within and extending the full width of the lot, between the street line and any part of the building nearest to such line.

Yard, rear. The open space, unoccupied except for permitted accessory buildings, running the full width of the lot, between the nearest part of the rear wall of the building throughout its height and the rear line of the lot. In the case of a lot on the corner of two (2) or more streets, either lot line not bordering on a street may be elected by the owner to be the rear line, provided he notes the same on his/her plans as officially filed with the building inspector. In case of a gore lot (triangular) between two (2) streets meeting at any angle of ninety (90) degrees or less, the lot line which is not also a street line shall be considered a side lot line and not a rear lot line.

Yard, side. The open, unoccupied space within the lot between a side lot line or its vertical projection and the parts

of the building nearest to such side line. Such a side yard shall extend through from the street line or the front yards, if such is required, to the rear yard, if such is required, or to the rear lot line.

Yard, side, width of. The least distance between the side lot line or its vertical projection and the wall nearest to the side lot line.

Zone. See "zoning district".

Zoning district (zone). A zone district is a distinct category or use privileges defined with particularity by the City of Lewiston in this chapter and the conditions which attach to the exercise of these privileges, which category of privileges may be carried on in geographically defined and delineated areas within the City of Lewiston.

Zoning map. A map prepared by the City of Lewiston Planning Board outlining each zone established or modified by the municipality. The map is filed in the office of the City Clerk of Lewiston.

Zoning ordinance. A City of Lewiston ordinance designed to be a means of implementing the comprehensive plan. It, among other things, seeks to incorporate the widest possible range of legal land (or water) use alternatives in appropriate zoning districts which ensure that development activities will be in harmony with the landscape (or waterscape) and with one another, orderly, and economical (in terms of both public and private interest), and that the health, safety and general welfare of the residents of the City of Lewiston are safeguarded. It, among other things, sets forth the steps which must be taken and the conditions which must be met before an existing land (water) use may be altered or a lot, tract, or parcel of land improved. And, among other things, it provides for a board of appeals to interpret this chapter and hear and decide alleged error in any interpretation and order of the building inspector, to determine whether special conditions required by this chapter and made requisite to the granting of a conditional use permit have been met, and to hear and decide requests for variances.

Sec. 29-4. Nonconforming use.

(A) [NUISANCE DECLARED.]

Any property or use existing in violation of this chapter is a nuisance.

(B) [APPLICABILITY OF ZONING ORDINANCE TO EXISTING STRUCTURES, USES.]

This zoning ordinance shall not apply to structures and uses existing at the time it is enacted, but shall apply to new structures and uses, and change in structures and uses made afterward. Therefore, any lawfully nonconforming building or structure and any lawfully nonconforming use of building or land may be continued in the same kind and manner and to the same extent as at the time it became lawfully nonconforming.

(C) CHANGE OR EXTENSION OF NON-CONFORMING BUILDING, STRUCTURE OR USE.

Except for changes of a nonconforming building, structure or use to a conforming building, structure or use, or except after the board of appeals determines by the special requirements for conditional uses in section 29-25 of this chapter that a change or extension of a nonconforming building, structure or use will not be substantially more detrimental or injurious to the neighborhood:

(1) A lawfully nonconforming use shall not be changed, extended or enlarged;

(2) A lawfully nonconforming residential building may not be enlarged beyond the size permitted by side yard, front yard, rear yard, height building area, corner clearance or area of lot per family limitations generally in effect for building in said zone, nor beyond the size limitations for residential buildings contained in the ordinances of the City of Lewiston and the laws of the State of Maine;

(3) A lawfully nonconforming building or structure other than a residential building may not be extended or enlarged.

(D) CHANGE OF A NONCONFORMING BUILDING, STRUCTURE OR USE TO CONFORMING BUILDING, STRUCTURE OR USE.

If any nonconforming building, structure or nonconforming use of a building, structure or of land is changed to one conforming with provisions in the zone in which located it shall thereafter continue to conform.

(E) NONCONFORMING USE, ABANDONMENT.

If any nonconforming use of a building, structure or of land be discontinued for a period of twelve (12) consecutive months' duration or more, abandonment is presumed, and such use shall not be resumed, except as provided for below, and only a use conforming with provisions in the zone in which located shall thereafter be made of such building, structure or land. Abandonment of a seasonal nonconformity is presumed when the building, structure or use is idle, unopened or otherwise not in actual use during any single season wherein its use might normally be anticipated. Nonconforming uses presumed abandoned may be reestablished during the eighteen (18) month period immediately following the date of presumed abandonment upon issuance of a conditional use permit by the ZBA. In addition to applying the requirements for conditional use permits (section 29-25), the zoning board of appeals shall determine that:

(1) The proposed use will not increase automobile traffic volumes or frequencies of stop and go movements beyond that which would normally be associated with the use generating the most traffic that is permitted in the zone.

(2) The proposed use will not impose a light, smoke, noise, fume or vibration intrusion of adjoining uses.

(3) The hours of operation will not induce activity during the neighborhood's normal quiet hours.

(4) The proposed use will not inhibit or discourage the creation, development or use of permitted uses in the neighborhood.

(5) The proposed use will not impair the economic value, use or enjoyment of neighboring, conforming uses.

(6) Reserved.

(7) Signage of the proposed use will conform to the requirements of that zone.

(F) NONCONFORMING USE, DAMAGE TO BUILDING, STRUCTURE OF USE.

A nonconforming building, structure or use shall not be changed to a different type of nonconforming use, building or structure, or rebuilt, repaired or altered if damaged or destroyed by fire, flood, lightning, wind or structural failure, exposure or otherwise to an extent greater than fifty (50) per cent of the total value of the nonconforming use or structure at the time of such damage or destruction, except for a purpose permitted in the zone in which such building, structure or use is located.

(G) NONCONFORMING DISPLAY SIGNS.

A nonconforming display sign which has been removed for twelve (12) months or more shall not be replaced. A nonconforming sign may, for reasons of disrepair, be altered or replaced provided that its original size is not increased, its illumination is not differed, nor its location changed.

(H) DIVISION OF NONCONFORMING LOTS.

Nonconforming lots containing more than one residential building, all of which were constructed as residential buildings in conformance with the lot area, lot width and yard space requirements of any applicable zoning ordinance then in effect, may be divided into separate lots for each residential building only when the zoning board of appeals determines, by the special requirements for conditional uses in section 29-25 of this chapter, that the division will not be substantially more detrimental or injurious to the neighborhood. Lots created by such division shall conform to the ap-

plicable lot area, lot width and yard space requirements to the maximum extent feasible. (Ord. No. 73-39, 4-24-73; Ord. No. 77-3, 2-22-77; Ord. No. 77-18, 7-28-77; Ord. No. 77-30, 10-20-77)

Sec. 29-5. Zoning map.

(a) The planning board of the City of Lewiston shall prepare a zoning map describing each zone established or modified by the City of Lewiston as described verbally in the appendix [section 29-37] of this chapter.

(b) If at any time there arises a conflict between said zoning map and a description by metes and bounds found in the appendix [section 29-37] of this chapter, such conflict shall be resolved in favor of the description by metes and bounds.

Sec. 29-6. Establishment of zones.

To help accomplish the purposes stipulated in section 29-1 and to implement the provisions of this chapter in the City of Lewiston, the following classes of zones are hereby established:

Section 29-8	Residential 1 "R1" Zone
Section 29-9	Residential 2 "R2" Zone
Section 29-10	Residential 3 "R3" Zone
Section 29-11	Agricultural "A" Zone
Section 29-12	Apartment "Apt." Zone
Section 29-12.1	Institutional Zone
Section 29-13	Commercial "C" Zone
Section 29-13.1	Central Business District "CBD" Zone
Section 29-14	Transitional "T" Zone
Section 29-15	Industrial "I" Zone
Section 29-16	Resource Protection "RP" Zone

Sec. 29-7. Boundaries of zones.

(a) Unless otherwise described or shown, the zone boundary lines are the center lines of streets, alleys, waterways or public utility and railroad rights-of-way or such lines extended.

(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 provisions of this chapter 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.

Sec. 29-8. Residential 1 "R1" Zone.

(A) STATEMENT OF PURPOSE.

A "R1" Zone reflects an area in which use of real estate is not only overwhelmingly residential in character, but devoted

to single-family dwellings and their accessory structures and uses. The stipulated uses and space and bulk requirements are designed to reflect and protect this unique character.

(B) PERMITTED USES.

In a "R1" 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) Single-family detached dwellings;

(2) The following accessory structures and uses subject to the conditions herein specified:

(a) Private garage for not more than three (3) motor vehicles;

(b) Private greenhouse, tool shed, garden shed, playhouse, fall-out shelter, tennis court, swimming pool (see section 29-29 of this chapter), or other similar building or structure for domestic storage or use. But no accessory building or structure shall be used as a separate dwelling unit;

(c) The renting of rooms or the furnishing of table board in a dwelling for not more than two (2) persons other than members of the family (whether regular or transient);

(d) Earth removal, but only earth removal not controlled by section 29-34 of this chapter, i.e., exempt operations;

(e) Off-street parking and loading requirements. (See section 29-33 of this chapter);

(f) Display signs. (See section 29-35 of this chapter);

(g) The keeping of household pets;

(h) Gardening for the propagation of plants only and for the use of the residents of the premises only;

(i) Fences. (See section 29-30 of this chapter);

(j) The daytime care of three (3) or less children other than those related by blood or marriage to, or not the legal wards of or foster children of, the attendant adult.

(C) CONDITIONAL USES.

In a "R1" 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 and 29-25 of this chapter):

(1) Public park, playground or other recreational use operated by the City of Lewiston or other governmental agency;

(2) Reservation, wildlife preserve, or other conservation area of a nonprofit organization or membership club;

(3) Church or other place of worship, parish house, rectory or convent;

(4) Library, art gallery or museum open to the public or connected with an allowed educational or other institutional use and not conducted as a gainful business;

(5) Fire or police station; other protective use of a governmental agency;

(6) Reservoir, pumping station, standpipe or other water supply use;

(7) Transformer station, substation, telephone exchange or other public utility or communications use, but not including any office, storage or repair use in connection therewith;

(8) Two (2) or more unregistered vehicles on any one (1) lot or premise;

(9) Earth removal. (See section 29-34 of this chapter)

(D) SPECIAL REQUIREMENTS.

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

(1) Minimum lot area. Seven thousand five hundred (7,500) square feet, except that a single-family dwelling may be erected on any lot of record as of July 15, 1964, provided the lot is held under separate and distinct ownership from adjacent lots on that date, having a lot area of at least five thousand (5,000) square feet and having a street frontage of at least forty (40) feet, and provided it is serviced by public or private community electricity, water and sewer.

(a) Public or private community sewer not available. Same as provided in [an] "R3" Zone, section 29-10 (D)(1)(b).

(2) Minimum lot width. Seventy-five (75) feet.

(a) Public or private community sewer not available. Same as provided in [an] "R3" Zone section 29-10(D)(2).

(3) Minimum rear yards.

(a) Single-family dwellings. Twenty (20) feet.
(b) Accessory buildings or structures. Ten (10) feet.

(4) Minimum side yards.

(a) Single-family dwellings. There shall be on each side of such family dwelling a side yard having a width of ten (10) feet from the lot line, and provided further that in the case of a family dwelling 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) Single-family dwellings. There shall be in the front of each family dwelling 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 the 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 buildings 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) 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 2 "R2" Zone. Deleted June 1, 1978 (see next section)

(A) STATEMENT OF PURPOSE.

A "R2" Zone reflects an area in which the uses of real estate are residential in character and more densely built-up than the "R1" Zone. The stipulated uses and space and bulk requirements are designed to reflect and protect this residential character. Additionally, real estate is generally serviced by public or private community electricity, water and sewer.

(B) PERMITTED USES.

In a "R2" 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 eight (8) 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 more than six (6) dwelling units per building shall be permitted;

(d) No living quarters shall be permitted below the first story;

(e) A minimum of one (1) accessible off-street parking space per dwelling unit resulting from such conversion. (See section 29-33 of this chapter.);

(f) After such conversion, the building converted shall retain substantially the appearance and character of a single-family dwelling.

(8) Home occupations.

(C) CONDITIONAL USES.

In a "R2" 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) Rooming houses;

(3) Convalescent or nursing homes, homes for the aged, orphans homes;

(4) 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 (½) acre;

(5) Licensed day nursery or other agency for the day care of children (including nursery school or kindergarten);

(6) Extension of an existing cemetery;

(7) Country club, fraternal lodge or other social, civic, or recreational use of a nonprofit organization or member-

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

(8) Hospitals (but not including veterinary hospitals), sanitariums, institutions for the handicapped provided they have a minimum lot area of two (2) acres;

(9) Heliports;

(10) Mobile home park. (See Section 29.31 of this chapter);

(11) Governmental administrative building;

(12) Any other use of a municipal agency not specifically listed herein, except sewage treatment plants and dumps.

(D) SPECIAL REQUIREMENTS.

(1) Minimum lot area per family or apartment.

(a) 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, and provided it is serviced by public or private community electricity, water and sewer.

(b) Seven thousand five hundred and fifty (7,550) square feet for single-family semidetached dwellings.

(c) Three thousand seven hundred and fifty (3,750) square feet for duplex dwellings.

(d) Three thousand seven hundred and fifty (3,750) square feet for two-family detached dwellings.

(e) Three thousand seven hundred and fifty (3,750) square feet for two-family semidetached dwellings.

(f) Three thousand seven hundred and 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 dwellings with up to eight (8) dwelling units.

(g) No specific footage requirements per family unit in multiple-family dwellings created by partitioning or dividing existing buildings is required. (Lot as it presently exists satisfies requirement.)

(h) Public or private community sewer not available. Same as provided in [an] "R3" Zone, section 29-10 (D) (1) (b).

(2) Minimum width of lot. Seventy-five (75) feet.

(a) Public or private community sewer not available. Same as provided in [an] "R3" Zone, section 29-10 (D) (2).

(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)

Editor's note—Former § 29-9(D)(3)(b) was repealed by Ord. No. 74-27, effective Nov. 13, 1974, and enacted a new subsection of the same subject matter in lieu thereof.

(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 3 "R3" Zone. Deleted June 1, 1978 (see next section)

(A) STATEMENT OF PURPOSE.

A "R3" Zone reflects an area in which uses of real estate are [residential] in character and more rural than the "R2" Zone. The stipulated uses and space and bulk requirements are designed to reflect and protect this residential character. But unlike real estate in the "R2" Zone, real estate in a [an] "R3" Zone is not necessarily serviced by public or private community electricity, and/or water and/or sewer.

(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 or more of the following as a matter of right.

(1) Same as provided for in [an] "R2" Zone, section 29-9(B) of this chapter.

(C) CONDITIONAL USES.

In a "R3" 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 29-29, 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.

(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

multiple-family dwellings created by partitioning or dividing existing buildings, which housing must dispose of wastes in excess of the waste disposal requirements of normal single-family residential use, must have a minimum lot size which is greater than the requirements stated in (1) above in the same proportion as the actual waste disposal requirements of these [the] above-described dwelling units of housing is [which are] greater than that of single-family residential dwelling use.

(2) Minimum width of lot. One hundred and fifty (150) feet, except where public or private community electricity, water and sewer is used in which case section 29-9 (D) (2) of this chapter shall apply.

(a) Except where the board of appeals has granted a reduction of minimum lot area to twenty thousand (20,000) square feet, the minimum width of lot shall be one hundred (100) feet.

(3) Minimum rear yards. Same as [an] "R2" Zone, section 29-9 (D) (3) of this chapter.

(4) Minimum side yards. Same as [an] "R2" Zone, section 29-9 (D) (4) of this chapter.

(5) Minimum front yards. Same as [an] "R2" Zone, section 29-9 (D) (5) of this chapter.

(6) Maximum height. Same as [an] "R2" Zone, section 29-9 (D) (6) of this chapter.

(7) Maximum building area. Same as [an] "R2" Zone, section 29-9 (D) (7) of this chapter.

(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. 29-11. 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, sylviculture 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 residential, commercial or industrial development would be injurious either to the city's welfare or its natural resources.

(E) PERMITTED USES.

In an "A" 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) Gardening and farming of field crops, row crops, orchards, truck gardens, plant nurseries, woodlands, pastures and fields with all land, equipment and machinery, and buildings and structures accessory to the same, including, but not limited to, the following: barns, service and storage of farm equipment used on the premises (but not within any front yards); processing, handling, storage and sale of agriculture produce produced on the premises, providing that there shall be only a single stand for the sale of agricultural produce not over two hundred (200) square feet in area, readily removable in its entirety and which is limited to selling only produce produced on the premises;

(2) Cattle farms, dairy farms, stud farms, sheep ranches and other animal farms including farms for fur-bearing animals, licensed kennels and licensed veterinarians, provided that all of the above uses be located on a lot of which the area is not less than three (3) acres. However, no greenhouse or building or structure for the housing, feeding, watering or permanent enclosure of livestock, fur-bearing animals or poultry shall be located within one hundred (100) feet of any property line of a residential premises other than that of the

owner or lessee of such greenhouse or building or structure containing such livestock, fur-bearing animals or poultry.

(3) Farm dwellings required for farm or management;

(4) Seasonal dwellings on lots not less than three (3) acres land area;

(5) Single-family dwellings (including individual mobile homes) and accessory uses as specified in section 29-8(B)(2). (Ord. No. 77-17, 7-28-77)

(6) Reserved.

Editor's note—(Ord. No. 77-6, enacted May 19, 1977, repealed former § 29-11(B)(6) pertaining to public and private open space and recreational uses.

(7) Existing cemeteries;

(8) Display signs. (See section 29-35 of this chapter.);

(9) Fences. (See section 29-30 of this chapter.)

(C) CONDITIONAL USES.

In an "A" 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 and 29-25 of this chapter.):

(1) Churches, provided they have a minimum lot area of three (3) acres;

(2) Cemeteries;

(3) Reservoirs, pumping station[s], standpipes or other water supply uses;

(4) Transformer stations, substations, telephone exchanges or other public utility or communications use;

(5) Earth removal. (See section 29-34 of this chapter);

(6) Santariums and institutions for the handicapped, provided they have a minimum lot area of three (3) acres;

(7) Heliports;

(8) Airports;

(9) The housing and feeding of seasonal agricultural workers in or near the premises where employed for the duration of the season employed;

(10) Junkyards and automobile graveyards built and operated in conformity with the laws of the State of Maine and the ordinances of the City of Lewiston;

(11) Gravel pits and other extractive industries;

(12) Sanitary landfills;

(13) Public or private recreational centers and public or private open space and recreational uses, exclusive of drive-in theaters. (Ord. No. 77-6, 5-19-77)

(14) Poultry farms.

(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.

(a) Three (3) acres for farms.
(b) Three (3) acres for seasonal dwellings.
(c) One acre for single-family nonfarm dwellings.

(2) Minimum width of lot.

(a) Two hundred fifty (250) feet for farms.
(b) Two hundred fifty (250) feet for seasonal dwellings.
(c) Two hundred (200) [feet] for single-family nonfarm dwellings.

(3) Minimum rear yards.

(a) Same as provided in an "R2" Zone, section 29-9(D)(4) of this chapter. (Ord. No. 75-4, 3-6-75)

(4) Minimum side yards.

(a) Same as provided in [an] "R2" Zone, section 29-9(D)(3) of this chapter.

(5) Minimum front yards.

(a) Same as provided in [an] "R2" Zone, section 29-9(D)(5) of this chapter.

(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 except that there shall be a three (3) story or seventy (70) foot maximum for farm buildings. (Ord. No. 77-15, 7-28-77)

(7) Maximum building area. None.

(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. 29-12. Apartment "Apt." Zone.

(A) STATEMENT OF PURPOSE.

An "Apt." Zone reflects an area in which the uses of real estate are generally residential multiple-family dwelling use[s]. The stipulated uses and space and bulk requirements are designed to reflect and protect this residential multiple-family character. Additionally, real estate in this zone is served by public or private community electricity, water and sewer.

(B) PERMITTED USES.

In an "Apt." 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 a "R2" Zone, section 29-9(B) of this chapter except that:

(a) Section 29-9(B)(6) shall read "multiple dwellings";

(b) Section 29-9(B)(6) shall be changed to reflect the following additional accessory uses for multiple dwellings containing fifty (50) or more dwelling units: commercial (including service) uses such as dining room, barbershop, beauty shop, newsstand, gift shop and the like provided:

1. All public entrances to such facilities shall be from inside such multiple dwellings;
2. No show windows or other advertising of such facilities shall be visible from outside such buildings.

(2) Rooming houses;

(3) Boardinghouses;

(4) Tourist homes containing not more than six (6) lodging units for rental;

(5) Fences. (See section 29-30 of this chapter.);

(6) Public park, playground or other recreational use operated by the City of Lewiston or other governmental agency.

(C) CONDITIONAL USES.

In an "Apt." 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 for in a "R2" Zone, section 29-9(C) except that 29-9(C)(2), 29-9(C)(10) shall not apply to this zone;

(2) Hotels;

(3) Motels;

(4) Neighborhood grocer store;

(5) Beauty parlors and barbershops, limited to one licensed operator and five hundred (500) square feet of floor space per establishment. (Ord. No. 74-3, 2-14-74)

(D) SPECIAL REQUIREMENTS.

(1) 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.

(a) Minimum lot area per family or apartment.

1. Five thousand (5,000) square feet for single-family detached dwellings.
2. Five thousand (5,000) square feet for single-family semidetached dwellings.
3. Two thousand five hundred (2,500) square feet for duplex dwellings.
4. Two thousand five hundred (2,500) square feet for two-family detached dwellings.
5. Two thousand five hundred (2,500) square feet for two-family semidetached dwellings.
6. Multiple-family dwellings. There shall be a minimum lot area of five thousand (5,000) square feet for multiple-family dwellings which have from three (3) to ten (10) family dwelling units or apartments, and this five thousand (5,000) square feet of lot area shall be increased for family dwelling units or apartments above ten (10) according to apartment type as follows:

Apt. type	*Number of bedrooms*	*Lot area per dwelling unit*
1	1	200 square feet
2	2	500 square feet
3	3	700 square feet
4	4 or more	1,000 square feet

7. No specific footage requirements per family unit in multiple-family dwellings created by partitioning or dividing existing buildings is required (lot as it presently exists satisfies requirement).

(b) Minimum width of lot. Fifty (50) feet.

(c) Minimum rear yards.

1. Principal buildings or structures. Twelve (12) feet.
2. Accessory buildings or structures. Ten (10) feet.

(d) Minimum side yards.

1. Principal buildings or structures. Ten (10) feet.
2. Accessory buildings or structures. Five (5) feet.

(e) Minimum front yards.

1. Principal buildings or structures. There shall be in the front of each building a front yard of fifteen (15) feet from the sidewalk or lot line, provided that no front yard need be deeper than the average of the depth 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 (15) feet deep considered as having a front yard fifteen (15) feet deep.
2. Accessory buildings or structures. No accessory building or structure shall be located in the required front yards of the premises. (This includes detached garages.)

(f) Maximum height.

1. Principal buildings or structures. 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 requirement 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 and structures must conform to the Lewiston Building Code, the provisions of which are to take precedence over any height provisions of this chapter which conflict with the building code.

(g) Maximum building area. Principal buildings or structures and accessory buildings or structures. The coverage of a lot by a building including accessory buildings shall occupy no more than sixty (60) per cent, provided that on a corner lot an additional four hundred (400) square feet may be occupied. Additional accessory buildings or structures shall occupy no more than thirty (30) per cent of a rear yard.

(h) 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. 29-12.1. Institutional Zone.

(A) STATEMENT OF PURPOSE.

The Institutional Zone characterizes an area in which there is a substantial concentration of educational, religious, charitable, hospital, cultural, historical, community purpose and athletic facilities. The area is generally serviced by full municipal services. The zoning requirements are designed to foster further development of the above-listed uses within the zone and to prohibit residential development not an intimate part of the permitted institutional uses.

(B) PERMITTED USES.

In an Institutional 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) Academic institutions, including buildings or structures for classroom, administrative, laboratory, art, theater, dining, service, library, bookstore and student recreational uses, and athletic buildings or structures in which the number of spectators permitted under the fire code of the City of Lewiston shall not exceed the combined staff and resident student population of the institu-

tion; together with buildings accessory to the foregoing permitted principal buildings or structures;

(2) Hospitals, not including veterinary hospitals, but including institutions for the handicapped;

(3) Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages, and church-affiliated community purpose facilities;

(4) Nursing homes, both intermediate term and long term, including homes for the aged;

(5) Licensed day-care centers, including preschool nurseries, which are conducted in buildings or structures other than in a private residence;

(6) Museums, libraries and nonprofit art galleries and theaters;

(7) Public community meeting and civic function buildings including auditoriums;

(8) Athletic buildings or structures, other than athletic buildings or structures listed above as being within academic institutions, which are situated on the premises of an institution engaged in one of the foregoing permitted uses, and for which no licensing is required under the fire code of the City of Lewiston;

(9) Dormitories and vocational education buildings which are situated further than one hundred and twenty-five (125) feet from all zone boundaries, provided that the principal building or structure does not exceed seventy-five (75) feet in height.

(C) CONDITIONAL USES.

In an Institutional 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 and 29-25 of this chapter.):

(1) Government administrative buildings;

(2) Clubhouses for qualified charitable, but not merely nonprofit, corporations, provided that the primary use of the premises is not for the conduct of profit-making ventures;

(3) Fraternal and social clubrooms and facilities for organizations which are not qualified charitable corporations, but which are directly affiliated with a use permitted under subsection (B), provided that the primary use of the premises is not for the conduct of profit-making ventures;

(4) Housing facilities on the premises of institutions permitted under subsection (B) for staff members of such institutions;

(5) Publicly affiliated or supported research facilities;

(6) Service buildings or structures ancillary to and affiliated with permitted institutional uses including, but not limited to, pharmacies and medical supply outlets;

(7) Athletic buildings or structures other than those defined in subsections (B) (1) and (B) (8);

(8) Primary buildings or structures, exceeding seventy-five (75) feet in height;

(9) Dormitories and vocational education buildings which are located one hundred and twenty-five (125) feet or less from any zone boundary.

(D) SPECIAL REQUIREMENTS.

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 setback. All buildings or structures shall be set back at least fifty (50) feet from each lot line separating the institution's premises from an accepted public way or the premises of another owner. Where the Institutional Zone abuts the premises of another property owner in an adjoining residential zone with no intervening public way, suitable plantings shall be established and maintained in the setback area to screen the institutional uses from adjoining uses. A suitable planting area shall be interpreted to mean a year-round, substantially sight-impervious screen of evergreen foliage and other appropriate measures to reduce visual and noise intrusions.

(2) Distance between principal buildings and structures.
   (a) The distance between principal buildings shall be not less than fifty (50) feet at the closest point from building to building; except in the case of a breezeway or partially enclosed walkway connecting two (2) such buildings;
   (b) The distance between each principal building and an accessory building, and between accessory buildings, shall be not less than five (5) feet, except in the case of a breezeway or partially enclosed walkway connecting two (2) such buildings.

(3) Maximum building area. The maximum percentage of an institution's ground surface area which may be occupied by buildings or structures shal be as follows:
   (a) Principal buildings or structures shall occupy not more than fifty (50) per cent of an institution's ground surface area;
   (b) Accessory buildings or structures shall not occupy more than ten (10) per cent of an institution's ground surface area.

(4) 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 except that in applying the standards of section 29-33 to auditoriums, stadiums, sports arenas, race tracks, skating rinks, gymnasiums, convention halls or similar buildings or structures situated on the premises of, and designed specifically for use by residents of, a residential academic institution, a ratio of one parking space for each seven (7) seats shall be used.

(5) Display signs. Display signs shall be regulated in accordance with the requirements of section 29-35(D) of this chapter. (Ord. No. 76-8, 10-1-76)

Editor's note—Ord. No. 76-8, effective Oct. 1, 1976, did not specifically amend this Code, hence inclusion herein as § 29-12.1 was at the discretion of the editors.

Sec. 29-13. Commercial "C" Zone.

(A) STATEMENT OF PURPOSE.

A "C" Zone reflects an area in which use of real estate is commercial in character, devoted primarily to providing gen-

eral sales, service, business space and light manufacturing. The stipulated uses and space and bulk requirements are designed to reflect and protect this commercial character. Additionally, real estate in this zone is generally serviced by public or private community electricity, water and sewer.

(B) PERMITTED USES.

In a "C" 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 in an "Apt." Zone, section 29-12(B) of this chapter, provided that all special requirements found in section 29-12(D) of this chapter shall be fully complied with, except that a parcel of land may not be subdivided into three (3) or more lots for single-family homes;
(2) Retail business;
(3) Wholesale business;
(4) Storage:
    (a) Warehousing;
    (b) Outside storage of stock-in-trade or other materials and equipment, the use of which is customary in connection with the principal conforming use, or is clearly incidental to the principal conforming use.
(5) Personal or consumer service establishments, except that no commercial garage, gasoline supply station or repair garage shall be constructed, erected or used within the area bounded by Main Street, Canal Street, Birch Street and Blake Street;
(6) Business and professional offices;
(7) Places of assembly, amusement and culture;
(8) Research, experimental or testing laboratories;
(9) Light manufacturing (conducted within completely enclosed building);
(10) Business college or private school operated as a commercial enterprise;

(2) Buffer strips. In a "C" Zone where the lot abuts or is within twenty (20) feet of the side or rear boundary line of any residential zone (including any residential zone in an adjacent municipality), there shall be provided on those sides facing the residential zone, except along any portions of the lot immediately adjacent to a street or railroad right-of-way a buffer strip twenty (20) feet wide, as follows, except when the board of appeals finds that a sight-impervious barrier is adequate separation between the commercial and residential uses:

(a) Twenty (20) feet nearest the boundary shall be used and maintained as a suitable planting area for lawns, with trees, shrubs and other landscape materials. A suitable planting area shall be interpreted as requiring a substantially sight-impervious screen of evergreen foliage at least eight (8) feet in height, or less dense planting of shrubs and trees complemented by a sight-impervious fence at least five (5) feet in height;

(b) No building or structure shall be constructed or otherwise placed within any portion of the buffer strip.

(3) 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.

(4) Nuisances. No equipment or process shall be used in such uses which create noise, vibration, glare, fumes, odor, or electrical interference detectable and offensive to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates unusual or audible interference in any radio or television receiver off the premises or causes fluctuations of voltage off the premises.

(5) Outside storage shall be permitted only in accordance with the following limitation or except as otherwise regulated by this section.

(a) Such items shall be parked or stored only at establishments, or lots adjacent to establishments, engaged in the sale or use of such items.

(b) All such items shall be maintained in condition for safe and effective performance of the function for which they are intended, or such that they can be placed in such condition at a cost not exceeding the value of the items in their existing state.

(c) In no case shall such items be stored in the open for more than six (6) months if not in condition for safe and efficient performance of the function for which they are intended. (Ord. No. 73-23, 2-27-73; Ord. No. 73-55, 8-16-73; Ord. No. 74-12, 7-18-74; Ord. No. 75-5, 3-6-75; Ord. No. 75-19, 7-31-75; Ord. No. 75-26, 10-16-75)

Sec. 29-13.1. Central Business District "CBD" Zone.

(A) STATEMENT OF PURPOSE.

The "CBD" Zone is established to encourage the concentration of economic enterprises in a central business district that is convenient and attractive for a wide range of retail, service, financial, government, professional, entertainment, and appropriate residential uses in a setting conducive to a high volume of pedestrian traffic.

(B) PERMITTED USES.

In the "CBD" 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 a "C" Zone, section 29-13, (B) of this chapter.

(C) CONDITIONAL USES.

In a "CBD" 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.

(1) Same as provided for in a "C" Zone, section 29-13, (C) of this chapter.

(D) SPECIAL REQUIREMENTS.

(1) Same as provided for in a "C" Zone, section 29-13(D). (Ord. No. 75-35, 1-28-76)

Sec. 29-14. Transitional "T" Zone.

(A) STATEMENT OF PURPOSE.

A "T" Zone reflects an area in which uses of real estate create, in transitional areas, a stable mix of compatible residential and commercial uses. Additionally, real estate in this zone is generally served by public or private community electricity, water and sewer.

(B) PERMITTED USES.

In a "T" 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 in an "Apt." Zone, section 29-12 (B) of this chapter;

(2) Offices including, but not limited to, those of which the primary activity is the distribution, exchange or payment of money. This shall include, but not be limited to, business and professional offices, banks, loan offices, credit unions and offices whose primary purpose is the collection or receipt of payment. This shall not include offices whose primary purpose is the exchange or sale of commodities or goods.

(3) Nursing convalescent homes, homes for the aged, orphans' homes.

(4) Existing cemeteries.

(C) CONDITIONAL USES.

In a "T" 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 the chapter):

(1) Places of assembly and culture;

(2) Business college or private school operated as a commercial enterprise;

(3) Nonprofit schools, both public and private, offering general education courses;

(4) Licensed day nurseries or other agencies for the day care of children (including nursery schools, kindergartens, and day care centers);

(5) Hospitals, clinics and institutions for the handicapped;

(6) Governmental administrative buildings, fire and police stations;

(7) Reservoirs, pumping stations, standpipes or other water supply uses;

(8) Transformer stations, substations, telephone exchanges or other public utility or communication uses;

(9) Churches;

(10) Heliport.

(D) SPECIAL REQUIREMENTS FOR RESIDENTIAL AND APARTMENT USES.

(1) 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.

(a) Minimum lot area per family or apartment.

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, and provided it is serviced by public or private community electricity, water and sewer.

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. Three thousand seven hundred and 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.
7. No specific footage requirements per family unit in multiple-family dwellings created by partitioning or dividing existing buildings is required, (lot as it presently exists satisfies requirement).

(b) Minimum width of lot. Seventy-five (75) feet.

(c) Minimum rear yards.

1. Principal buildings or structures. Twenty (20) feet.
2. Accessory buildings or structures. Ten (10) feet.

(d) Minimum side yards.

1. 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.
2. 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 provided that a fence or wall in conformance with this chapter exists between the building or structure and the lot line, and that the height of the building or structure is less than that of the fence.

(e) Minimum front yard.

1. 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 [the] 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 20, 1950, and less than one hundred (100) feet deep at the time it is placed in a residential or office zone, no front yard need be deeper than fifteen per cent (15%) of the depth of said lot.

2. Accessory buildings or structures. No accessory building or structure shall be located in the required front yard of the lot or premises. (This includes garages.)

(f) Maximum height.

1. Principal buildings or structures. No building shall exceed fifty-two (52) feet or four (4) stories in height unless it sets back from each street and lot line ten (10) feet in addition to

the above requirement plus one (1) foot for each foot of excess height. No building shall exceed fifty-seven (57) feet or four (4) stories in height. All buildings and structures must conform to the Lewiston Building Code, the provisions of which are to take precedence over any height provision of this chapter which conflict with the Building Code.

2. Accessory building and structures. One (1) story or fifteen (15) feet.

(g) Maximum building area.

1. Principal buildings or structures. Forty per cent (40%) of lot area.
2. Accessory buildings or structures. Thirty per cent (30%) of lot area.

(h) Off-street parking. Off-street parking shall be provided in accordance with the requirements of section 29-35 of this chapter. (Ord. No. 73-50, 7-12-73)

(E) SPECIAL REQUIREMENTS FOR NONRESIDENTIAL USES.

(1) 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:

(a) Minimum lot area. Twelve thousand five hundred (12,500) square feet;

(b) Minimum width of lot. One hundred twenty-five (125) feet;

(c) Minimum rear yards. See (2) (buffer strip) below; (See 29-14 (D) (c));

(d) Minimum side yards. See (2) (buffer strip) below; (See 29-14 (D) (d));

(e) Minimum front yards. See 29-14 (D);

(f) Maximum height. Same as provided in section 29-14 (D) of this chapter;

(g) Maximum building area:

1. Principal buildings or structures. Forty per cent (40%) of lot area;

2. Accessory building or structures. Thirty per cent (30%) of lot area.

(2) Buffer strips. In a "T" Zone where a lot which holds a nonresidential use in a building designed primarily for that use, abuts or is within twenty (20) feet of the side or rear boundary line of any residential property (including any residential property in an adjacent municipality), there shall be provided on those sides facing residential properties, except along any portions of the lot immediately adjacent to a street or railroad right-of-way, a buffer strip twenty (20) feet wide as follows, except when the board of appeals finds that a sight-impervious barrier is adequate separation between the nonresidential and residential uses:

(a) Twenty (20) feet nearest the boundary shall be used and maintained as a suitable planting area for lawns, with trees, shrubs and other landscape materials. A suitable planting area shall be interpreted as requiring a substantially sight-impervious screen of evergreen foliage at least eight (8) feet in height, or less dense planting of shrubs and trees complemented by a sight-impervious fence at least five (5) feet in height;

(b) No building or structures shall be constructed or otherwise placed within any portion of the buffer strip. (Ord. No. 74-12, 7-18-74)

(3) 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.

(4) Nuisances. No equipment or process shall be used in such uses which creates noise, vibration, glare, fumes, odor or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates un-

usual or audible interference in any radio or television receiver off the premises or causes fluctuations of voltage off the premises.

Sec. 29-15. Industrial "I" Zone.

(A) STATEMENT OF PURPOSE.

An "I" Zone reflects an area in which use of real estate is devoted primarily to providing manufacturing, fabrication, processing, packing or storage uses. The stipulated uses and space and bulk requirements are designed to reflect and protect this industrial character. Additionally, real estate in this zone is generally serviced by public or private community electricity, water and sewer.

(B) PERMITTED USES.

In an "I" 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) Manufacturing;

(2) Research, experimental or testing laboratories;

(3) Warehousing and outdoor storage;

(4) Commercial garage;

(5) Gasoline supply stations and repair garages;

(6) Junkyards and automobile graveyards;

(7) Earth removal. (See section 29-34 of this chapter.);

(8) Railroad rights-of-way and tracks;

(9) Transportation terminals and facilities;

(10) Governmental administrative building, fire or police station, other protective use of a governmental agency;

(11) Reservoir, pumping station, standpipe or other water supply use;

(12) Transformer station, substation, telephone exchange or other public utility or communications use;

(13) Any other use of a municipal agency not specifically listed herein;

(14) The following accessory structures and uses subject to the conditions herein specified:

(a) Private garage;

(b) Earth removal, but only earth removal not controlled by section 29-34 of this chapter, i.e., exempt operations;

(c) Off-street parking and loading regulations. (See section 29-33 of this chapter.);

(d) Display signs (See section 29-35 of this chapter.);

(e) Restaurant facilities for, and sale of items to, and for the personal convenience of employees;

(f) Living quarters for necessary caretakers and watchmen;

(g) Display and sale of products (among other items) of manufacturing activities conducted on the premises;

(15) Fences. (See section 29-30 of this chapter.) (Ord. No. 73-25, 3-22-73)

(C) CONDITIONAL USES.

In an "I" 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, and 29-25 of this chapter.)

(1) Private and public recreation centers.

(D) SPECIAL REQUIREMENTS.

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

(a) Minimum lot area. Forty thousand (40,000) square feet;

(b) Minimum lot width. One hundred (100) feet;

(c) Minimum rear yards. See (2) below;

(d) Minimum side yards. Ten (10) feet, except for buildings or structures constructed or altered with a fire wall may be built to the side lot line; and see (2) below;

(e) Minimum front yards.

1. Principal buildings or structures. Twenty-five (25) feet from sidewalk or lot line in new developments. In older built-up sections, the front yard need be no deeper than the depth of the front yard of the next nearest principal building or structure nearest the twenty-five (25) foot line or on the twenty-five (25) foot line.

(f) Maximum height. Same as section 29-13 (D) (1) (f) of this chapter;

(g) Maximum building areas. None.

(2) Buffer strips: In an "I" Zone where the lot abuts or is within one hundred (100) feet of the side or rear boundary line of any residential zone (including any residential zone in an adjacent municipality), there shall be provided on those sides facing the residential zone, except along any portions of the lot immediately adjacent to a street or railroad right-of-way (a buffer strip) fifty (50) feet wide as follows, except when the board of appeals finds that a sight-impervious barrier is adequate separation between the industrial and residential uses:

(a) Twenty (20) feet nearest the boundary shall be used and maintained as a suitable planting area for lawns, with trees, shrubs, other landscape materials. A suitable planting area shall be interpreted as requiring a substantially sight-impervious screen of evergreen foliage at least eight (8) feet in height, or less dense planting of shrubs and trees complemented by a sight-impervious fence at least five (5) feet in height;

(b) The remaining thirty (30) feet of space may be used for off-street parking or other permitted open uses, providing sub-uses are screened from view at normal eye level on said residential zone boundary line;

(c) No building or structure shall be constructed or otherwise placed within any portion of the buffer strip. (Ord. No. 74-12, 7-18-74)

(3) Industrial performance standards:

(a) Manufacturing and industrial uses which are in conformance with the purpose of this zone shall meet all minimum environmental quality standards as established by the State of Maine's Environmental Improvement Commission which shall, in addition to the City of Lewiston's Building Inspector, enforce such regulations.

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

(5) Display signs: Display signs shall be regulated in accordance with the requirements of section 29-35 of this chapter. (Ord. No. 73-24, 2-27-73)

Sec. 29-16. Resource Protection "RP" Zone.

(A) STATEMENT OF PURPOSE.

An "RP" Zone is assigned to protect vulnerable areas in which development would adversely affect water quality, productive habitat, biotic systems, or scenic and natural values, and to protect the citizens of Lewiston from potential flood danger.

(B) PERMITTED USES.

In an "RP" 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) Open space recreational uses, such as: Parks, playgrounds, sport fields, golf courses, bathing beaches, picnic areas.

(2) Preservation of historic areas.

(3) Agricultural and sylvicultural uses.

(4) Off-street parking and loading areas.

(5) Industrial uses, as permitted in section 29-15, industrial zone, where the resource protection zone abuts an industrial zone, and where an industrial zone existed at the time of this chapter's adoption.

(6) Commercial uses, as permitted in section 29-13, commercial zone, where the resource protection zone abuts a commercial zone, and where a commercial zone existed at the time of this chapter's adoption.

(7) Between Chestnut Street and the southern end of Oxford Street, alteration and renovation of existing buildings and structures and rebuilding of buildings and structures to their original size damaged in any extent by fire, flood, lightning, wind or structural failure, exposure or otherwise, provided that after such renovation, alteration or rebuilding, the building or structure shall substantially retain the historic appearance and character of the surrounding neighborhood. (This paragraph supersedes section 29-4 as to rebuilding damaged buildings and structures.)

(8) Dams.

(9) Public utilities.

(10) Bridges.

(C) CONDITIONAL USES.

In an "RP" 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 section[s] 29-19, 29-21, 29-22, 29-24, and 29-25 of this chapter.)

(1) Alterations of the natural contour of the land by grading or filling for any purpose other than foundations, and driveways.

(2) Accessory buildings or structures to the above-permitted uses.

(3) Single-family residential units including seasonal homes as permitted in the abutting zone.
(4) Multiple dwellings, as permitted in the abutting zone.
(5) Piers, docks, marinas.

(D) SPECIAL REQUIREMENTS.

(1) All building or structures.

(a) The building of structures and storage of materials on the premises acting alone or in combination with existing or future similar uses shall not adversely affect the efficiency or capacity of the flood-way or adversely affect existing drainage courses or facilities.

(b) Buildings and structures, in the floodplain, shall be firmly anchored to prevent floating off foundations, and their sills, foundation walls and exterior walls below grade shall be watertight and reinforced to withstand flood water pressure.

(c) The contents of such buildings or structures and appurtenances to the use thereof shall not constitute a threat to other structures or humans under high water conditions.

(d) All buildings and structures, other than those requiring direct access to the water as an operational necessity, shall be set back at least seventy-five (75) feet from the mean high water line except in the area between Holland Street and a point seven hundred and fifty (750) feet south of Bradbury Street.

(e) The issuance of building permits shall be subject to evidence of satisfactory subsurface soil conditions for drainage, erosion prevention, sewage disposal, and for the type of structure and intended use. Suitability considerations shall be based primarily on suitability described by the National Cooperative Soil Survey as modified by onsite factors such as depth to water table and depth to refusal. Where site conditions are shown to be "severe or very severe," a building permit shall be

issued when the applicant can show that he is taking remedial measures which will avoid all harm that might otherwise result from these soil conditions.

(2) Erosion control and earth removal.

(a) Removal of sand or gravel from natural beaches, disruption of vegetation, and the removal of shoreland buffer strips protecting fragile land areas immediately behind the shoreline is prohibited.

(b) Earth movements, such as grading, topsoil removal, road and channel cutting, excavation, ditching, and the like, shall be permitted provided such uses are so regulated as to prevent erosion and sedimentation and to create the least disturbance to the natural environment. Where the construction of roads, structures, parks or other facilities results or may result in a significant discharge of sediment into drainage ditches and natural watercourses over a period of a month or more, these shall be provided such ground cover, settling basins and other such devices as shall, in the opinion of the building inspector, with advice from the engineering department, effectively reduce such discharge to an acceptable minimum.

(3) Agriculture and sylviculture.

(a) All spreading or disposal of manure shall be accomplished in conformance with the "Maine Standards for Manure and Manure Sludge Disposal on Land" published by the University of Maine and Maine Soil and Water Conservation Commission in July 1972 or subsequent revision thereof.

1. Reserved.

2. Tillage of any area in excess of twenty thousand (20,000) square feet in the Resource Protection Zone shall be carried out in conformance with the provisions of a conservation plan which meets the standards of the State Soil and Conservation Commission, and is approved

by the Androscoggin County Soil and Water Conservation District. Nonconformance with the provisions of such conservation plan shall be considered to be a violation of this chapter.

(b) Cutting of shoreland vegetation.

1. Harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is left within fifty (50) feet of the shoreline.
2. No roads requiring earthmoving, cut or fill shall be constructed within the shoreland area solely for purposes of harvesting timber products.
3. Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters such as a sediment basin, settling basin, immediate reseeding.
4. Harvesting activities within the shoreland zone shall not create single openings greater than seven thousand five hundred (7,500) square feet in the forest canopy.
5. Harvesting activities shall be conducted such that no mineral soil shall be exposed within fifty (50) feet of the shoreline. (Ord. No. 73-67, 1-17-74; Ord. No. 76-10, 11-4-76)

Sec. 29-17. Application of regulations, modifications and exceptions.

The following regulations shall apply generally unless zone regulations specifically provide to the contrary.

(A) SUBDIVISIONS.

All proposals for subdivision, submitted as stipulated in the Subdivision Ordinance of the City of Lewiston, must conform to all sections of this chapter. The obligation to check this

conformity rests with the planning board, who may modify space and bulk provisions for the establishment of a new town, planned unit development and cluster development.

(B) CLUSTER DEVELOPMENT.

In reviewing proposals for the establishment of cluster subdivisions, including, but not limited to, a plan and program for a new town, planned unit development and cluster development which, in their judgment, provides adequate public spaces and improvements for circulation, recreation, light, air and service needs of the community when fully developed and populated, and which also provided such covenants or other legal provisions as will assure conformity to and achievement of the plan in accordance with the following standards, the planning board may modify provisions of this chapter relating to space and bulk. This shall not be construed as granting variances to relieve hardship.

(1) The purpose and intent of this zoning ordinance shall be upheld.

(2) There shall be compliance with all state and local codes and ordinances.

(3) To obtain approval, a proposed development shall have a minimum lot area not less than required per family or apartment in the zone in which it is located. For the purposes of this chapter, minimum lot area shall be established by the area of residual space available for development after deduction of vehicular rights-of-way and land not buildable because of drainage, subsurface conditions or other natural impediment.

(4) Each building shall be an element of an overall plan for site development.

(5) Where possible, buildings shall be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas.

(6) Development proposals shall include a landscape program to illustrate the proposed treatment of space, roads, paths, service and parking areas. Screening devices shall not impair pedestrian and vehicular safety.

(7) Utilities shall be installed underground wherever possible. Transformer boxes, substations, pumping stations and meters shall be located and designed as not to be unsightly or hazardous to the public.

(8) Residual open space accumulated by modifying space and bulk requirements within the allowable density limits shall be used for recreational or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life and wild life cover. The use of any open space may be further limited or controlled at the time of subdivision approval where necessary to protect adjacent properties or uses.

(9) The common open space(s) shall be shown on the subdivision plan and with appropriate notation on the face thereof to indicate that it:

(a) Shall not be used for future building lots.

(b) A part or all of the common open space may, at the city's option, be accepted in dedication by the city and operated as a city recreational facility.

(10) If any or all of the common open space is to be reserved for use by the residents, the formation and incorporation by the developer of a neighborhood association shall be required prior to final plat approval.

(a) Covenants for mandatory membership in the association setting forth the owner's rights and interest and privileges in the association and the common land shall be approved by the planning board and included in the deed for each lot.

(b) This neighborhood association shall have the responsibility of maintaining the common open space(s) and operation and maintenance of local neighborhood recreation facilities.

(c) The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open spaces and neighborhood recreational facilities.

(d) The developer or subdivider shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place or, alternately, the objectives of clustering have been met. Such determination shall be made by the planning board upon request of the neighborhood association or the developer or subdivider.

(11) For the purposes of this section, the tract or parcel of land involved must be either in single ownership or the subject of an application filed jointly by the owners of all the property included.

(12) For the purposes of this section, accessory uses may be included as an integral part of the plans for the development, retail and service facilities for the convenience of residents only; provided, however, that in

the opinion of the planning board such facilities are in no way conflicting with the Comprehensive Plan of the City of Lewiston.

(13) The developer shall present a letter from the police department assuring pedestrian and vehicular safety and efficient traffic circulation.

(14) The developer shall present a letter from the fire department regarding the convenience of access to the development and the ability to service the development, in case of fire.

(C) APPLICATION OF REGULATIONS.

(1) Arterial setback.

(a) All residential structures along major traffic arteries and collectors shall be set back from the street lines at least thirty (30) feet, provided that no structure need be set back any deeper than the average depth of the setback on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than thirty (30) feet shall be considered as having a setback of thirty (30) feet.

(b) All nonresidential structures, except display signs, walls, gas pumps, and fences, along major traffic arteries and collectors shall be set back from the street lines at least fifty (50) feet, provided that no structure need be set back any deeper than the average depth of the setback on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than fifty (50) feet shall be considered as having a setback of fifty (50) feet.

(c) The following streets, or parts thereof, require said setback:

1. Bartlett Street: Willow Street to East Avenue;

2. East Avenue: Lisbon Street to Sabattus Street;

3. Lisbon Street: Willow Street to Lisbon Town Line;
4. Main Street: Frye Street to Greene Town Line;
5. Old Lisbon Road: Webster Road to Lisbon Road;
6. Pleasant Street: East Avenue to Lisbon Street;
7. Russell Street: Main Street to Sabattus Street;
8. Sabattus Street: Central Avenue to Webster Town Line;
9. Webster Street: Sabattus Street to Old Lisbon Road.

(2) 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 unless in conformity with the provisions, regulations and restrictions of this chapter. All buildings, structures and uses of land or of buildings and structures which do not meet the requirements of this chapter become lawfully nonconforming.

(3) When a lot is situated in part in the City of Lewiston and in part in an adjacent municipality, the provisions, regulations and restrictions of this chapter shall be applied to that portion of such lot as lies in the City of Lewiston in the same manner as if the entire lot were situated in Lewiston.

(4) No dwelling shall be erected except on a lot which fronts a street.

(5) All buildings and other structures shall be so located and arranged on lots as to provide safe and convenient access for fire protection, servicing and off-street parking and loading located on the premises.

(6) Land within the lines of a street on which a lot abuts shall not be counted as part of such lot for the purposes of meeting the area requirements of this chapter even though the fee to such land may be in the owner of such lot.

(7) Any single vacant lot existing prior to the adoption of this chapter and not adjoined by other vacant land of the same owner may be built upon as a matter of right, provided such lot shall conform to the yard requirements of this chapter.

(8) Any two (2) or more vacant mutually adjoining lots, either of which is nonconforming, lawfully existing and in common ownership prior to the adoption of this chapter shall be grouped to provide one (1) lot conforming, as far as possible, to the area and width requirements of this chapter, which one (1) lot may be built upon as a matter of right subject to the yard and maximum building area requirements of this chapter. Any excess lot or lots, if not sufficient to be a conforming lot, shall be made part of the one (1) lot.

(9) No division of land in any zone shall be made whereby the remaining land, if any, excluding the lot or lots to be sold or established under separate deed, shall be smaller than the minimum size provided for the zone in which such remaining land is located, or have less width and yard space than the minimum provided.

(10) Any land taken by eminent domain, or conveyed for a public purpose for which the land could have been or was taken by eminent domain, shall not be deemed to be transferred in violation of the area, width and yard space provisions of this chapter.

(11) No lot shall be so reduced that the yards, courts or other open spaces shall be smaller than prescribed by this chapter. No yard, court or other open space shall, at any time, be counted as required open space for more than one (1) building.

(12) On a corner lot in any zone, a building or structure may face either street, and the front yard shall be between the principal building or structure and the street on which the building or structure is to be numbered. The side yard, between the building and side street, shall meet front yard requirements of the applicable zone. Additionally, the rear yard, between the principal building and the abutting property on the side street, shall meet side yard requirements of the applicable zone. (Ord. No. 73-59, 11-1-73)

(13) Where a lot containing ten thousand (10,000) square feet or less is completely surrounded by streets or alleys, the building area may be increased twenty per cent (20%).
(Ord. No. 73-51, 7-12-73)

(14) Uses, similar to but not specifically mentioned or covered by, any general category of permitted or conditional uses shall be allowed as conditional uses upon a determination by the board of appeals that the proposed use is similar to and compatible with other uses permitted in that zone and meets the special requirements for conditional uses in section 29-25 of this chapter. (Ord. No. 73-58, 11-1-73; Ord. No. 74-17, 8-15-74)

(15) The minimum lot area and minimum lot width for all lots where public or private community sewerage is not available shall be the same as provided in an R-3 Zone, section 29-10, (D), except in those areas where a larger minimum lot area and minimum lot width are specifically required. (Ord. No. 74-18, 8-15-74)

(D) PARKING AND/OR STORAGE OF CERTAIN VEHICLES PROHIBITED IN SPECIFIC ZONES.

(1) Mobile homes. The parking or storage of any mobile home in all zones except the Commercial "C" Zone is hereby prohibited, except on a sales lot, or at an establishment for service, maintenance or repair while such operations are being diligently pursued, or at a mobile

home manufacturing plant, or in a legally authorized junkyard, or as authorized by sections 29-31 and 29-32 of this chapter.

(2) Commercial trailers. A commercial trailer or semi-trailer shall not be parked or stored in any residential, apartment or transitional zone.

(3) Commercial vehicles. The parking of a commercial self-propelled vehicle in any residential zone is prohibited, except that one (1) commercial vehicle with a manufacturer's rating of not more than one and one-half (1½) ton may be parked on any lot on which there is located a main building, provided that such vehicle is used by a resident of the premises. This regulation shall not be interpreted to prohibit commercial vehicles from loading and unloading in any residential zone.

(4) Major recreational equipment.

(a) Definition. "Major recreational equipment" is defined for the purpose of this chapter as including nonresident trailers, boats and boat facilities, and combinations thereof, off-the-road vehicles and their trailers, and combinations thereof, and other similar equipment, and cases and boxes used for transporting recreational equipment, whether occupied by such equipment or not.

(b) Parking or storage as accessory to residential use. Parking or storage of major recreational equipment shall be permitted as accessory to principal residential use only in accord with the following limitations:

1. Unless stored in a garage, carport or accessory building, such equipment shall be parked or stored behind the nearest portion of any building to the street; provided, however, that parking shall be permitted anywhere on the premises or on adjacent streets (if otherwise

lawful) for not to exceed twenty-four (24) hours during loading and unloading, and further provided;

2. In any side yard not adjacent to a street, no such equipment may be parked or stored if it exceeds twelve (12) feet in height above the ground; provided, however, that masts, antennas, ventstacks, windshields or other minor accessories may exceed this height limit;

3. Equipment exceeding the limitations set forth in the paragraph above may be parked or stored outdoors only in the rear yard. Any equipment so stored will be subject to these requirements concerning accessory buildings set forth in the special requirements of the applicable zone;

4. No such equipment parked or stored on a residential lot shall be used in such location for living, sleeping, housekeeping or business purposes.

(5) Other parking or storage. Except as indicated above, major recreational equipment not in use may be parked or stored only as follows:

(a) At plants manufacturing such equipment;

(b) At establishments engaged in the sale of such equipment;

(c) At establishments for service, maintenance or repair of such equipment while such operations are being diligently pursued;

(d) At facilities for the active use of such equipment, provided that areas and/or structures for parking or storage shall be appropriately located, improved, and, if necessary, screened or fenced;

(e) At automobile parking stations;

(f) At commercial garages;

(g) At legally authorized junk, scrap or salvage yards.

(6) Maintenance of major recreational equipment stored outdoors. Except when in legally authorized junk, scrap or salvage yards, major recreational equipment stored in the open shall be maintained in condition for safe and effective performance of the function for which it is intended, or can be placed in such condition at a cost not exceeding the value of the equipment in its existing state. In no case shall such equipment be stored in the open, other than in legally authorized junk, scrap, or salvage yards, for a period of more than six (6) months if not in condition for safe and efficient performance of the function for which it is intended.

(E) HEIGHT.

(1) Excluded portions of structures. The height limitations of this chapter (except as provided below) shall not

apply to any penthouses or roof structures for the use of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, nor shall it apply to church spires, belfries, cupolas, domes, and monuments, water towers, fire or parapet walls, skylights, steeples, roof signs, flag poles, chimneys, smoke stacks, radio or television towers, silos or similar structures which may be erected above the height limit. The foregoing provisions shall not be interpreted to permit a fire or parapet wall to extend more than four (4) feet above the roof.

(2) Aviation hazards prohibited. No structure in any district shall be erected which exceeds the maximum height permissible under the federal air regulations of the Federal Aviation Administration.

(F) SEMI-DETACHED DWELLINGS - SIDE YARDS.

For the purpose of side yard regulations, semi-detached two-family dwellings with common party walls shall be considered as one (1) building occupying one (1) lot.

(G) PROJECTIONS PERMITTED IN REQUIRED YARDS AND COURTS.

(1) Porte cocheres and covered unenclosed porches permitted in required side or rear yards. Porte cocheres and covered porches, open on the three (3) sides except for necessary supporting columns and customary architectural features, shall be permitted in required side or rear yards, provided that no such structure shall project closer than two (2) feet to any side lot line, that no such structure shall project into any yard required adjacent to a street, that no such structure shall be more than one (1) story in height or more than twenty-four (24) feet in length and that no such structure shall project more than six (6) feet into any required rear yard.

(2) Unenclosed porches and the like which are not covered. Unenclosed porches, landings, terraces, patios or platforms which are not covered by a roof or canopy and

do not extend above the level of the first floor of the building (except for railings and railing supports) may project into any required front, side or rear yard or court not to exceed eight (8) feet.

(3) Covered front porches. No porch covered by a roof shall project into any required front yard, except a minor entry porch, which shall not be more than six (6) feet in width and shall not project more than six (6) feet into such yard.

(4) Architectural features, chimneys, air conditioners. Cornices, eaves, belt courses, sills, canopies or other similar architectural features (but not including bay windows or vertical projections) may project into a required side yard not more than eighteen (18) inches, but not closer than three (3) feet to the side lot line, and may extend into a required front or rear yard not more than thirty-six (36) inches. Chimneys and air conditioners may project into any yard not more than eighteen (18) inches, but air conditioners rated at twenty-four thousand (24,000) B.T.U. or less shall not be so placed as to discharge within five (5) feet of side yard lines, and those rated over twenty-four thousand (24,000) B.T.U. to discharge air within twelve (12) feet of side yard lines, other than side yard lines adjacent to streets.

(5) Open fire escapes. Open, unenclosed fire escapes may project not more than four (4) feet into any required yard, but shall not project closer than three (3) feet to any side lot line.

(6) Open stairways and balconies. Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard only, not more than four (4) feet, but shall not be within three (3) feet of any property line.

Sec. 29-18. Zoning board of appeals.

(A) ORGANIZATION.

A board of appeals is hereby established pursuant to the Public Laws of Maine 1971, Chapter 455. Such board shall

have those duties, authorities and shall conduct its affairs all as specified in Maine Revised Statutes, 1971, Title 30, Chapter 455, Sections 2411 and 4963 and any future amendment or replacement thereof.

(1) The board of appeals shall consist of five (5) members and two (2) alternate members, who shall be residents of the City of Lewiston and appointed by the mayor thereof. The mayor shall ensure that the board of appeals has represented on it a wide cross section of vocations. A municipal officer may not serve as a member. The seven (7) members shall serve for terms of office of five (5) years, and initial appointments shall be such that the terms of office of not more than one (1) member and one (1) associate member shall expire in a single year.

(2) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

(3) The board of appeals may provide by rule, which shall be recorded by the secretary, for any matter relating to the conduct of any hearing, provided such rules are not inconsistent with the provisions of law, the city charter or the ordinances of the city, and further provided that any rule may be waived by the chairman upon good cause shown.

(B) OFFICERS.

A chairman and secretary shall be elected annually by the affirmative vote of four (4) members. They will serve for the calendar year.

(C) DUTIES.

(1) The chairman shall call meetings of the board of appeals as required. The chairman shall also call meetings of the board of appeals when requested to do so by a majority of the members or by the mayor. The chairman shall preside at all meetings of the board of appeals and be the official spokesman of the board.

(2) The secretary shall maintain a permanent record of all board meetings and all correspondence of the board. The secretary shall be responsible for maintaining those records which are required as part of the various proceedings which may be brought before the board of appeals. All records to be maintained or prepared by the secretary are deemed public.

(D) MEETINGS.

(1) Four (4) members of the board of appeals shall constitute a quorum, but no vote of the board shall be effective unless it has the affirmative vote of three (3) members. Variances or conditional uses may be granted only by the affirmative vote of four (4) members.

(2) The first regular meeting of the year shall constitute an annual organization meeting of the board. Whenever there are no business matters to be considered at any regular meeting, other than the organizational meeting, the chairman may dispense with such meetings by notifying each member of the board and each other person who may have been given notice of the meeting at least twenty-four (24) hours prior to the time set for the meeting, provided that when a majority of the members or the mayor requests that such regular meeting be held, the chairman shall not dispense with it.

(3) The board of appeals may receive an oral or documentary evidence but possesses the authority as a matter of policy to exclude irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(4) The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall

become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to every party as required by Section 2411 of Title 30 of the Maine State Revised Statutes amended.

(5) An appeal may be taken by any party to superior court from any order, relief or denial in accordance with Rule 80 B. The hearing before the superior court shall be a trial de novo without a jury. The corporation counsel shall (1) notify the board of the hearing, (2) be present at the hearing and (3) represent the city's interest at the hearing.

(6) In case the board of appeals' chairman in his discretion cancels a regular meeting, all petitions set for hearing at the cancelled meeting shall be automatically scheduled for hearing first at the next regular meeting, provided that neighboring property owners and other parties are renotified in conformance with section 29-21 of this chapter. (Ord. No. 73-41, 5-17-73)

Sec. 29-19. Procedure for hearing appeals.

(A) WHAT ONE MAY APPEAL TO THE BOARD.

The board of appeals shall:

(1) Hear any written appeal by any person affected directly or indirectly by any decision or failure to act of the building inspector.

(2) Hear any written appeal from a petitioner who seeks a variance.

(3) Hear any written appeal from a petitioner who seeks a conditional use permit.

(B) HOW TO APPEAL TO THE BOARD.

Written petition for appeals shall be filed in duplicate with the city clerk together with a fee of ten dollars ($10.00) and

such petition shall be made within thirty (30) days after the date of the decision of the building inspector. A petition shall be in letter form addressed to the board of appeals.

(1) If the petitioner is the applicant for the permit, the petition for appeals shall reflect the following information:

(a) Street address of the property in question;

(b) The legal name and address of the owner of property involved;

(c) The legal name and address of the applicant, which address shall be used by the board of appeals in all correspondence hereunder;

(d) Names and addresses of all abutting property owners, including those across any streets;

(e) Description of the property in question;

(f) Petitioner's proposal of what is intended to be done;

(g) Applicable zoning ordinance provisions;

(h) Zone in which the property in question is located;

(i) When proposal concerns buildings or structures, a sketch of the proposal giving the location of the building or structure on the property and all dimensions necessary for a clear understanding of what is intended;

(j) When proposal concerns a variance request, a complete statement as to the unnecessary hardships imposed upon the property in question by the zoning chapter arising from some peculiarity in the physical characteristics of the land as related to the permitted uses and areas which does not apply generally to the property or class or uses in the same zone.

(2) If the petitioner is a protesting party other than the applicant for the permit, the petition for appeals shall reflect the following information:

(a) Street address of the property in question;

(b) The legal name and address of the protesting party other than the applicant for the permit, which address shall be used by the board of appeals for all correspondence thereunder;

(c) Description of property in question;

(d) Substance of approved application for which a permit was issued by the building inspector followed by the specific objections of petitioner to the granted permit;

(e) Applicable zoning ordinance provisions;

(f) Zone in which the property in question is located.

(C) SUCCESSIVE APPEALS TO THE BOARD.

If the board of appeals shall deny an appeal respecting certain buildings, structures or premises, a second appeal of a similar nature shall not be brought before the board within three (3) months from the date of the denial of the board of the first appeal, unless, in the opinion of a majority of the board, substantial new evidence shall be brought forward, or unless the board finds, in its sole and exclusive judgment, that an error or mistake of law or misunderstanding of facts shall have been made.

(D) WHAT ONE MAY APPEAL TO THE SUPERIOR COURT.

An appeal may be taken by any party to superior court from any order, relief or denial of the board of appeals in accordance with Rule 80 B. The hearing before the superior court shall be a trial de novo without jury. The chairman of the board of appeals shall advise all parties who have been denied an appeal to the board of their rights to a hearing before the superior court.

Sec. 29-20. Reserved.

Sec. 29-21. Administrative action upon written appeals.

(A) All hearings shall be held at the next regular meeting of the board of appeals, unless otherwise arranged between the petitioner and the board of appeals, after the notice period established in paragraph (D) below shall have expired.

(B) The secretary of the board of appeals will coordinate with the City Clerk of the City of Lewiston to ensure compliance with required legal notice for public meetings. Assuming that notice of public meetings held by the board of appeals is mandatory, legal notice will consist of a notice conspicuously posted in the office of the city clerk a reasonable time in advance of the meeting, which will be construed to mean at least seven (7) days before the date of each meeting. The board at its discretion may determine that a given matter is of particular importance or interest to the community and, in addition to posting as required above, may insert a paid notice of the subject public meeting in the local newspaper.

(C) The city clerk shall serve notice of required public hearings detailing subject, time and place of hearing a reasonable time in advance of the hearing, which shall be construed to mean at least seven (7) days before the date of such hearing, to the following:

(1) Each member of the board of appeals;

(2) The petitioner, the planning board, the building inspector and such persons shall be made parties to the action;

(3) The owners of property within three hundred (300) feet of all the frontage on both sides of the street and all land owners whose property touches upon the lot involved in the appeal. For the purpose of this notification, the owners of property shall be considered to be the parties listed by the board of assessors as those against whom taxes were assessed. Failure of any property owners to receive a notice of the public hearing shall not necessitate another hearing and shall not invalidate any action by the board of appeals.

Notice shall be by any method of personal service or substituted personal service allowed by the City of Lewiston and the laws of the State of Maine.

(D) Anyone may appear at a public board meeting/hearing, be represented by his/her agent or be accompanied by an at-

torney. When an appellant does not have an attorney, the chairman shall insure that the provisions of the zoning chapter applicable to the appeal are understood by the applicant or appellant. This should include an indication of the type of evidence necessary to prove error on the part of the building inspector, to justify granting a variance or to justify the issuance of a conditional use permit.

(E) An appellant, or his/her agent or attorney, must appear at the scheduled meeting/hearing at which the subject case is to be heard. Failure to appear shall require the board to dismiss the case with the appellant receiving written notification of this. Reinstatement of the case shall be allowed upon the filing of a written request within thirty (30) days after the dismissal notice. Reinstatement shall be allowed only after the showing of good cause and upon payment of any required fees incurred from readvertising the case.

(F) A continuance may be granted to an appellant where good cause is shown if he/she is unable to present his/her evidence at the scheduled meeting/hearing.

Sec. 29-22. Action by the board of appeals on an appeal.

(A) The board of appeals shall affirm, modify or set aside, within sixty (60) days from the date of filing, the appealed decision of the building inspector by interpreting that provision of the ordinance which has been called into question. The failure of the board of appeals to issue a written notice of its decision, directed to the appellant, as required by Section 2411 of Title 30 of the Maine State Revised Statutes Amended constitutes a denial of the appeal. If the board of appeals finds that the building inspector correctly interpreted and applied the provisions of that ordinance, the board shall affirm his decision, except when an appeal raises the issue of a variance, in which case the board of appeals may grant a variance in accordance with section 29-23 of this chapter, or except when an appeal raises the issue of a conditional use, in which case the board of appeals may issue a conditional use permit in accordance with section 29-24 of this chapter. (Ord. No. 73-42, 5-17-72)

(B) The board of appeals may act on its own initiative to vary, modify or reverse any decision of the building inspector.

Sec. 29-23. Variance.

(A) The board of appeals' power to grant a variance is limited to (1) allowing, in a zone, construction, addition, alteration or use of a building, structure, or part thereof, which is not permitted by this chapter, (2) determining and varying, to moderate extents, lot area, lot width, yard depth, the percentage of the lot that may be covered by buildings and structures and the height of buildings and structures. The board is not authorized to grant and is hereby specifically prohibited from granting, any variance other than those authorized by this paragraph's first sentence. Additionally, the board of appeals shall alone hear requests for variances.

(B) The first variance type described above may be granted only where strict application of a provision of this chapter would cause undue hardship. In considering a variance request for this variance type, the board of appeals may grant a variance if, and only if, all the following conditions are met:

(1) The burden of proof is upon the petitioner to demonstrate undue hardship to himself and his property. To meet this burden of proof the petitioner must demonstrate the following:

(a) The physical conditions unique to the specific property involved are of such an extraordinary nature that strict application of the provisions of this chapter to the specific property involved practically destroys or greatly decreases its value for any permitted use to which it can reasonably be put, or where the application of this chapter's provisions bears so little relationship to the purposes of zoning that, as to that property, the provisions of this chapter are, in effect, confiscatory or arbitrary;

(b) That the physical conditions relating to petitioners' property are unique conditions—that is, are

not substantially duplicated on other property adjoining or nearby in the same neighborhood or the same zone;

(c) The alleged undue hardship is caused by the provisions of this chapter and is not attributed to any act, course of conduct or failure to act of any person presently having an interest in the property;

(d) The granting of the requested variance will not adversely affect property adjoining or nearby in the same neighborhood or the same zone insofar as the property is being used in conformity with the provisions of this chapter, and will not alter the essential character of the neighborhood or zone;

(e) The granting of the requested variance will not impair the integrity of the Comprehensive Plan of the City of Lewiston.

(2) If the board of appeals finds that the petitioner has satisfied his burden of proof as regards provisions 1(a), 1(b) and 1(c), but that either or both of provisions 1(d) and 1(e) have not been satisfied, and if the board further finds that the unsatisfied provisions could be met under certain conditions, the board of appeals may grant a variance on these conditions.

(C) The second variance type described in this section's first sentence may be granted only where strict application of a provision of this chapter would not be in the best interest of the community. In considering a variance request for the second variance type, the board of appeals shall determine that the building, structure or use has satisfactorily met the special requirements for conditional uses in section 29-25 of this chapter.

(1) The burden of proof is upon the petitioner to demonstrate that the requested variance will satisfactorily meet all of the criteria in section 29-25 of this chapter.

(2) If the board finds that unsatisfied criteria could be met under certain conditions, the board of appeals may grant a variance on these conditions.

(D) The board of appeals shall give the petitioner, the planning board, the building inspector, the municipal officers and other interested persons a reasonable opportunity to have their views expressed at the hearing on each of the above provisions required for either variance type.

(E) In imposing conditions on either variance type, the board may, and is encouraged to, seek the advice of the planning board.

(F) The board of appeals may grant a variance only by the affirmative vote of four (4) members.

(G) The right to any variance of the terms of this chapter secured by vote of the board of appeals to change the decision of the building inspector in a specific case shall expire if the work or change involving such variance is not begun 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 year of the date on which such change is voted; provided, however, that the board of appeals may extend the time limitations if, prior to expiration thereof, the board receives a written extension request stipulating the reasons why the established time limitations cannot be met and requesting the granting of a time extension of a specific length.

(H) Notification of all variances to section 29-16, Resource Protection Zone, shall be submitted to the state planning office. (Ord. No. 76-10, 11-4-76)

Sec. 29-24. Action by board of appeals on a conditional use permit petition.

A building, structure or use stipulated as a conditional use (exception) in this chapter may not be constructed, added to, altered, moved, changed and/or premises used unless and until the board of appeals shall grant a conditional use permit. The board of appeals alone, and not the building inspector, shall hear requests for conditional use permits and shall grant a conditional use permit only when all general requirements and all special requirements as specified in this chapter have been met. The burden of proof is upon the

petitioner to demonstrate that all special requirments for a conditional use permit as specified in this chapter have been met. The petitioner, the planning board, the building inspector, the municipal officers and other interested persons shall have a reasonable opportunity to have their views expressed at the hearing. If the board of appeals finds that an unsatisfied requirement could be met under certain conditions, the board of appeals may grant the individual use permit on those conditions. In imposing conditions on a conditional use permit, the board of appeals may seek the advice of the planning board and/or other municipal boards and officials. (Ord. No. 77-28, 10-6-77)

Sec. 29-25. Special requirements for conditional uses.

A building, structure or use stipulated as a conditional use (exception) in this chapter may not be constructed, added to, altered or changed and/or premises used in any zone unless and until the board of appeals determines that the petitioner has demonstrated that, in addition to meeting all of the general requirements which apply, he has satisfactorily met the following requirements:

(a) That the conditional use sought does not cause conflict with the Comprehensive Plan of the City of Lewiston;

(b) That the exception sought does not have a harmful effect on the use of nearby land insofar as that land is being used in conformity with Lewiston ordinances and variances;

(c) That the exception sought will neither create nor aggravate a traffic hazard, a fire hazard or a panic hazard;

(d) That the exception will not block or hamper the city plan patterns of highway circulation or of planned major public or semipublic land acquisition;

(e) That the exception sought will not alter the essential character of the neighborhood and will not tend to depreciate the value of the property adjoining and neigh-

boring the property under petition, considering the size and character of the buildings in the vicinity;

(f) That the exception will not unduly restrict the access of light and air to the premises and to adjoining premises;

(g) Will not create a hazard to air traffic;

(h) Will not create a barrier or undue impediment to municipal officials or to the fire department in performing their functions in connection with the premises or the adjoining properties;

(i) Will not endanger the safety or health of the citizens of Lewiston;

(j) Will not make undue demands upon public facilities, especially water supply, sewage disposal, police protection or schools;

(k) That the conditional use will not create significant water pollution;

(l) That the conditional use will not increase potential flood damage. (Ord. No. 73-67, 1-17-74; Ord. No. 77-28, 10-6-77)

Sec. 29-26. Enforcement.

(A) BUILDING INSPECTOR.

(1) The zoning board of appeals shall appoint a building inspector.

(2) It shall be the duty of the building inspector to enforce the provisions of this chapter. No permit shall be issued for the construction, addition, alteration, removal, demolition 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 ordinances of the City of Lewiston and the laws of the State of Maine.

(3) The building inspector is hereby authorized and directed to make such inspections as are necessary to determinate satisfactory compliance with this chapter.

(4) The building inspector shall be given free access at reasonable hours to all parts of structure[s] regulated by this chapter.

(5) The building inspector shall act upon all written applications for building or use permits required by this chapter signed by the applicant and directed to the building inspector, either by issuing or refusing to issue such permits within thirty (30) days from the date of filing of the application. 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. The failure of the building inspector to issue a written notice of his decision, directed to the applicant, within thirty (30) days from the date of filing of the application constitutes a refusal of the permit. The applicant may then either appeal the decision of the building inspector to the board of appeals or reapply for a permit after changing whatever conditions led to the original denial. After granting an application, the building inspector shall file with the board of appeals copies of all permits which he has granted together with one complete set of the plans filed with him.

(6) All applications for permits for proposed buildings shall be accompanied by a site and a floor plan submitted in duplicate reflecting the outside contour of all buildings and main bearing partitions and location of said building on [the] lot. All applications for permits for structures shall be accompanied by a sketch submitted in duplicate of the proposal giving the location of the structure on the property and all dimensions necessary for a clear understanding of what is intended.

(7) The building inspector shall, upon approval of any application for a building or use permit required by

this chapter, furnish the applicant a permit, retain a copy thereof and file copies thereof with the board of appeals, planning department, the city clerk and the board of assessors of the City of Lewiston.

(8) 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 space of which are in any way reduced, until the building inspector shall have certified on the building permit, and on the certificate of occupancy if none 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. The building inspector is hereby authorized to issue summonses to violators of this chapter who fail to comply with a second written notice of violation.

(B) VIOLATIONS.

(1) Upon the individual initiative of the building inspector, or on any well-founded information in writing from any person aggrieved, or on request by any municipal officer, the building inspector shall make an investigation of the facts and an inspection of the premises where such violations may exist.

(2) On evidence of any violation after investigation and inspection, the building inspector shall give notice of such violation to the owner or his agent and to the occupant of such premises as hereinafter provided. Such notice shall (1) be in writing; (2) include a statement of the reasons for its issuance; (3) allow a reasonable time for the performance of any act it requires; (4) be served upon the owner or agent and the occupant of the premises as the case may require, provided that such notice be deemed to have been properly served upon such owner or agent and occupant of the premises when a copy thereof has been sent by registered mail to their last known address, or where they have been served with such notice by any method authorized or required by the ordinances of the City of Lewiston and the laws of the State of Maine.

(3) Whenever, after investigation and inspection, the building inspector finds evidence of a violation which requires immediate action to protect the public health and safety, he may, without notice, issue an order reciting the existence of such an emergency and require that such action be taken as he may deem necessary to meet [the] emergency. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Additionally, the procedure which shall be followed if a dangerous building is found shall be in conformance with 17 M.R.S.A. § 2851 (1964).

(C) VIOLATION ABATEMENT.

If after such notice and demand (or demand in the emergency situation described in (B) (3) above) such violation

has not [been] abated within the time specified, the building inspector 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 chapter, the same to be brought in the name of the City of Lewiston.

(D) PENALTY.

Any person or persons, firm or corporation being the owner or tenant of, or having the control or use of, any building, structure, land or premises, or [part] thereof, in the City of Lewiston who violates any of the provisions of this chapter, 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 ten dollars ($10.00) nor more than one hundred dollars ($100.00). Each day each such violation or failure to comply is permitted to exist after notification thereof shall constitute a separate offense.

Sec. 29-27. Application, validity, severability.

(A) APPLICATION.

(1) This chapter should not interfere with, abrogate, annul or appeal any ordinance, rule, regulation or permit previously or hereafter enacted, adopted or issued pursuant to law; provided, however, that unless specifically excepted, where this chapter imposes greater restrictions its provisions shall control.

(2) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of residents of the City of Lewiston.

(B) VALIDITY OF SEVERABILITY.

(1) If any provision of this chapter is declared invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to that provision of this

chapter directly involved in the controversy which gave rise to the judgment and shall not affect or impair the validity of any other provision of this chapter.

(2) Nothing in this chapter shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or existing under any act or chapter repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

Sec. 29-28. Amending zoning ordinance.

(A) WHO MAY AMEND.

The power to amend this chapter rests in the City Council of the City of Lewiston.

(B) AMENDMENT REQUIREMENTS.

(1) This chapter may not be amended until the Planning Board of the City of Lewiston has made a careful investigation and reported its pertinent recommendations, which are consistent with the comprehensive plan. The planning board shall make its official report at the next meeting of the city council which is held not less than thirty (30) days after the proposal has been submitted to the planning board. The failure of the board to issue its report constitutes approval of the proposal.

(2) An amendment to this ordinance may not be enacted until after a public hearing has been held by the planning board for its consideration at least ten (10) days before it is submitted to the city council.

(C) VOTE REQUIREMENTS.

(1) If the planning board approves a proposed amendment to this chapter, either by way of an official report to the city council or by way of default by failing to issue its report to the city council, the city council may, by

affirmative vote of at least four (4) aldermen at a regular or special meeting, duly called, amend this chapter.

(2) If the planning board disapproves a proposed amendment to this chapter by way of an official report to the city council, the city council may amend this chapter only by a two-thirds (2/3) vote of the city council at a regular or special meeting, duly called.

(D) WHO MAY PROPOSE AMENDMENTS.

(1) The planning board, on its own initiative, or reference from the city council, or on petition signed by not less than ten (10) residents of the City of Lewiston, eighteen (18) years of age and older, shall hold a public hearing on any written proposal to amend this chapter and shall report such hearing and the recommendations of the planning board thereon to the city council.

(E) PROPOSED AMENDMENT IN WRITING.

(1) Any proposal to amend this chapter shall be in writing and shall include the following:

(a) Any proposed ordinance which repeals or amends the zoning ordinance shall set out in full the ordinance sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by striking out type and shall indicate new matter by underscoring or by italics;

(b) The enacting clause shall be "The City of Lewiston hereby ordains . . .";

(c) A statement indicating the reason(s) for the proposed ordinance.

(2) Any proposal to amend this chapter shall be accompanied by the following:

(a) When a person petitions for rezoning of an area for the purpose of development in accordance with the architect's plan, the area shall not be rezoned unless the petitioner posts a performance bond

equal to at least twenty-five (25) per cent of the estimated cost of the development. Said bond shall become payable to the City of Lewiston if the petitioner fails to begin construction in a substantial manner and in accordance with the plan within one year of the effective date of the rezoning;

(b) In the case of a petition for rezoning or zoning changes, a blackline print of a diagram reflecting the verbal description of the proposed zoning changes and the relation of the proposed zoning changes to the present existing zone boundaries involved.

(F) NOTICE.

(1) The planning board shall give proper notice of the public hearing to the petitioners. Failure of any petitioner to receive such notice of such public hearing shall not necessitate another hearing, shall not constitute grounds for objections by such petitioner and shall not invalidate any recommendation by the planning board on such zoning matter.

(2) Notice must be served a reasonable time in advance of the meeting which will be construed to mean at least seven (7) days before the date of such meeting. Notice shall be by any method of personal service or substituted personal service authorized by the ordinances of the City of Lewiston and the laws of the State of Maine.

(G) AMENDMENTS AFFECTING THE RESOURCE PROTECTION ZONE.

The state planning office shall be notified by certified mail of all proposed amendments to this chapter that would affect the Resource Protection Zone. Such notice shall be made at the same time as the planning board recommendation required by section 29-28(B) is forwarded to the city council. (Ord. No. 76-10, 11-4-76)

Sec. 29-29. Regulations pertaining to swimming pools.

(A) DEFINITION.

For the purpose of this section, "swimming pool" shall be defined as follows: A body of water in an artifical 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 thirty-six (36) inches or more or with a surface area exceeding two hundred fifty (250) square feet.

(B) PLACEMENT REQUIREMENTS.

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.

(C) ENCLOSURES.

(1) There shall be erected and maintained around every outdoor swimming pool a good quality fence or wall no less than five (5) feet in height and of a character to exclude children. Such fence shall be so constructed as not to have openings, holes or gaps larger than four (4) square inches except for fences constructed of vertical posts or louvres in which case the openings shall not be greater than four (4) inches in width to a height of four (4) feet and no greater than six (6) inches in width above a height of four (4) feet with no horizontal members between the top and bottom plates. Doors and gates are excluded from the minimum dimension requirements. A dwelling house or accessory building may be used as part of such enclosures.

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

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

(Ord. No. 77-14, 7-28-77)

(D) POOLS UNDER CONSTRUCTION.

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

(E) OTHER POOLS.

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

(F) CONSTRUCTION PERMIT AND APPROVAL.

(1) Before work is commenced on the construction of swimming pools, 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 and 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.

(2) 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 data, as well as plans, specifications and pertinent explanatory data, as the building inspector may require.

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

(G) 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.

(H) HEALTH REQUIREMENTS. The owner of property not serviced by the city sewers must obtain a permit from the health department before a construction permit will be issued.

Sec. 29-30. Walls, fences and corner cut-backs.

(A) PURPOSE.

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

(B) 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 existence on the property of physical hazards, such as frequent inundation, erosion, excavation or grade differential, is considered by the building inspector to be dangerous.

(C) SECURITY FENCING.

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

(D) INTERSECTION VISABILITY AND CORNER CUT-BACK.

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 (2) 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 set-backs are required and eight (8) feet in areas where no yard set-backs are required.

(E) HEIGHT STANDARDS.

(1) (a) Walls and fences not exceeding eight (8) feet in height shall be permitted along 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 shall not exceed three and

one-half (3½) feet in height. In the corner cut-back area of corner lots, the height of nature landscaping without pruning, walls, fences, buildings and other obstructions may not exceed three (3) feet. Provided, however, that the portion of a building more than eight (8) feet above the curb grade or corner of the abutting road may occupy any portion of the corner cut-back area permitted by other applicable sections of this chapter. Provided also that fences not exceeding three and one-half (3½) feet shall be permitted in the corner cut-back area so long as the vertical surface is not more than ten per cent (10%) solid.

(b) 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 corner cut-off areas.

(c) Notwithstanding the above provisions, walls, fences or other screening surrounding a mobile home park shall be permitted to exceed the maximum height limitations set forth in this section if necessary to meet the requirements specified in section 29-31 (E) (7) (c) of this chapter.

(2) To enclose tennis courts located within the rear half of the lot, fences over eight (8) feet in height shall be permitted, provided that portion of said fence or structure which is higher than eight (8) feet shall be composed of wire mesh or other material whose vertical surface is not more than ten per cent (10%) 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 abutting road.

(4) Nonconforming walls and fences. Notwithstanding the provisions of (E) (1) (a) above, walls and fences in

existence on the effective date of this chapter [November 30, 1972] are permitted to remain but subject to the provisions stipulated for nonconforming uses in section 29-4 of this chapter.

(5) Exceptions. After an on-site inspection by the building inspector, the board of appeals may allow exceptions to the foregoing provisions, provided that the proposed use or structure will not constitute a safety hazard.

(6) The use of barbed wire as a fencing material below a height of six (6) feet above grade shall be prohibited in all zones except agricultural. (Ord. No. 75-23, 9-4-75)

Sec. 29-31. Regulations pertaining to mobile home parks.

(A) PURPOSE.

The mobile home park regulations are intended to provide for the accommodation of mobile homes in planned, integrated mobile home parks at a standard consistent with the protection of health, safety and general welfare of residents of the City of Lewiston. The mobile home regulations establish minimum standards for mobile home parks; including requirements for the design, construction, alteration extension and maintenance of mobile home parks and related utilities and facilities; authorizing the issuance of permits for construction, alteration and extension of mobile home parks; authorizing the licensing of operators of mobile home parks; authorizing the inspection of mobile home parks, and providing for the enforcement of the regulations and requirements.

(B) DEFINITIONS.

As used in these mobile home regulations:

(1) *License* means a written license issued by the municipal officers to operate and maintain a mobile home park under the provisions of the Lewiston Zoning Ordinance and regulations issued hereunder.

(2) *Mobile home* means a vehicular portable structure built on a chassis designed as a single-family dwelling unit

suitable for year-round occupancy containing sleeping accommodations, kitchen facilities, the same water supply, waste disposal and electrical convenience as immobile housing and with plumbing and electrical

suitable for year-round occupancy containing sleeping accommodations, kitchen facilities, the same water supply, waste disposal and electrical convenience as immobile housing and with plumbing and electrical connections provided for attachment to outside systems. A mobile home shall be considered as a mobile home whether it is placed on a slab or permanent foundation, whether the wheels are removed, or whether any other action is taken to make it appear as anything but a mobile home.

(3) *Mobile home lot* means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

(4) *Mobile home park* means a parcel of land owned by a person which has been planned and improved for the placement of mobile homes for nontransient use.

(5) *Mobile home stand* means a part of an individual lot which has been reserved for placement of the mobile home, appurtenant structures or additions.

(6) *Permit* means a written permit issued by the building inspector permitting the construction, alteration and extension of a mobile home park under the provisions of the Lewiston Zoning Ordinance and regulations issued hereunder.

(7) *Person* means any individual, firm, trust, partnership, public or corporation.

(8) *Submission date* shall be the date of the first scheduled planning board meeting occurring at least seven (7) days after the park plans are received by the staff.

(Ord. No. 77-5, 5-19-77)

(C) USES PERMITTED.

(1) Residential mobile homes.

(2) The following incidental uses may be permitted in a mobile home park as part of the development if

authorized in the approval of the original plan or approved amendment thereof:

(a) Dwelling for owner or manager;
(b) Laundry and restroom facilities;
(c) Office (related to operation of mobile home park);
(d) Personal services;
(e) Recreation facilities;
(f) Accessory uses customarily incidental to the above uses.

(3) All of the above listed uses shall be subject to the standard of subsection (E).

(D) USES PROHIBITED.

All uses and structures not permitted in subsection (C) are hereby deemed to be specifically prohibited. Additionally, prefabricated houses which are not vehicles but homes designed and built to be transportable from site of construction to site of placement (normally via trailer) yet not designed or intended to be ready for occupancy without major work nor designed or intended to be uprooted and moved on a continuing basis are not mobile homes as defined in this section and are hereby specifically prohibited from all mobile home parks except as a dwelling for the owner or manager if such dwelling conforms in all respects to the ordinance[s] of the City of Lewiston and the laws of the State of Maine. The following general classifications of uses shall not be permitted to be approved as part of the incidental uses permitted under subsection (C):

(1) Industrial uses;

(2) Commercial uses except those permitted in subsection (C).

(E) PROPERTY DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS.

The following property development standards shall apply for all mobile home parks:

(1) Size of mobile home park. No parcel of land containing less than four (4) acres may be used for the

development of a mobile home park. The minimum number of spaces completed and ready for occupancy before first occupancy is permitted shall be five (5). The minimum number of planned units shall be twenty (20).

(2) Building height. Should be in conformance with applicable zone[s] highest use.

(3) Yards.

(a) General provisions.

1. Yards shall be measured perpendicular to the property line or from a future street or highway line as shown on the comprehensive plan.

2. Yard provisions shall apply to both main and accessory structures.

(b) Front yard. Each mobile home park shall have a front yard of forty (40) feet extending for [the] full width of the parcel devoted to said use.

(c) Side and rear yards. Each mobile home park shall have a rear yard and side yard on both sides on the parcel devoted to said use of not less than fifteen (15) feet, except that where a side or rear yard abuts a city street, the yard shall not be less than forty (40) feet.

(4) Coverage. No requirement.

(5) Signs.

(a) Sign area. A mobile home park shall be allowed one (1) shadow lighted or unlighted identification sign.

(b) Ground signs. Ground signs shall comply with the Lewiston Building Code, except that they shall not exceed fifteen (15) in height.

(c) Sale and rental signs. Mobile home park properties shall be authorized one (1) sale or rental sign while the property is actually for sale or rent. These signs shall not exceed six (6) square feet in area. (Ord. No. 75-5, 3-6-75)

(6) Access.

(a) Mobile home parks shall be permitted only one (1) point of access to each abutting city street, unless the planning board finds that more points of access are necessary to prevent a traffic, fire or panic hazard.

(b) All vehicular access ways shall be located not less than one hundred (100) feet from the ultimate curb line of intersecting streets.

(c) No direct separate access from the city street to any mobile home parking space shall be allowed.

(7) Screening. Each mobile home park shall be entirely enclosed at its exterior boundaries with adequate screening. Screening may be accomplished by natural or man-made objects, plantings or properly constructed fences, any of which must completely screen the mobile home court from ordinary view throughout the entire calendar year.

(a) Natural or man-made objects may be interpreted to be:

1. Hills, gullies or embankments. Such man-made objects must be constructed to blend with the landscape with loaming and seeding or other treatment as may be necessary to establish a natural appearance;
2. Buildings or other installations;
3. Combinations of the above.

(b) Plantings. Trees, shrubs or other vegetation of sufficient height, density and depth of planting or growth to completely screen the mobile home court from ordinary view throughout the entire calendar year.

(c) Fences. Notwithstanding maximum height limitation requirements set forth in section 29-30 of this chapter, "Walls, fences and corner cut-backs", the minimum height of any fence (wall, other screening) shall be six (6) feet or a height above six (6) feet sufficient to accomplish the complete screening from ordinary view. At an intersection or at a mobile home park access, fencing (wall, other screening) must be positioned so that no portion of the fence (wall, other screening) intrudes into a corner cut-back area formed by the intersection or by the mobile home park access. All fences shall be well constructed and maintained. Only sound, undamaged material uniform in appearance and erected in a workmanlike manner will be acceptable.

(8) Environmental requirements. Conditions of soil, ground, water level, drainage and topography shall not

create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to predictable flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

(9) Off-street loading and refuse areas.

(a) No loading spaces are required.

(b) The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

(c) All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located not more than one hundred and fifty (150) feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.

(d) Adequate trash enclosures or provisions for same shall be provided for all refuse containers, and such enclosures must meet the approval of the Lewiston Planning Board. The Lewiston Planning Board shall declare trash enclosures adequate if the following standards are met:

1. Enclosures shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration [and] to facilitate cleaning around them.

2. Enclosures shall be substantially constructed of materials that will inhibit the entrance of rodents and vermin.

3. Height of the enclosure shall be sufficient to conceal the contents of the enclosure, including containers, but in no case shall be less than five (5) feet in height.

4. Enclosure shall be so oriented on the property that convenient access is provided for waste disposal service.

All refuse containing garbage shall be collected at least once weekly.

(10) Insect and rodent control.

(a) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination method[s] and other measures to control insects and rodents shall conform with the requirements of the health department.

(b) Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes or other pests.

(c) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one (1) foot above the ground.

(d) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(e) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers, mosquitoes and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health.

(F) PROPERTY DEVELOPMENT STANDARDS WITHIN THE MOBILE HOME PARK.

(1) Size of mobile home space and yards. The size of mobile home spaces shall be a minimum of five thousand (5,000) square feet with a minimum width of fifty (50) feet and a minimum depth of one hundred (100)

feet. In no case will a mobile home and appurtenance structures take up more than twenty per cent (20%) of the mobile home space.

(a) Yards for individual mobile home spaces.

1. Front yards. There shall be a minimum front yard of fifteen (15) feet extending for the full width of the mobile home space and measured from the interior street.
2. Side and rear yards. There shall be a minimum side and rear yard of ten (10) feet. Where a side or rear yard abuts an access road, public parking area or walk, said yard shall not be less than ten (10) feet in width.
3. Accessory buildings or structures. There shall be a side yard and rear yard of a minimum of five (5) feet from the lot line. In the case of buildings covering a ground area of less than one hundred and twenty-five (125) square feet, there shall be a minimum side yard or rear yard of two (2) feet. (Ord. No. 74-20, 9-5-74)

(2) Distance between mobile homes.

(a) There shall not be less than twenty (20) feet between mobile homes.

(b) Where mobile homes are located near any permitted building other than mobile homes, the minimum space between the mobile home and said building shall be fifteen (15) feet.

(3) Off-street parking.

(a) Parking spaces shall be provided in the ratio of one and one-half (1½) spaces for each mobile home space. Each such space shall have a minimum size of nine (9) feet by twenty (20) feet. One (1) parking space shall be located on each mobile home space, and the remaining parking space may be located in adjacent parking bays

or along access roads where sufficient paved roadway width is provided. If a parking space is planned to serve also as a walk, then an additional two (2) feet in width shall be added.

(b) All parking areas shall be improved as follows:

1. Graded for adequate drainage;
2. Surfaced with concrete with [a] minimum six (6) inch thickness or asphalt concrete with [a] minimum two (2) inch thickness;
3. Parking stalls shall be clearly striped;
4. There will be a limit of one (1) hour parking on all streets within the mobile home park.

(4) Access roads.

(a) Access roads within a mobile home park shall be paved to a width of twenty-two (22) feet.

(b) Access roads with paved width of less than thirty-two (32) feet shall not be used for parking at any time.

(c) Each mobile home shall have frontage on an access road. A minimum fifteen (15) foot wide unobstructed access shall be provided to an approved access road for the movement of mobile homes and service vehicles.

(d) The plan, profile and section of access roads shall be subject to the approval of the appropriate city departments.

(5) Walks.

(a) General requirements. All parks shall be provided with safe, convenient all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park street and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

(b) Common walk system. A common walk system shall be provided and maintained between loca-

tions where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3½) feet.

(c) Individual walks. All mobile home stands shall be connected to common walks to paved streets or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.

(6) Illumination of access roads within a mobile home park. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such

tions where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3½) feet.

(c) Individual walks. All mobile home stands shall be connected to common walks to paved streets or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.

(6) Illumination of access roads within a mobile home park. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

(a) All parts of the park street systems: 0.6 footcandle with a minimum of 0.1 footcandle;

(b) Potentially hazardous locations, such as major street intersections and steps or stepped ramps: individually illuminated, with a minimum of 0.3 footcandle.

(7) Sanitary sewer. Each mobile home stand and each other permitted use shall be provided with a connection to an approved private sewer line or to a city sewer, if available. Mobile homes that are not connected to an approved sanitary sewer system shall not be permitted to be used for human habitation. The sewer system or connection plans shall be subject to the approval of the appropriate city and state departments. If a mobile home park is approved with a private sewerage system, said mobile home park shall be required to connect to city sewer system when it becomes available.

(8) Electrical service. All electrical, telephone and television services within the mobile home park shall be underground.

(9) Park and recreation space.

(a) In all mobile home parks there shall be one or more recreation areas which shall be easily accessible to all park residents.

(b) The size of such recreation areas shall be based upon a minimum of two hundred (200) square feet for each lot. No outdoor recreation shall contain less than ten thousand (10,000) square feet, with a minimum dimension of not less than one hundred (100) feet.

(c) Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be conveniently located for all residents.

(10) Mobile home stands. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.

(a) The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.

(b) The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors or other devices securing the stability of the mobile home.

(c) Anchors and tie-downs shall be placed at least at each corner of the mobile home.

(11) Mobile home park areas for nonresident uses.

(a) No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

(b) Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

(12) No mobile home lot access road, parking facility or recreation area is permitted to be located below the base flood elevation.

(Ord. No. 77-23, 7-28-77)

(G) PERMITS.

It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of the City of Lewiston unless he/she holds a valid permit issued by the building inspector in the name of such person for the specific construction, alteration or extension proposed.

(1) Prior to a mobile home's installation in and/or removal from a mobile home park, the mobile home park manager shall ensure that the owner of the mobile home or his agent, has obtained either an installation or a removal permit, whichever is appropriate, from the building inspector. Such permit shall be deemed a building permit.

(Ord. No. 73-62, 1-3-74)

(H) LICENSES.

(1) It shall be unlawful for any person to operate and maintain any mobile home park within the City of

Lewiston unless such person holds a valid license issued annually by the municipal officers in the name of such person for the specific mobile home park. All applications for licenses shall be made at the city clerk's office where the city clerk shall issue a license upon compliance by the applicant with the provisions of this section and regulations issued hereunder and of the applicable legal requirements.

(2) Every person holding a license shall give notice in writing to the municipal officers within seventy-two (72) hours after having sold, transferred, given away or otherwise disposed of interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park. A license is a personal privilege and is not assignable or transferable.

(3) (a) Application for original licenses shall be made only after [the] proposed mobile home park has been approved first by the Lewiston Planning Board and second by the board of appeals and shall be in writing, signed by the applicant as to the truth of the application, and by the deposit of a fee according to the following schedule: twenty (20) or less mobile home spaces - twenty dollars ($20.00); over twenty (20) mobile home spaces one dollar ($1.00) per space, and shall contain: the name and address of the applicant; the location and legal description of the mobile home park; and a site plan of the mobile home park showing all mobile home lots, structures, roads, walkways and other facilities. And in addition to the foregoing, the applicant shall furnish to the city clerk such other information as may be required in Chapter 17, Article I, sections 17-2 and 17-4 of the Revised Code of Ordinances, City of Lewiston, Maine.

(b) Applications for renewals of licenses shall be made in writing by holders of the licenses, shall be ac-

companied by the deposit of a fee according to the following schedule: twenty (20) or less mobile home spaces - twenty dollars ($20.00); over twenty (20) mobile home spaces one dollar ($1.00) per space and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.

(4) Any person whose application for a license to operate and maintain a mobile home park has been denied may request, and shall be granted, a hearing on the matter before the municipal officers under the procedure provided by subsection (J) and from said municipal officers to the superior court.

(5) Whenever, upon inspection of any mobile home park, the building or housing inspector finds that conditions or practices exist which are in violation of any provision of this section or regulations issued hereunder, the building or housing inspector shall report such to the municipal officers, who shall direct the building or housing inspector to communicate in writing in accordance with subsection (J) (1) to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the municipal officers, the license shall be suspended. At the end of such period, the building or housing inspector shall reinspect such mobile home park and, if such conditions or practices have not been corrected, he shall report such to the municipal officers who will suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobile home park except as provided in subsection (J) (2).

(I) INSPECTION OF MOBILE HOME PARKS.

(1) It shall be the duty of the owners or occupants of mobile home parks and mobile homes contained therein,

or of the person in charge thereof, to give the building inspector and housing inspector free access to such premises at reasonable times for the purpose of inspection.

(2) It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employee access to any part of such mobile home park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this section and regulations issued hereunder, or with any lawful order issued pursuant to the provisions of this section.

(J) NOTICES, HEARINGS AND ORDERS.

(1) Whenever the municipal officers determine that there are reasonable grounds to believe that there has been a violation of any provision of this section, or regulations issued hereunder, the municipal officers shall direct the building or housing inspector to give notice of such alleged violation to the person to whom the license was issued as hereinafter provided: Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time for the performance of any act it requires; (d) be served upon the owner or his agent as the case may require, provided, that such notice or order be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address, or where he has been served with such notice by any method authorized or required by the laws of the State of Maine; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this section and regulations issued hereunder.

(2) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this section, or regulations issued hereunder, may request, and shall be granted, a hearing on the matter before the municipal officers, provided, that

such person shall file in the office of the city clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under subsection (J) (5). Upon receipt of such petition, the municipal officers shall set a time and a place for such hearing and shall give petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed, provided, that upon application of the petitioner, the municipal officers may postpone the date of the hearing for a reasonable time beyond the ten (10) day period when in their judgment the petitioner has submitted good and sufficient reasons for such postponement.

(3) After such hearing, the municipal officers shall make findings as to compliance with the provisions of this section and regulations issued hereunder and shall issue an order in writing, sustaining, modifying or withdrawing the notice which shall be served as provided in subsection (J) (1) (d). Upon failure to comply with any order sustaining or modifying a notice, the license shall be in violation of this section and the license of the mobile home park affected by the order shall be suspended.

(4) The proceedings at such a hearing, including the findings and decisions of the municipal officers, and together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the city clerk, but the record of the proceedings need not be transcribed unless judicial review of the decision is sought to the superior court.

(5) Whenever the municipal officers find that an emergency exists which requires immediate action to pro-

tect the public health, they may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as they may deem necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provisions of this section, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but, upon petition to the municipal officers, shall be afforded a hearing as soon as possible. The provisions of subsections (J) (3) and (J) (4) shall be applicable to such hearing and the order issued thereafter.

(6) The planning board may determine to hold a public hearing on a proposed mobile home park. If the board determines to hold a public hearing it shall be held at the next regularly scheduled meeting or within thirty (30) days of the date of submission, whichever represents the fewest number of days. The board shall cause notice of the date, time and place of such hearing to be published in the local newspaper at least twice, the date of the first publication to be at least seven (7) days prior to the hearing.

(Ord. No. 77-5, 5-19-77)

(K) DEVELOPMENT.

(1) In the case of a mobile home park already in existence or for which a permit has been granted prior to the effective date of this section [June 27, 1971], said mobile home park shall be allowed to continue in operation. Any additions to said trailer park, however, shall conform to all regulations as specified herein.

(2) Enlargement of or changes in a mobile home park approved under the conditions of this section shall require a review of the original and amended plans.

(L) ZONES PERMITTED.

Mobile home parks shall be permitted in the Residential 2 "R2" and Residential 3 "R3" Zones as a conditional use

(exception) is and as authorized by the board of appeals upon issuance of a conditional use permit to the applicant. (See section[s] 29-20, 29-21, 29-24 and 29-25.)

(M) ACCEPTANCE OF PLANS.

The administration and enforcement of all regulations required by this section for the designing and planning mobile home parks shall be the responsibility of the planning board.

(1) Construction not to precede plan approval. No utility installations, no ditching, clearing, grading or construction shall be done on any part of the land or lots within a mobile home park until a final plan of such development shall have been duly prepared, submitted, reviewed, approved and endorsed as provided in this section.

(2) Preliminary plan.

(a) A preliminary plan shall be submitted in duplicate to the planning staff at least seven (7) days prior to a scheduled board meeting. The plan may be drawn on tracing paper at the scale of one hundred (100) feet or less to the inch. The preliminary plan shall furnish sufficient information about the mobile home park to form a clear basis for discussion of its problems and for the preparation of the final plan. Such information shall include the following:

1. Mobile home park name, boundaries, north point, scale date and lot numbers;
2. Name and address of owner of record, developer, surveyor or engineer;
3. The location of property lines, existing streets, buildings, watercourses, swamps and other features within the area to be developed and similar facts regarding existing conditions upon the land immediately adjacent thereto;
4. The proposed location and width of streets, lots and easements; the profile of each

proposed street with tentative grades indicated (this shall be on separate sheets), and the names of the proposed streets. All street plans must be in accordance with the requirements and the design standards section of this section;

5. Existing sewers, watermains, culverts and other underground structures within the tract and immediately adjacent thereto;
6. Topography with contour intervals of not more than five (5) feet;
7. A notarized statement from a registered civil engineer shall be submitted relative to:
   a. The ability to drain into existing city sewer lines, if they are available, and to lines proposed on the city sewer system plan, if applicable;
   b. The adequacy of the proposed area to be used for a community sewer disposal facility if the city sewer is not available;
   c. The results of sample percolation tests on representative sections of the land, the adequacy of the land for the use of septic tanks and the size of lots required by the zoning ordinance if the city sewer is not available;
   d. The land area of all irregularly shaped lots.
8. A statement regarding the developer's plans to connect with the public water system or satisfactory evidence of other safe and dependable water source.

Written notice of the date of submission of such preliminary plan and preliminary information shall be given by the developer by delivering or sending by certified mail to the city clerk a copy of the covering letter submitted to the planning board listing the plans and information transmitted to the board.

Preliminary plans will be received by the planning board in relation to the city plans for the area, the zoning requirements, good land development practice and sound engineering as well as conformance with the design standards and construction specifications set forth in this section.

9. Base flood elevation data.

(b) The planning board shall request the city engineer to report to the board with respect to grades, drainage and sewerage of a proposed mobile home park before it may be approved.

(c) The board shall approve in writing with or without conditions, or requests for changes, or shall disapprove a preliminary plan within thirty (30) days after it has been submitted, or within thirty (30) days of a public hearing, if one is held, unless the developer agrees in writing to an extension of this period. Approval of a preliminary plan does not constitute an acceptance of the mobile home park by the board. One copy of the approved preliminary plan signed by the chairman of the board shall be retained by the planning board, and one signed copy shall be given to the developer.

(d) Approval of the preliminary plan shall expire at the end of one year from the date of such approval.

(Ord. No. 77-5, 5-19-77; Ord. No. 77-23, 7-28-77)

(3) Final plan.

(a) The final plan shall be submitted to the planning staff at least seven (7) days prior to a scheduled board meeting. The final plan submitted for approval shall be prepared from an accurate survey and shall be clearly drawn in ink upon tracing cloth at a scale of one hundred (100) feet or less to the inch. Sheets shall not exceed twenty (20) inches by thirty (30) inches, and, if more than two (2) sheets are required, an index sheet of the

same dimensions shall be filed showing the entire mobile home park. The original and three (3) prints shall be submitted to the planning board. Endorsement of the original by the chairman of the board shall constitute approval of the final plan. For each mobile home park proposed, a fee of twenty-five dollars ($25.00) shall be tendered in cash or by certified check payable to the City of Lewiston at the time of submission to the planning board of the preliminary plan of any such mobile home park. Such a fee will cover the cost of processing said plan.

(b) The final plan shall show:
1. Items as required on the preliminary plan;
2. All survey monuments and bench marks together with their descriptions;
3. Certification by a registered civil engineer or surveyor to the effect that the plan represents a survey made by him and that all necessary survey monuments are correctly shown thereon;
4. The dimensions of lots, radii of curves and the location of all setback lines;
5. All angles and curve data pertaining to streets and highways.

(c) The following items will be submitted with the final plan:
1. Profiles on the exterior lines of proposed streets at horizontal and vertical scales acceptable by the city engineer;
2. Number, location and size of fire hydrants. A letter from the fire chief regarding adequacy of proposed hydrants shall be submitted;
3. Plans and profiles showing the location, size, and grade of the sewers with which it is proposed to serve the area or the location and description of other proposed means of sewage disposal;

4. A letter authorizing the city to record the plat in behalf of the owner in the Androscoggin County Registry of Deeds.

(d) The board shall within thirty (30) days from the date of submission, or within thirty (30) days of a public hearing, if one is held, unless the developer agrees in writing to an extension of this period, issue an order denying or granting approval of the proposed mobile home park, or granting approval upon such terms and conditions as it may deem necessary to ensure that the mobile home park complies with the standards of this chapter.

(Ord. No. 73-52, 7-12-73; Ord. No. 77-5, 5-19-77)

(N) DESIGN AND CONSTRUCTION STANDARDS.

The following design and construction standards shall apply to all proposed mobile home parks:

(1) The minimum center line radii of curved streets shall be fifty (50) feet. Greater radii may be required.

(2) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees.

(3) Half width streets along boundary of land proposed for development shall not be permitted.

(4) Dead-end streets designed to have one end permanently closed shall not be longer than five hundred (500) feet. All such dead-end streets shall have a turnaround connected to the tangent portion of the street by reverse curves. No reverse curve shall have a center line radius less than forty (40) feet.

(5) Street grades shall, in general, conform to the terrain with a minimum grade of one-half of one (½ of 1) per cent and a maximum grade of eight (8) per cent. The maximum may be modified in cases of unusual circumstances by the planning board.

(6) Adequate surface water drainage along, across and under streets shall be provided in conformance with the standards accepted by Lewiston.

(7) Every mobile home park shall abut a public street.

(8) All lots shall comply with dimensional and area requirements established by this section.

(9) Through lots, running from one street to another, shall be avoided.

(O) COMPLIANCE TO BE AT OWNER'S EXPENSE.

Compliance with the conditions and specifications of this section shall be at the sole expense of the owner. No street, utility or service in the mobile home park shall be installed or maintained by the City of Lewiston unless specified in this section.

Miscellaneous requirements.

(1) Responsibilities of the park management.
   (a) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this section and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in clean and sanitary condition.
   (b) The park management shall notify park occupants of all applicable provisions of this section and inform them of their duties and responsibilities under this section and regulations issued hereunder.
   (c) The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.
   (d) The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting this park.

(2) Responsibilities of park occupants.
   (a) The park occupant shall comply with all applicable requirements of this section and regulations issued hereunder and shall maintain his mobile

home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

(b) The park occupant shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.

(c) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home lot.

(3) Restrictions on occupancy.

(a) A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewerage and electrical utilities, and inspected by the appropriate authorities.

(b) All mobile homes located in mobile home parks in the City of Lewiston shall meet the USAS A 119.1 Standard for Mobile Homes.

Sec. 29-32. Regulations pertaining to individual mobile homes; nonresident trailers; and trailers used as temporary residences.

(A) INDIVIDUAL MOBILE HOMES.

Mobile homes in the City of Lewiston shall be permitted to be located only in approved mobile home parks, except that individual mobile homes shall be permitted to be located in agricultural zones if the following minimum standards are met:

(1) The proposed site for the individual mobile home shall be one (1) acre or more in size with a minimum frontage of two hundred (200) feet;

(2) The proposed site for the individual mobile home shall have suitable effluent capacity meeting in all respects

the requirements of the City of Lewiston sewer ordinance. Consideration shall not be given to decreasing the minimum lot size on the basis of effluent capacity.

(3) Side yard, front yard and rear yard requirements will conform with requirements for [a] Residential "R3" Zone.

(4) The individual mobile home shall meet the USAS A 119.1 Standard for Mobile Homes.

(5) No individual mobile home shall be occupied for dwelling purposes unless it is properly placed on a mobile home stand; is connected to water, sewerage and electrical utilities [and] otherwise conforms to the requirements of the Ordinances of the City of Lewiston and the laws of the State of Maine.

(6) All mobile homes located in the Special Flood Hazard Area on the Flood Hazard Boundary Map shall be anchored to resist flotation, collapse or lateral movement by:

(a) Over-the-top ties anchored to the ground at the four (4) corners of the mobile home, plus two (2) additional ties per side at intermediate points, (except that mobile homes less than fifty (50) feet long require only one additional tie per side);

(b) Frame ties at each corner of the home, plus five (5) additional ties along each side at intermediate points (except that mobile homes less than fifty (50) feet long require only four (4) additional ties per side);

(c) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

(d) Any additions to the mobile home be similarly anchored.

(Ord. No. 77-23, 7-28-77)

(B) NONRESIDENT TRAILERS.

(1) As used in this section, "nonresident trailers" (be they camp trailers, tent trailers, house trailers, etc.,) "auto

homes" or "house cars" are vehicles used for outdoor camping and tenting of a short term nature or for temporary education exhibits, or for temporary shelter at construction sites.

(2) Nothing in this section shall be construed to prevent nonresidential tenting for outdoor camping by youth groups nor temporary trailers containing education exhibits.

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

(4) A trailer for office or other temporary nonresident use, incidental to a construction project or other limited duration use, may be located within the City of Lewiston, wherever such trailer will not present a public safety hazard or substantially affect existing uses, for a period of up to six (6) months upon receipt of a building permit from the building inspector. The building inspector may attach reasonable conditions to the permit to ensure that the above criteria are met. This permit may be renewed by the building inspector for additional periods of up to six (6) months as necessary.

(C) [TRAILERS USED FOR TEMPORARY RESIDENCES.]

Mobile homes and nonresident trailers may be used as temporary residences for up to six (6) months on lots in which the applicant has obtained a building permit to construct a permanent dwelling upon receipt of a conditional use permit from the zoning board of appeals. Temporary residential mobile homes must be connected to adequate water, sewerage and electric utilities. Temporary residential mobile home permits may be renewed for one additional six-month period upon determination by the zoning board of appeals that substantial progress has been made on the permanent dwelling. (Ord. No. 77-25, 9-1-77)

Sec. 29-33. Off-street parking and loading requirements.

(A) OFF-STREET PARKING.

(1) Definition. For the purpose of this chapter an off-street parking space shall consist of a space adequate for parking an automobile of standard dimensions with room for opening doors and entering or leaving on both sides, with properly related access to a public street or alley, and with maneuvering room sufficient for convenient parking and unparking. For purposes of computation, an off-street parking space, in itself, shall consist of one hundred and eighty (180) square feet.

(2) The following minimum off-street parking spaces shall be provided and maintained in the case of new buildings and structures. In the cases of a change in the lawful use of the premises or the lawful alteration of the premises, either of which creates a need for an increase of more than twenty (20) per cent of the number of off-street parking spaces originally required by this section, more off-street parking facilities shall be provided and maintained, on the basis of the adjusted needs, as determined by this section.

Dwellings other than multiple dwellings	Two (2) parking spaces per each dwelling unit.
Multiple dwellings	One parking space per each dwelling unit.
Multiple dwellings specifically reserved for the elderly	One parking space per each two (2) elderly dwelling units.
Lodging houses (tourist homes)	One parking space per each lodging unit; one additional

	space for the owner or manager.
Motels, hotels	One parking space per each lodging unit; one space per four (4) employees; one additional per fifty (50) square feet of pub-

	lic assembly dining space; one (1) additional space for each four (4) patrons accommodated at tables or counters.
Rooming houses, boarding houses, student housing facilities	One (1) parking space per each three (3) bedrooms.
Hospitals, sanitariums, convalescent or nursing homes, homes for the aged, orphans' homes, institutions for the handicapped	one (1) parking space per each four (4) patients beds (excluding bassinets); one (1) parking space per each staff or visiting doctor; one parking space for each four (4) employees including nurses. Loading and unloading space for hospital ambulances and similar vehicles shall not be included in the spaces required herein.
Schools	one (1) parking space per each thirty (30) pupils in primary school; one (1) parking space per each eight (8) students in secondary school; one (1) parking space per each two (2) students in higher education, plus for all schools an additional space per each employee.
Auditoriums, stadiums, sport arenas, race	

tracks, skating rinks, gymnasiums, convention halls or similar uses	one (1) parking space per each five (5) seats plus one (1) additional space per each two (2) employees. Where individual seats are not provided, each twenty (20) inches of bench or other similar seating, or eight (8) square feet of seating or standing space shall be considered as one (1) seat for the purpose of determining requirements thereof.
Theaters	one (1) parking space per each four (4) seats, plus one (1) space for each two (2) employees.
Churches	one (1) parking space per each four (4) seats or for each one hundred (100) square feet or major fraction thereof, of assembly space if no fixed seats.
Mortuaries, funeral homes	one (1) parking space per each hearse or service vehicle; one (1) parking space for each family or individual resident on the premises plus one (1) parking space for each ten (10) seats in rooms in which services are held.
Community centers, libraries, museums, civic clubs and similar uses	one (1) parking space per every two (2) employees,

	plus one (1) space per each one hundred and fifty (150) square feet of public area in the building.
Dance halls	one (1) space per each thirty-six (36) square feet of dance floor area, plus one (1) parking space per each two (2) employees.
Bowling alleys	three (3) parking spaces per each alley, plus one (1) space per each two (2) employees.
Retail stores and personal service establishments, unless otherwise mentioned herein	one (1) parking space per every two hundred (200) square feet of gross floor area; one (1) parking space per each two (2) employees.
Restaurants or other establishments for sale and consumption of refreshments on the premises, unless otherwise mentioned herein	one (1) parking space per each four (4) chairs; one (1) space per each two (2) employees.
Drive-in facilities for the sale of food and refreshments	ten (10) parking spaces; ten (10) additional parking spaces per each person serving or preparing food on the largest work shift employed at least once a week during July and August.

Offices, professional and public buildings, (other than offices of physicians, surgeons and dentists)	one (1) parking space per each two (2) employees.
Offices of physicians, surgeons and dentists	five (5) parking spaces per each physician, surgeon or dentist.
Industry, manufacturing and business	one (1) parking space per each one thousand (1,000) square feet of floor area, or major fraction thereof, for that part of every business, manufacturing and industrial building not catering to retail trade and with floor area over three thousand (3,000) square feet.
Airports, railroad passenger stations, bus depots, or other terminal facilities	parking space adequate for employees, for the loading and unloading of passengers and for spectators, visitors and others.
Roadside farm stands	four (4) parking spaces.
Mobile home parks	See section 29-31 [F] (3).
All other permitted or permissible uses	sufficient parking spaces to accommodate under all normal conditions the cars of occupants, employees, members, customers, clerks or visitors of the premises, as the case may be. Such space

shall be deemed inadequate if, when the off-street parking area is substantially full, there is frequent parking of such cars on the street near the premises in question.

(3) Computation of off-street parking space requirements. In case of combination of uses on one (1) premise, requirements for each use shall be totalled (including fractions) to a combined requirement, with portions over one-half (½) in the combined total counted as one (1) space.

(4) Location of facilities. Required off-street parking in all zones shall be located on the same lot as the principal building or use, except as provided hereinafter.

(a) The board of appeals may authorize residential off-street parking to be located within three hundred (300) feet of principal residential uses, measured along lines of public access, where it cannot reasonably be provided on the same lot. Such off-lot parking area shall be held in fee simple by the owner of the use served, or in such other tenure as assures continued availability for parking as long as the particular land will be needed for such use, provided that if tenure is other than ownership in fee simple, the form of tenure shall be approved by corporation counsel before use to provide required off-street parking space is considered by the board of appeals. Evidence of fee simple ownership or approved tenure shall be required.

(b) In all zones other than residential, required off-street parking shall be located on the same lot with the principal building or use, or within one hundred (100) feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the board of appeals may permit such off-street parking to be located a reasonable distance from the principal buildings or use, measured along lines of access,

if such off-lot parking areas shall be held in fee simple by the owner of the use served, or in such other tenure as assures continued availability for parking as long as the particular lands will be needed for such use, provided that if tenure is other than ownership in fee simple, the form of tenure shall be approved by the corporation counsel before use to provide required off-street parking space is considered by the board of appeals. Evidence of fee simple ownership or approved tenure shall be required, and such lots shall be located within nonresidential zones.

(c) Required off-street parking in all zones other than residential may be substituted by parking facilities which, in the public's interest, may be provided by the municipality. Such substitution shall be shown to be representative of the off-street parking turnover or requirements of the particular use in question and shall take into consideration the needs of other uses with similar demands upon such public space. No such public off-street parking spaces shall be considered as a substitute unless located within three hundred (300) feet of the principal building or use measured along lines of public access.

(5) Off-street parking for more than six (6) vehicles.

(a) Where off-street parking for more than six (6) vehicles is required or provided, the following construction requirements shall apply:

1. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalks shall be approved by the municipal engineer. When access to parking areas is available from more than one (1) street, ingress and egress to and from the lot shall have the approval of the planning board;
2. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded

with a subgrade consisting of gravel or equivalent material at least six (6) inches in depth, well-compacted and with a blacktop wearing surface;

3. A surface drainage system shall be provided;
4. Lighting shall be shaded or screened so that no nuisance or traffic hazard shall be created by the source to adjacent residential areas or public highways;
5. The City of Lewiston reserves the right to select areas for the grouping or placement of signs and traffic directions;
6. All traffic flow in parking areas shall be already marked with signs and/or surface directions at all times;
7. All parking spaces shall be clearly marked.

(b) Where off-street parking for more than six (6) vehicles is required or provided on a lot in a residential zone and vehicles are to be, or may be, parked within the area otherwise required to be kept open and unoccupied. For front, side and rear yards in the zone in which such parking is located the following requirements shall be met:

1. A continuous guard curb, rectangular in cross section, at least six (6) inches in height and permanently anchored shall be provided and maintained at least five (5) feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot lines involved so that bumpers of vehicles cannot project beyond its face toward the street or lines involved, either above or below the impact surface;

2. Where such off-street parking shall abut a lot in residential use or an unoccupied lot which is located in a residential zone, a chain link, picket or sapling fence shall be provided and maintained between such off-street parking and that part of the lot line involved.

(c) Where off-street parking for more than six (6) vehicles is provided or required on a lot in any zone other than residential, the following requirements shall be met:

Where vehicles are to be, or may be, parked within ten (10) feet of any street line, a continuous guard curb, rectangular in cross section, at least six (6) inches in height and permanently anchored shall be provided and maintained at least five (5) feet from the street lot line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street line involved so that the bumper of a vehicle cannot project its face towards the street line involved, either above or below the impact surface.

(6) The board of appeals may approve the joint use of a parking facility by two (2) or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of any such establishment.

(7) Parking areas shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind. The required park-

ing areas shall be permanently available for use by patrons and employees of establishments providing such space.

(8) Multiple dwellings may be specifically reserved for the elderly by stipulating such reservation in the application for a building permit. Such reservation shall then become a condition of the building permit. Dwellings with such reservation may be converted to another type of occupancy or use only when the parking requirements for the new type of occupancy or use are met.

(Ord. No. 77-13, 7-28-77; Ord. No. 77-31, 10-20-77)

(B) OFF-STREET LOADING REQUIREMENTS.

(1) In those zones where off-street loading is required, the following minimum off-street loading spaces shall be provided and maintained in the case of new buildings and structures. In the cases of a change in the lawful use of the premises, either of which creates a need for an increase of more than twenty (20) per cent of the number of off-street loading spaces originally required by this section, more off-street loading facilities shall be provided and maintained on the basis of the adjusted needs, as determined by this section.

(a) Office buildings and hotels with a gross floor area of more than one hundred thousand (100,000) square feet—add one space.

Retail, wholesale and industrial operations with a gross floor area of more than five thousand (5,000) square feet:

5,001 to 40,000 square feet	1 Space
40,001 to 100,000 square feet	2 Spaces
100,001 to 160,000 square feet	3 Spaces
160,001 to 240,000 square feet	4 Spaces
240,001 to 320,000 square feet	5 Spaces
320,001 to 400,000 square feet	6 Spaces

Each 90,000 square feet over 400,000—1 additional space.

(2) Each loading space shall have minimum dimensions of fifty (50) feet by fourteen (14) feet and may be located either within a building or outside and adjoining an opening in the building. Every part of such loading space shall be located completely off the street. In case trucks, trailers or other motor vehicles larger than the dimensions of the minimum loading space habitually serve the building in question, additional space shall be provided so that such vehicles shall park or stand completely off the street.

(3) The provisions of this section for off-street loading shall not be construed as prohibiting incidental curbside business deliveries, dispatches or services, provided that they are in compliance with all applicable states and local traffic regulations.

(4) Joint use of loading spaces by two (2) or more users may be authorized by the board of appeals, provided that such joint use will create no loading conflicts that would interfere with public safety and convenience.

(5) All off-street loading spaces shall be on the same lot, either within or adjoining the building they are intended to serve.

(6) Required loading spaces shall, in no case, be part of the area used to satisfy the off-street parking requirements of this chapter.

(7) No off-street loading space shall be permitted in a front yard or on the side of a building abutting a street except when approved by the board of appeals as to show no contribution toward traffic congestion.

Sec. 29-34. Earth removal.

(A) EXEMPT OPERATIONS.

The removal of top soil, sod, loam, peat or other organic materials and clay, sand, gravel, stone or other earth materials in any of the following operations shall be exempt operations not requiring a conditional use permit.

(1) Removal incidental to any lawfully permitted use of land or of a building or incidental to, and necessitated by, any building construction for which a building permit has lawfully been issued under this chapter prior to such earth removal.

(2) Removal necessitated by the construction or installation of utilities or other engineering works for public service on such lot or in such way, or as may be necessitated in constructing ways.

(3) Removal, grading or transforming from one part of a lot, tract or parcel of land to another part of the same lot, tract or parcel of land in the same ownership or removal for such at a rate not exceeding one hundred fifty (150) cubic yards per acre per year.

(4) Removal incidental to the construction of driveways or private ways.

(B) MAJOR OPERATIONS (CONDITIONAL USE PERMIT REQUIRED).

(1) Top soil, sod, loam, peat or other organic materials, and clay, sand, gravel, stone or other earth products may be removed from locations where permitted under the terms of this chapter only after a conditional use permit for such operations has been issued by the board of appeals in accordance with the provisions of this chapter unless such removal will constitute an exempt operation as above described.

(2) No permit for removal (including temporary structures accessory thereto) shall be granted unless the board of appeals finds that the operations conducted under such permit, subject to the conditions imposed thereby, will meet the special requirements specified in section 29-25 of this chapter, as well as the following specific requirements:

(a) Nuisance. That the proposed removal will not produce noise, dust, or other effects observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of adjacent property;

(b) Surface damage. That the proposed removal will not result in transportation which will cause undue injury to the roadway surfaces;

(c) Re-use of land. The board of appeals shall assure to its satisfaction that the proposed removal will not impair the subsequent usability of the area for the purpose permitted by this chapter, that the grades to be established within the area will permit vehicular access to the area and will permit the continuation of streets from abutting premises, and that the area may ultimately be developed compatibly with the neighboring land.

(d) Land rehabilitation. Except in unusual circumstances, earth shall not be excavated to a level that will produce standing water. Every effort shall be made to maintain successful drainage of surface water. Backfilling shall be permitted with nonnoxious and noncombustible solids. Where an embankment must be left upon completion of [an] operation, it shall be graded to a slope not steeper than two (2) feet horizontal to one (1) foot vertical. Banks shall be sodded or surfaced with soil [having] a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least three (3) inches or to a depth of that of the top soil on land areas immediately surrounding, if less than three (3) inches. Such topsoil shall be planted with legumes, grasses or other vegetation which shall be maintained until well established. These measures shall be taken progressively as the use of such part of an operating pit is discontinued and shall not be postponed until final abandonment of the operation. All timbers, structures and the like shall be removed as the operation is terminated.

(e) Setback. Operations authorized herein shall not be conducted closer than seventy-five (75) feet to the boundary of an adjoining property. Excavation shall not be closer than one hundred (100) feet of the right-of-way line of any existing street, road or highway or one approved under applicable

municipal ordinances, but not constructed, except where such excavation is necessary to establish the approved lines and grades of a street.

(f) Screening. Appropriate screening shall be provided in accordance with the mobile home park regulations, section 29-31(E)(7) of this chapter to screen the site of digging operations from any public right-of-way and from any dwelling within two hundred and fifty (250) feet of the property line of the excavation site.

(g) Safety fencing. Any operation which results in, or produces during operation, collections of water or slopes steeper than prescribed above shall be subject to the following safety requirements:

(1) Collections of water occupying an area greater than four hundred (400) square feet or deeper than two (2) feet shall be barred by fence or some similar barrier of at least five (5) feet in height;

(2) Access to slopes steeper than prescribed herein should be barred by a fence at the top of said slope and at the bottom if removal is not actively in progress. Every effort shall be made to avoid dangerous banks by reducing the slope during the operation of the pit.

(h) Performance guarantee. The board of appeals shall require a performance guarantee, the amount to be determined by the board of appeals, with the advice of the city engineer, sufficient to guarantee conformity with the provisions of the grant of approval.

(C) CONDITIONS OF PERMIT.

In granting a permit hereunder, the board of appeals shall impose reasonable conditions specially designed to safeguard the neighborhood and the City of Lewiston, which may include, but not be limited to, the items hereinafter stated:

(1) Method of removal;

(2) Type and location of temporary structures;

(3) Hours of operation;

(4) Policing of traffic entering and leaving site;

(5) Routes for transporting the material through the City of Lewiston;

(6) Area and depth of excavation;

(7) Distance of excavation to street and lot lines;

(8) Steepness of slopes excavated;

(9) Re-establishment of ground levels and grades;

(10) Provisions for temporary and permanent drainage;

(11) Disposition of boulders and tree stumps;

(12) Replacement of top soil over the area of removal; and

(13) Planting of the area to suitable cover.

(D) APPLICATION FOR CONDITIONAL USE PERMITS.

(1) Procedure for applying for the required conditional use permit shall be as specified in section 29-19 of this chapter with the following additional information reflected in the application:

(a) A plan of the land involved, prepared by a registered land surveyor or registered professional engineer, showing topography by five (5) foot contours within one hundred (100) feet of the proposed excavation;

(b) A plan of the land showing the final grading by five (5) foot contours to be established after completion of the excavation;

(c) A proposed form of bond to be used.

(E) EXISTING OPERATIONS.

An earth removal operation in lawful operation on any premises on the effective date of this chapter [November 30,

1972] is exempt from the provisions of this section and section 29-4 of this chapter.

(F) PERMITS IN PROPOSED SUBDIVISIONS.

It is the intention of this chapter that the removal of earth materials from any parcel of land for which a preliminary or final subdivision plan has been proposed shall be allowed only in the same manner as removal from other parcels of land in the City of Lewiston. Consequently, tentative or final approval of a subdivision plan by the planning board shall not be constructed as authorizing the removal of material from the premises even though in connection with the construction of streets shown on the plan.

Sec. 29-35. Display signs.

(A) [PROHIBITED UNLESS AUTHORIZED.]

No display sign shall be permitted except as specified herein.

(B) [SIGNS PERMITTED IN ALL ZONES.]

In all zones the following display signs are permitted:

(1) A temporary single real estate sign not over six (6) square feet in area attached to a building or detached and located in the front yard relating to the sale, rental or leasing the premises, provided that no such signs are located within ten (10) feet of any lot line;

(2) Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of the premises or other noncommercial identification;

(3) Flags or insignia of any government;

(4) Legal notices, identification, informational or directional signs erected or required by governmental bodies;

(5) Signs not exceeding twelve (12) square feet in area, bearing only the identification of, and information

concerning, the occupant of premises used for religious, charitable, education or philanthropic purposes;

(6) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

(7) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;

(8) Memorial signs or tablets, names of buildings and date of erection, when cut into masonry, bronze or other noncombustible material;

(9) Signs, along major traffic arteries and collectors (as described in section 29-17(C)(1)), not exceeding fifteen (15) square feet in area, directing and guiding traffic to historical or recreational sites, but bearing no advertising matter. The number of such signs per site is limited to one per street;

(10) One illuminated malt beverage display sign in addition to one other illuminated or nonilluminated display sign for any retail grocery store provided that such store uses no other exterior display signs on the lot.

(Ord. No. 73-40, 4-24-73; Ord. No. 73-57, 10-4-73)

(C) RESERVED.

Editor's note—Ord. No. 77-16, enacted July 28, 1977, repealed former § 29-35(C) pertaining to display signs visible from the river.

(D) RESIDENTIAL ZONES: "1," "2" AND "3"; APARTMENT, INSTITUTIONAL AND AGRICULTURAL ZONES.

In all residential zones, apartment, institutional and agricultural zones, the following signs shall be considered necessary to the proposed use of the premises on which they are located. Such signs shall be permitted provided that illumination, if any, shall be shielded, nonflashing incandescent light, and that no part shall be animated.

(1) A single sign not over fifteen (15) square feet in area describing an apartment house or a conforming, nonresidential building, structure and use, provided that no such sign is located within ten (10) feet of any lot line.

(2) A maximum of two (2) detached signs located in any front yard describing farm produce raised or produced on the premises. The display area of each sign shall not exceed sixteen (16) square feet, except that a single, double-faced sign may be erected with a display area not to exceed sixteen (16) square feet on each side.

(3) No billboards permitted.

(4) Signs, not exceeding six (6) square feet in area directing and guiding traffic to historical or recreational sites, but bearing no advertising matter. The number of such signs per site is limited to one per street.

(Ord. No. 73-57, 10-4-73; Ord. No. 76-8, 10-1-76)

(E) TRANSITIONAL ZONE.

In the transitional zone the following types of signs shall be considered necessary to the principal use of the premises on which they are located, provided that the illumination, if any, shall be a nonflashing light.

(1) Attached, detached or projected signs, single or double-faced, identifying uses or services rendered on the premises, provided that no single faced sign shall exceed a display area of thirty (30) square feet and no double-faced sign shall exceed a display area of fifteen (15) square feet on either face. Detached signs shall not extend to an elevation greater than twenty (20) feet above the level of the ground upon which they are erected. Projecting signs shall not extend over property lines. No attached sign or supporting structure shall extend above the level of a flat roof or levels of the eaves on other types of roofs.

(2) Such signs may be located on any part of the premises, except that no sign shall be constructed or oriented in such a manner as to face an adjoining lot in a residential zone, and no sign shall be constructed in the rear yard or side yard of the premises, the rear property lines or side property lines of which abuts a lot in a residential zone.

(3) No billboards permitted.

(4) Signs not exceeding eight (8) square feet in area, directing and guiding traffic to historical or recreational sites, but bearing no advertising matter. The number of such signs per site is limited to one per street.

(Ord. No. 73-57, 10-4-73; Ord. No. 75-10, 5-15-75)

(F) COMMERCIAL ZONE.

In the commercial zone the following types of signs shall be considered necessary to the principal use of the premises on which they are located, provided that the illumination, if any, shall be on a nonflashing light.

(1) Attached, detached or projected signs, single or double-faced, identifying uses or goods sold or services rendered on the premises aggregating four (4) square feet of area for every foot of street frontage to a maximum of three hundred fifty (350) square feet of observable signage for each premises, except that for shopping centers developed under a single ownership said signs may aggregate not more than two (2) square feet for each foot of street frontage, and except that for the central business district zone, there shall be a maximum of three hundred (300) square feet of visible signage for each premises. Detached signs shall not extend to an elevation greater than twenty (20) feet above the level of the grounds upon which they are erected. Projecting signs shall not extend more than five (5) feet beyond the street line except where additional projection is required to accommodate mounting hardware in which case a sign may project up to six (6) feet over the street line. In no case

structure shall extend more than ten (10) feet above the level of flat roof or levels of the eaves of the other types of roof. (Ord. No. 75-18, 7-31-75)

(2) Such signs may be located on any part of the premises, except that no sign shall be constructed or oriented in such a manner as to face an adjoining lot in a residential zone, and no sign shall be constructed in the rear

shall this allowance for mounting be interpreted to permit a larger sign face than would otherwise be permitted. No attached sign or supporting structure shall extend more than ten (10) feet above the level of flat roof or levels of the eaves of the other types of roof. The term "observable signage" means the maximum square footage of signs which may be seen from any point, whether on the property where the signs are located, adjacent property, or any street.

(2) Such signs may be located on any part of the premises, except that no sign shall be constructed or oriented in such a manner as to face an adjoining lot in a residential zone, and no sign shall be constructed in the rear yard or side yard of the premises, the rear property lines or side property lines of which abuts a lot in a residential zone.

(3) Signs, not exceeding ten (10) square feet in area, directing and guiding traffic to historical or recreational sites, but bearing no advertising matter. The number of such signs per site is limited to one per street.

(Ord. No. 73-57, 10-4-73; Ord. No. 75-18, 7-31-75; Ord. No. 77-4, 5-5-77)

(G) INDUSTRIAL ZONE.

In the industrial zone the following types of signs shall be considered necessary to the principal use of the premises on which they are located, provided that the illumination, if any, shall be a nonflashing light.

(1) Attached, detached or projecting signs identifying uses or articles produced or services rendered on the premises shall be permitted. Such signs may be located on any part of the premises, except that no sign shall be constructed or oriented in such a manner as to face an adjoining lot in a residential zone, and no sign shall be constructed in the rear yard or side yard of any premises, the rear property line or side property line of which abuts a lot in a residential zone.

(2) Signs, not exceeding ten (10) square feet in area, directing and guiding traffic to historical or recreational sites, but bearing no advertising matter. The number of such signs per site is limited to one per street.

(Ord. No. 73-57, 10-4-73)

(H) BILLBOARDS.

(1) Billboards are permitted in the industrial zone.

(2) Billboards are permitted in the commercial zone, except that no freestanding billboards shall be located on the ground, and no billboard shall be located on or above any roof unless authorized by the board of appeals through the building inspector.

(3) No billboards in either zone shall be constructed or oriented in such a manner as to face an adjoining lot in a residential zone.

(4) No freestanding billboard in any district shall be located closer than forty (40) feet to any residential zone unless and/or authorized by the board of appeals.

(I) COMPLIANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.

All display signs and billboards shall comply with all applicable local, state and federal regulations. (See Building Code.)

(J) RESOURCE PROTECTION ZONE.

In the Resource Protection Zone, display signs shall be permitted as in the residential, apartment, and agricultural zones (see (D) above), except that where the Resource Protection Zone abuts an Industrial or Commercial Zone and where an Industrial or Commercial Zone existed at the time of this chapter's adoption, display signs shall be permitted as in the Industrial or Commercial Zone, whichever pertains.

(Ord. No. 74-5, 3-21-74)

(C) NOTIFICATION REQUIRED.

Any person intending to construct or operate a major development shall, before commencing construction or operation, notify the planning board in writing of his intent and of the nature and location of such development.

(D) PLAN FOR APPROVAL.

A plan and two (2) copies shall be submitted to the planning board at its meeting. The plan may be drawn on tracing paper at a scale of one hundred (100) feet or less to the inch. The plan shall furnish sufficient information about the development to form a clear basis for discussion of its problems. Such information shall include the following:

(1) Development's name, boundaries, north point, scale, date and lot numbers;

(2) Name and address of the owner of record, developer and engineer;

(3) The location of property lines, existing streets, buildings, watercourses, swamps and other features within the area to be developed and similar facts regarding existing conditions upon land immediately adjacent thereto;

(4) The proposed location and width of streets, lots and easements; the profile of each proposed street with tentative grades indicated;

(5) Existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto;

(6) Topography with contour intervals of not more than five (5) feet;

(7) A notarized statement from a registered civil engineer shall be submitted relative to:

(a) The ability to drain into existing city sewer lines, if they are available, and to lines proposed on the city sewer system plan, if applicable;

Sec. 29-36. Site location of major developments.

(A) STATEMENT OF PURPOSE.

The purpose of this section is to provide a flexible and practicable means by which the city, acting through the planning board, in consultation with appropriate city departments, may control the location of major developments substantially affecting the local environment, in order to insure that such development will be located in a manner which will have a minimal adverse impact on the natural environment of their surroundings and on the City of Lewiston's general welfare.

(B) DEFINITION.

A "major development" means any commercial, industrial or residential land development which, over a five (5) year period from initial physical improvements, occupies a land area in excess of ten (10) acres or which occupies, on a single parcel, a structure or structures in excess of a floor area of thirty thousand (30,000) square feet.

(C) NOTIFICATION REQUIRED.

Any person intending to construct or operate a major development shall, before commencing construction or operation, notify the planning board in writing of his intent and of the nature and location of such development.

(D) PLAN FOR APPROVAL.

A plan and two (2) copies shall be submitted to the planning staff at least seven (7) days prior to a scheduled planning board meeting. The plan may be drawn on tracing paper at a scale of one hundred (100) feet or less to the inch. The plan shall furnish sufficient information about the development to form a clear basis for discussion of its problems. Such information shall include the following:

(1) Development's name, boundaries, north point, scale, date and lot numbers;

(2) Name and address of the owner of record, developer and engineer;

(3) The location of property lines, existing streets, buildings, watercourses, swamps and other features within the area to be developed and similar facts regarding existing conditions upon land immediately adjacent thereto;

(4) The proposed location and width of streets, lots and easements; the profile of each proposed street with tentative grades indicated;

(5) Existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto;

(6) Topography with contour intervals of not more than five (5) feet;

(7) A notarized statement from a registered civil engineer shall be submitted relative to:

(a) The ability to drain into existing city sewer lines, if they are available, and to lines proposed on the city sewer system plan, if applicable;

(b) The adequacy of the soil to support a sewage disposal facility in accordance with State Plumbing Code requirements if the city sewer is not available;

(c) Reserved.

Editor's note—Ord. No. 77-7, enacted May 19, 1977, repealed former § 29-36(D)(7)(c) pertaining to results of sample percolation tests, adaquacy of land for use of septic tanks, etc.

(d) Land area in acres;

(e) A statement regarding the developer's plans to connect with the public water system or satisfactory evidence of other safe and dependable water sources.

(8) Number, location and size of fire hydrants. A letter from the fire department regarding the adequacy of proposed hydrants shall be submitted.

(9) Plans and profiles showing the location, size and grade of the sewers with which it is proposed to serve the area or location, and description of other proposed means of sewage disposal.

(10) A letter from the police department assuring pedestrian and vehicular safety and efficient traffic circulation.

(Ord. No. 77-7, 5-19-77)

(E) APPROVAL OF PLAN.

The planning board shall approve in writing with or without conditions, or request for changes, or shall disapprove a plan within thirty (30) days after it has been submitted, the date of submission being the date of the first scheduled board meeting occurring at least seven (7) days after the plan has been received by the staff, unless the developer agrees in writing to an extension of this period. Two (2) copies of the approved plat signed by the chairman of the board shall be retained by the planning board, and one signed copy shall be given to the developer.

(Ord. No. 77-7, 5-19-77)

(F) REVIEW CRITERIA.

The planning board shall approve a development whenever it finds that:

(1) Traffic movement. The developer has made adequate provisions for traffic movement of all types out of or into the development area;

(2) No adverse effect on natural environment. The developer has made adequate provision for fitting harmoniously into the existing natural environment and that the developer will not adversely affect existing uses, scenic character or natural resources in the municipality or in adjoining municipalities;

(3) Soil types. The proposed development will be built on soil types which are suitable to the nature of the undertaking;

(4) No excessive burden on municipal services. The proposed development has posed no excessive burden on the municipality to provide services such as: water, sewers, sewage treatment, road maintenance, schools, fire and police protection.

(G) MAJOR DEVELOPMENT PERMIT.

When the planning board approves a major development proposal, it will issue a major development permit to the developer. Without such permit, no major development shall commence construction or operation.

(H) APPLICABILITY.

This section of this chapter shall not apply to any development in existence or to any development, the construction or operation of which has been commenced prior to the effective date of this chapter [November 30, 1972]. In addition, major developments that constitute a subdivision as defined by the Subdivision Ordinance of the City of Lewiston need not comply with this section.

(I) APPEALS.

Appeals from the approval or conditional approval or disapproval by the planning board of a major development proposal may be taken to the Superior Court by any person aggrieved by such a decision of the planning board. Such appeals shall be taken within thirty (30) days, in accordance with the provisions of Rule 80 B of the Maine Rules of Civil Procedure. (Ord. No. 75-8, 4-17-75)

Sec. 29-37. Appendix: Boundaries of zones.

(A) Unless otherwise described or shown, the zone boundary lines are the center lines of streets, alleys, waterways or public utility and railroad rights-of-way or such lines extended.

(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 provisions of this chapter 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.

AGRICULTURAL "1"

Starting at the Greene town line at a point one thousand (1000) feet east of Main Street.

North boundary.

The Greene town line.

East boundary.

The Webster town line to a point five hundred (500) feet north of Sabattus Street.

South boundary.

A line five hundred (500) feet north of and parallel to Sabattus Street to a point five hundred and twenty (520) feet westerly of Venise Street, thence by an angle of sixty (60) degrees to the right a line, a distance of twenty-one hundred (2100±) feet more or less to a point on a perpendicular from Sabattus Street, said perpendicular being two thousand and twenty-five (2025) feet easterly of Riley Street, thence along said perpendicular to a point two hundred and fifty (250) feet from the normal high water mark of No Name Pond, thence around the periphery of No Name Pond at a distance of two hundred and fifty (250) feet from the normal high water mark to a point on a line nine hundred (900) feet east of the Pond Road, thence a line nine hundred (900) feet east of and parallel to the Pond Road to a point on the easterly side of C.M.P.'s transmission line right-of-way section #64, thence perpendicular to and across said right-of-way, thence along the westerly side of said right-of-way in a southerly direction three hundred and fifty (350) feet; thence a perpendicular in a westerly direction to a point two hundred and fifty (250) feet easterly of the Golder Road, thence a

line two hundred and fifty (250) feet east of and parallel to the Golder and the Pond Roads to a point on a line thirty-two hundred (3200) feet north of and parallel to Sabattus Street, along this line to the Pond Road, Pond Road to the center line of the C.M.P. transmission line right-of-way (section 64) thence along said right-of-way to a point nine hundred (900) feet east of the railroad tracks. (Ord. No. 73-67, 1-17-74)

West boundary.

A line nine hundred (900) feet east of and parallel to the railroad tracks in a northeasterly direction to the intersection of the Merrill and College Roads, thence along the Merrill Road to the Sleeper Road, thence along the Sleeper Road to a point two hundred and fifty (250) feet north of the Merrill Road, thence a line two hundred and fifty (250) feet north of and parallel to the Merrill Road to a point one thousand (1000) feet east of Main Street, a line one thousand (1000) feet east of and parallel to Main Street to the point of beginning.

AGRICULTURAL "2"

Starting at a point five hundred (500) feet south of Sabattus Street on the center line of the C.M.P. transmission line right-of-way. (Section 64)

North boundary.

A line from this point five hundred (500) feet south of and parallel to Sabattus Street to the Webster town line.

East boundary.

The Webster town line from a point five hundred (500) feet south of Sabattus Street to the center line of the C.M.P. transmission line right-of-way (sections 43 and 72) at the Lisbon town line.

South boundary.

Along this power line in a northwesterly direction to a point five hundred (500) feet southeast of the Crowley Road,

thence a line five hundred (500) feet southeasterly of and parallel to the Crowley Road to a perpendicular to the Crowley Road at the intersection of the Webster Road.

West boundary.

Along this perpendicular to the intersection of the Crowley and Webster Roads, along the Webster Road to the turnpike, along the turnpike to a point two hundred and fifty (250) feet northeast of the Webster Road. A line two hundred and fifty (250) feet northeasterly of and parallel to the Webster Road to a point on the center line of the C.M.P. transmission line right-of-way (section 64), thence along said transmission line to the point of beginning.

AGRICULTURAL "3"

Start at the intersection of the Cottage and Ferry Roads.

North boundary.

Along the Ferry Road in a southerly direction to a point two thousand (2000) feet south of Lisbon Street, thence a line two thousand (2000) feet south of and parallel to Lisbon Street to a point on a perpendicular to Lisbon Street at the westerly intersection of South Lisbon and Lisbon Streets, along this perpendicular to a point five hundred (500) feet south of Lisbon Street, a line five hundred (500) feet south of and parallel to Lisbon Street to a point one thousand two hundred and seventy (1270) feet west of the Gayton Road, a line one thousand two hundred and seventy (1270) feet west of and parallel to the Gayton Road to a point one thousand three hundred and eighty (1380) feet south of Lisbon Street, a line one thousand three hundred and eighty (1380) feet south of and parallel to Lisbon Street to the Gayton Road, the Gayton Road to a point five hundred (500) feet south of Lisbon Street, a line five hundred (500) feet south of and parallel to Lisbon Street to the Lisbon town line.

East boundary.

The Lisbon town line from a point five hundred (500) feet south of Lisbon Street to the resource protection zone.

South boundary.

Along the resource protection zone in a northwesterly direction to a point on an extension of the Cottage Road to the resource protection zone. (Ord. No. 73-67, 1-17-74)

West boundary.

Along said extension and the Cottage Road to the point of beginning.

APARTMENT "1"

Start at the resource protection zone and an extension of Memorial Avenue. (Ord. No. 73-67, 1-17-74)

North boundary.

Along said extension to a point eight hundred (800) feet west of Main Street, a line eight hundred (800) feet west of and parallel to Main Street to Northwood Road, Northwood Road to a point two hundred (200) feet west of Main Street. (Ord. No. 73-67, 1-17-74)

East boundary.

A line two hundred (200) feet west of and parallel to Main Street to the railroad tracks, along the railroad tracks in a southerly direction to a point eight hundred (800) feet south of Montello Street Extension.

South boundary.

A perpendicular from this point to the resource protection zone. (Ord. No. 73-67, 1-17-74)

West boundary.

Along the resource protection zone to the point of beginning. (Ord. No. 73-67, 1-17-74)

APARTMENT "2"

Start at a point on Frye Street two hundred and fifty (250) feet east of Main Street.

North boundary.

Frye Street, College Street, Campus Avenue to a point two hundred and fifty (250) feet north of Sabattus Street.

East boundary.

None.

South boundary.

From a point on Campus Avenue two hundred and fifty (250) feet north of Sabattus Street a line two hundred and fifty (250) feet north of and parallel to Sabattus Street to Oak Street.

West boundary.

Oak Street to Elm Street, Elm Street to a point one hundred and thirty-three (133) feet east of Main Street, a line one hundred thirty-three (133) feet east of and parallel to Main Street to the point of beginning. (Ord. No. 74-22, 10-3-74)

APARTMENT "3"

Start at a point on Bartlett Street two hundred and fifty (250) feet south of Sabattus Street.

North boundary.

A line two hundred and fifty (250) feet south of and parallel to Sabattus Street to Webser Street, Webster Street, Pine Street, Beacon Alley to a distance of one hundred and fifty (150) feet south of Pine Street, a line one hundred and fifty (150) feet south of and parallel to Pine Street in an easterly direction to a point two hundred and fifty (250) feet south of Sabattus Street, from this point a line two hundred and fifty (250) feet south of and parallel to Sabattus Street to a point two hundred (200) feet west of East Avenue.

East boundary.

From this point a line two hundred (200) feet west of and parallel to East Avenue to Webster Street, Webster Street, Orange Street, Barron Avenue, a perpendicular from Jeffer-

son Street at Barron Avenue to a point one hundred (100) feet northeast of Howe Street, a line one hundred (100) feet northeast of and parallel to Howe Street to a point one hundred (100) feet northwesterly of Birch Street, thence parallel to Birch Street to Bartlett Street, Bartlett Street, Willow Street to a point one hundred twenty-five (125) feet northeasterly of Park Street. (Ord. No. 75-27, 10-22-75)

South boundary.

A line one hundred twenty-five (125) feet northeasterly of and parallel to Park Street to Maple Street, Maple Street, Park Street, Pine Street, Bates Street to a point seventy-five (75) feet southeasterly of Pine Stret; a line seventy-five (75) feet southeasterly of and parallel to Pine Street to Bartlett Street; Bartlett Street to a point seventy-five (75) feet northwesterly of Pine Street; a line seventy-five (75) feet northwesterly of and parallel to Pine Street to Bates Street; Bates Street to College Street. (Ord. No. 75-27, 10-22-75; Ord. No. 77-29, 10-6-77)

West boundary.

College Street to the point of beginning.

CENTRAL BUSINESS DISTRICT "CBD" ZONE

The boundaries of the "CBD" Zone shall be the existing so-called "C-3" Zone as follows:

Start at the corner of Hammond and High Streets.

North boundary.

Hammond Street, Main Street, Prescott Street, Oak Street to a point two hundred and fifty (250) feet north of Sabattus Street, a line two hundred and fifty (250) feet north of and parallel to Sabattus Street to Wood Street. (Ord. No. 75-35, 1-28-76)

East boundary.

Wood Street, Sabattus Street, Howe Street, to a point two hundred and fifty (250) feet south of Sabattus Street, a line two hundred and fifty (250) feet south of and parallel to Sabattus Street to College Street, College Street, Bates Street,

Pine Street, Park Street, Maple Street to a point one hundred twenty-five (125) feet northeasterly of Park Street, a line one hundred twenty-five (125) feet northeasterly of and parallel to Park Street to Willow Street, Willow Street to the main canal. (Ord. No. 75-35, 1-28-76)

South boundary.

Along the main canal in a northerly direction to the Resource Protection Zone. (Ord. No. 75-35, 1-28-76)

West boundary.

Thence along the Resource Protection Zone in a northerly direction to the railroad tracks, along said tracks to Bridge Street, Bridge Street to High Street, thence to the point of beginning. (Ord. No. 75-35, 1-28-76)

COMMERCIAL "1"

Start at the center line of Main Street at the Larrabee Road.

North boundary.

Larrabee Road to a point one thousand (1000) feet east of Main Street.

East boundary.

A line one thousand (1000) feet east of and parallel to Main Street to a point nine hundred (900) feet west of the railroad tracks, a line nine hundred (900) feet west of and parallel to the railroad tracks to a perpendicular from Main Street at a point one thousand (1000) feet north of the Stetson Road, along this perpendicular to a point three hundred (300) feet east of Main Street; thence southerly along a line three hundred (300) feet east of and parallel to Main Street a distance of three hundred (300) feet; thence along a perpendicular to Main Street, Main Street, Stetson Road to a point one hundred and twenty-five (125) feet east of the railroad tracks; thence southerly along a line one hundred and twenty-five (125) feet east of and parallel to the railroad tracks to the resource protection zone on Stetson Brook. (Ord. No. 73-67, 1-17-74; Ord. No. 74-11, 7-18-74)

South boundary.

Along the resource protection zone in a westerly direction to a point two hundred (200) feet west of Main Street. (Ord. No. 73-67, 1-17-74)

West boundary.

A line two hundred (200) feet west of and parallel to Main Street to a point one hundred and twenty-five (125) feet south of Nimitz Street; thence in an easterly direction along a line one hundred and twenty-five (125) feet south of and parallel to Nimitz Street to Main Street, Main Street to the point of beginning. (Ord. No. 73-67, 1-17-74; Ord. No. 76-9, 11-4-76)

COMMERCIAL "2"

Start at a point on Lafayette Street two hundred and fifty (250) feet north of Sabattus Street.

North boundary.

A line two hundred and fifty (250) feet north of and parallel to Sabattus Street to Eaton Street, Eaton Street and an extension thereof a distance of six hundred (600) feet from Sabattus Street, thence along a line five hundred and twenty-five (525) feet west of and parallel to the Highland Spring Road a distance of seven hundred and twenty-five (725) feet, thence at right angles in an easterly direction to the Highland Spring Road, the Highland Spring Road in a southerly direction a distance of three hundred and fifty (350) feet, thence at right angles in an easterly direction a distance of five hundred (500) feet, a line five hundred (500) feet east of and parallel to the Highland Spring Road to a point two hundred and fifty (250) feet north of Sabattus Street, a line two hundred and fifty (250) feet north of and parallel to Sabattus Street to Riley Street, Riley Street to a point five hundred (500) feet north of Sabattus Street, a line five hundred (500) feet north of and parallel to Sabattus Street to the Webster town line.

East boundary.

Webster town line from a point five hundred (500) feet north of Sabattus Street to a point five hundred (500) feet south of Sabattus Street.

South boundary.

A line five hundred (500) feet south of and parallel to Sabattus Street to a point on a perpendicular from Sabattus Street at the intersection of Riley Street, along said perpendicular in a southerly direction a distance of five hundred (500) feet, a line one thousand (1000) feet south of and parallel to Sabattus Street to an extension of the Golder Road, along this extension of the Golder Road in a northerly direction to a point two hundred and fifty (250) feet south of Sabattus Street, a line two hundred and fifty (250) feet south of and parallel to Sabattus Street to Campus Avenue.

West boundary.

Campus Avenue, Lafayette Street to the point of beginning.

COMMERCIAL "3"

Redesignated "CBD" Zone by Ord. No. 75-35, 1-28-76. (Prior to said redesignation the zone boundary descriptions for the Commercial "3" Zone were derived from Ord. No. 73-32, 4-5-73; Ord. No. 73-44, 5-17-73; Ord. No. 73-45, 5-17-73; Ord. No. 73-67, 1-17-74; and Ord. No. 75-27, 10-22-75.)

COMMERCIAL "4"

Start at a point on Oxford Street and the resource protection zone near Cross Canal #2.

North boundary.

Easterly along the resource protection zone to a point on Hines Alley.

East boundary.

Southeasterly along Hines Alley and an extension thereof to a point on the resource protection zone.

South boundary.

Westerly along the resource protection zone to Oxford Street.

West boundary.

Northwesterly along Oxford Street to the point of beginning. (Ord. No. 73-67, 1-17-74)

COMMERCIAL "5"

Start at a point on the northwest line of Bleachery Street two hundred (200) feet north of Lisbon Street.

North boundary.

A line two hundred (200) feet north of and parallel to Lisbon Street from the northwest line of Bleachery Street to a point one hundred and twenty-five (125) feet east of Androscoggin Avenue, a line one hundred and twenty-five (125) feet east of and parallel to Androscoggin Avenue to a point one hundred and twenty-five (125) feet south of Hackett Street, a line one hundred and twenty-five (125) feet south of and parallel to Hackett Street a distance of two hundred and fifty (250) feet, a perpendicular in a northerly direction a distance of fifty (50) feet, thence a perpendicular in an easterly direction a distance of one hundred (100) feet, thence a perpendicular in a northerly direction a distance of fifty (50) feet, thence a perpendicular in an easterly direction a distance of fifty (50) feet, thence a perpendicular in a northerly direction to Bartlett Street, Bartlett Street, East Avenue to a point two hundred and fifty (250) feet north of Lisbon Street, a line two hundred and fifty (250) feet north of and parallel to Lisbon Street to Scribner Boulevard, Scribner Boulevard to a point three hundred (300) feet north of Lisbon Street, a line three hundred (300) feet north of and parallel to Lisbon Street to Beckett Street, Beckett Street to a point one hundred and fifty (150) feet north of Lisbon Street, a line one hundred and fifty (150) feet north of and parallel to Lisbon Street to a point one hundred and twenty (120) feet east of Foch Street, a line one hundred and twenty (120) feet east of and parallel to Foch Street to Pleasant Street, Pleasant Street, Lisbon Street, South Lisbon Street to a point past the Crowley Road five hundred (500) feet northeast of Lisbon Street, a line parallel to and five hundred (500) feet northeast of Lisbon Street to the Lisbon town line.

East boundary.

The Lisbon town line from a point five hundred (500) feet north of Lisbon Street to a point five hundred (500) feet south of same.

South boundary.

From said point a line five hundred (500) feet south of and parallel to Lisbon Street to the Gayton Road, southerly along the Gayton Road to a point one thousand three hundred and eighty (1,380) feet from Lisbon Street, a line one thousand three hundred and eighty (1,380) feet south of and parallel to Lisbon Street to a point one thousand two hundred and seventy (1,270) feet west of the Gayton Road, a line one thousand two hundred and seventy (1,270) feet west of and parallel to the Gayton Road to a point five hundred (500) feet south of Lisbon Street, a line five hundred (500) feet south of and parallel to Lisbon Street to the turnpike right-of-way, along the turnpike right-of-way to Pleasant Street, Pleasant Street, railroad tracks to the turnpike overpass, a line from this point to a point on Olive Street two hundred (200) feet south of Lisbon Street, a line two hundred (200) feet south of and parallel to Lisbon Street to a point one hundred and twenty-three (123) feet west of Lucille Avenue, thence a line one hundred and twenty-three (123) feet west of and parallel to Lucille Avenue to a point three hundred (300) feet south of Lisbon Street, a line three hundred (300) feet south of and parallel to Lisbon Street to a point on a perpendicular from Lisbon Street, said perpendicular being seven hundred and eighty (780) feet from South Avenue, along this perpendicular in a southerly direction to a point five hundred and sixty-five (565) feet southerly of Lisbon Street; a line five hundred and sixty-five (565) feet south of and parallel to Lisbon Street to a point on a perpendicular from Lisbon Street, said perpendicular being four hundred and fifty-two and one-half (452½) feet from South Avenue, along this perpendicular in a southerly direction to a point six hundred and seventy (670) feet southerly of Lisbon Street, a line six hundred and seventy (670) feet south of and parallel to Lisbon Street to South Avenue, South Avenue to a point one hundred and fifty (150) feet south of Lisbon Street, a line one hundred and fifty (150)

feet south of and parallel to Lisbon Street to a point one hundred and fifty (150) feet west of Summit Avenue, thence parallel to Summit Avenue to a point two hundred (200) feet north of the railroad tracks, a line two hundred (200) feet north of and parallel to the tracks in a westerly direction to a point on a line one hundred and twenty-five (125) feet east of and parallel to Androscoggin Avenue extended to a point two hundred (200) feet north of the railroad tracks, along this line to a point two hundred (200) feet south of Lisbon Street, a line two hundred (200) feet south of and parallel to Lisbon Street to the Bleachery spur track. (Ord. No. 77-26, 9-15-77)

West boundary.

Bleachery spur track, Lisbon Street, northwesterly line of Bleachery Street to the point of beginning.

COMMERCIAL "6"

Start on Webster Street one thousand (1,000) feet east of Mitchell Street.

North boundary.

Webster Street.

East boundary.

A perpendicular from Webster at the intersection of the Pond Road a distance of one hundred and thirty-three (133) feet.

South boundary.

A line one hundred and thirty-three (133) feet south of and parallel to Webster Street to a point one thousand (1,000) feet east of Mitchell Street.

West boundary.

From this point a perpendicular to the point of beginning.

COMMERCIAL "7"

Start at a point on an extension of Memorial Avenue and the resource protection zone.

North boundary.

Along this resource protection zone in an easterly direction to a point nine hundred and eighty (980) feet west of College Street.

East boundary.

A line nine hundred eighty (980) feet west of and parallel to Colege Street to Fair Street.

South boundary.

Fair Street, King Avenue to point two hundred (200) feet east of Main Street, a line two hundred (200) feet east of and parallel to Main Street to a point three hundred (300) feet south of Montello Street, a perpendicular from this point to Main Street, Main Street, Montello Street Extension to a point two hundred thirty-three (233) feet west of Main Street; a line two hundred thirty-three (233) feet west of and parallel to Main Street to a point on a perpendicular to Main Street, said perpendicular being two hundred eighty (280) feet south of Montello Street Extension; thence along said perpendicular to the railroad tracks. (Ord. No. 77-1, 2-17-77)

West boundary.

Along said tracks in a northerly direction to a point two hundred (200) feet west of Main Street, a line two hundred (200) feet west of and parallel to Main Street to Northwood Road, along Northwood Road to a point eight hundred (800) feet west of Main Street, a line eight hundred (800) feet west of and parallel to Main Street to an extension of Memorial Avenue, along said extension in a westerly direction to the point of beginning. (Ord. No. 73-67, 1-17-74)

COMMERCIAL "8"

Start at a point on Bartlett Street two hundred twenty-five (225) feet southeasterly of Birch Street.

North boundary.

Northeasterly along a perpendicular to Bartlett Street a distance of two hundred twenty-five (225) feet.

East boundary.

Southeasterly along a line two hundred twenty-five (225) feet northeasterly of and parallel to Bartlett Street a dis-

tance of one thousand one hundred thirty (1,130) feet, more or less, to a perpendicular to Bartlett Street.

South boundary.

Southwesterly along said perpendicular to Bartlett Street.

West boundary.

Northwesterly along Bartlett Street to the point of beginning. (Ord. No. 75-6, 3-25-75)

INDUSTRIAL "1"

Start at a point on the Merrill Road seven hundred seventy (770) feet more or less west of the Sleeper Road.

North boundary.

Along the Merrill Road to the College Road.

East boundary.

From this point a line nine hundred (900) feet east of and parallel to the railroad tracks to a point two hundred (200) feet north of the Stetson Road.

South boundary.

A line two hundred (200) feet north of and parallel to the Stetson Road to a point one hundred twenty-five (125) feet east of the railroad tracks, thence one hundred twenty-five (125) feet east of and parallel to the tracks to the Stetson Road, Stetson Road to Main Street. (Ord. No. 73-43, 5-17-73)

West boundary.

Main Street to a point seven hundred (700) feet north of the Stetson Road, thence easterly along a perpendicular to a line three hundred (300) feet east of and parallel to Main Street; thence northerly along a line three hundred (300) feet east of and parallel to Main Street a distance of three hundred (300) feet to a perpendicular to Main Street; easterly along said perpendicular to a point nine hundred (900) feet west of the railroad tracks, a line in a northerly direction nine hundred (900) feet west of and parallel to the railroad tracks to a point on a line one thousand (1,000) feet east of and

parallel to Main Street, along said line to a point on a line one thousand six hundred (1,600) feet west of and parallel to the railroad tracks along this line one thousand six hundred (1,600) feet west of and parallel to the railroad tracks to the point of beginning. (Ord. No. 73-43, 5-17-73; Ord. No. 74-11, 7-18-74)

INDUSTRIAL "2"

Start at the resource protection zone at the end of a perpendicular from the railroad tracks at a distance of eight hundred (800) feet south of Montello Street Extension.

North boundary.

Along said perpendicular to the railroad tracks.

East boundary.

The railroad tracks in a southerly direction to State Highway #18 (Vietnam Veterans Memorial Bridge).

South boundary.

State Highway #18 to the resource protection zone.

West boundary.

Along the resource protection zone in a northerly direction to the point of beginning.
(Ord. No. 73-67, 1-17-74)

INDUSTRIAL "3"

Start at the resource protection zone at an extension of Holland Street.

North boundary.

Holland Street, Winter Street, Bridge Street, Spring Street, Riverside Street to the railroad tracks.

East boundary.

The railroad tracks to the resource protection zone. (Ord. No. 73-45, 5-17-73)

South and west boundaries.

Along the resource protection zone to the point of beginning.
(Ord. No. 73-45, 5-17-73)

INDUSTRIAL "4"

Start at the gatehouse at the head of the canal.

North boundary.

Main canal to Willow Street, Willow Street, Bartlett Street to the extension of a line four hundred and twenty-five (425) feet easterly of and parallel to Willow Street, a line four hundred and twenty-five (425) feet east of and parallel to Willow Street to a perpendicular from the northwesterly line of Bleachery Street extended, at a point nine hundred and two (902) feet from Lisbon Street, along said perpendicular to the northwest line of Bleachery Street, along the northwest line of Bleachery Street to Lisbon Street, Lisbon Street in a westerly direction to the railroad spur line, spur line to a point on a line two hundred (200) feet north of and parallel to the railroad tracks, a line two hundred (200) feet north of and parallel to the railroad tracks, South Avenue, the railroad tracks, Pleasant Street, turnpike right-of-way to a point five hundred (500) feet south of Lisbon Street, a line five hundred (500) feet south of and parallel to Lisbon Street to a point on a perpendicular from the western intersection of South Lisbon and Lisbon Streets.

East boundary.

From this point along said perpendicular in a southerly direction a distance of one thousand five hundred (1,500) feet.

South boundary.

A line two thousand (2000) feet south of and parallel to Lisbon Street to the Ferry Road, Ferry Road, Cottage Road and Cottage Road extended to the resource protection zone.
(Ord. No. 73-67, 1-17-74)

West boundary.

Along the Resource Protection Zone in a northerly direction to an extension of Hines Alley, Hines Alley, Railroad Alley to Main Street, Main Street to the Resource Protection Zone, along said zone to the point of beginning. (Ord. No. 73-67, 1-17-74)

INDUSTRIAL "5"

Start at a point on the Resource Protection Zone near the cross canal opposite Chestnut Street.

North boundary.

Along the Resource Protection Zone in an easterly direction to Oxford Street.

East boundary.

Southeasterly along Oxford Street to the Resource Protection Zone.

South and west boundaries.

Along the Resource Protection Zone to the point of beginning. (Ord. No. 73-67, 1-17-74)

INDUSTRIAL "6"

Start at a point one hundred and thirty-three (133) feet east of Mitchell Street and south of Webster Street.

North boundary.

From said point a line one hundred and thirty-three (133) feet south of and parallel to Webster Street to a point on a perpendicular from Webster Street at the intersection of the Pond Road, along said perpendicular, Webster Street, Old Lisbon Road a distance of three hundred (300) feet from the intersection of Webster Street, thence at right angles in a westerly direction a distance of four hundred and fifty (450) feet to a point on a line perpendicular to Webster Street, said line extended being one hundred and ninety (190) feet west of the intersection of Webster Street and the Old Lisbon

Road, thence along this perpendicular in a southwesterly direction a distance of five hundred (500) feet, thence at right angles in a northwesterly direction a distance of five hundred and ten (510) feet, thence at right angles in a southwesterly direction to a point nine hundred (900) feet north of Lisbon Street, a line nine hundred (900) feet north of and parallel to Lisbon Street to the turnpike right-of-way, along the turnpike right-of-way to the C.M.P. transmission line right-of-way (sections 43 and 72). (Ord. No. 73-63, 1-3-74)

East boundary.

Along the C.M.P. transmission line right-of-way (sections 43 and 72) in a southeasterly direction to the Lisbon town line, Lisbon town line to a point five hundred (500) feet north of Lisbon Street. (Ord. No. 73-63, 1-3-74)

South boundary.

A line five hundred (500) feet north of and parallel to Lisbon Street to South Lisbon Street, South Lisbon Street, Lisbon Street, Pleasant Street, to a point one hundred and thirty-three (133) feet east of Mitchell Street.

West boundary.

A line one hundred thirty-three (133) feet east of and parallel to Mitchell Street to the point of beginning.

INSTITUTIONAL "1"

Start at the intersection College Street and Russell Street.

North boundary.

Russell Street. (Ord. No. 76-8, 10-1-76)

East boundary.

A line one hundred and twenty-five (125) feet northwesterly of and parallel to Lafayette Street from Russell Street to a point seven hundred and thirty (730) feet northeasterly of Campus Avenue; thence in a northwesterly direction parallel to Campus Avenue a distance of nine hundred and thirty-seven (937) feet; thence along a perpendicular in a south-

westerly direction a distance of three hundred and eighty (380) feet; thence along a perpendicular in a northwesterly direction a distance of fifty (50) feet; thence along a perpendicular in a southwesterly direction to Campus Avenue. (Ord. No. 76-8, 10-1-76)

South boundary.

Campus Avenue. (Ord. No. 76-8, 10-1-76)

West boundary.

College Street. (Ord. No. 76-8, 10-1-76)

RESIDENTIAL "1 (1)"

Start at a point on the Merrill Road one thousand (1,000) feet west of Main Street.

North boundary.

Merill Road in an easterly direction to a point one thousand (1,000) feet east of Main Street.

East boundary.

A line one thousand (1,000) feet east of and parallel to Main Street to the Larrabee Road, Larrabee Road, Main Street to a point one hundred and twenty-five (125) feet south of Nimitz Street, westerly along a line one hundred and twenty-five (125) feet south of and parallel to Nimitz Street to a point two hundred (200) feet west of Main Street; thence southerly along a line two hundred (200) feet west of and parallel to Main Street to the Resource Protection Zone. (Ord. No. 76-9, 11-4-76)

South boundary.

Along the Resource Protection Zone in a northerly direction to a perpendicular from the Gulf Island Road, said perpendicular starting a distance of one thousand (1,000) feet west of Main Street.

West boundary.

Along said perpendicular to the Gulf Island Road, a line one thousand (1,000) feet west of and parallel to Main Street to the point of beginning. (Ord. No. 73-67, 1-17-74)

RESIDENTIAL "1 (2)"

Repealed by Ord. No. 73-43, 5-17-73.

RESIDENTIAL "1 (3)"

Start at a point on King Avenue two hundred (200) feet east of Main Street.

North boundary.

King Avenue, Fair Street to a point nine hundred and eighty (980) feet west of College Street, a line nine hundred and eighty (980) feet west of and parallel to College Street to the Resource Protection Zone, along said zone in a northeasterly direction to College Street, from this point on College Street a line to the intersection of Hartford Street and the Hogan Road, a line from this point to the intersection of the Old Greene Road and North Temple Street, a line thirty-two hundred (3,200) feet north of and parallel to Sabattus Street to the Pond Road, a perpendicular to the Pond Road in an easterly direction to a distance of two hundred and fifty (250) feet. (Ord. No. 73-67, 1-17-74)

East boundary.

A line two hundre dand fifty (250) feet east of and parallel to the Pond Road and the Golder Road to a point two hundred and fifty (250) feet north of Sabattus Street.

South boundary.

A line two hundred and fifty (250) feet north of and parallel to Sabattus Street to a point two hundred and fifty (250) feet east of the Pond Road, a line two hundred and fifty (250) feet east of and parallel to the Pond Road in a northeasterly direction to a point one thousand (1,000) feet north of Sabattus Street, a line one thousand (1,000) feet north of and parallel to Sabattus Street to the Highland Spring Road, a perpendicular from the Highland Spring Road in a westerly direction a distance of five hundred and twenty-five (525) feet, thence a perpendicular in a southerly direction to a point one thousand (1,000) feet north of Sabattus Street, a line one thousand (1,000) feet north of and parallel to Sabattus Street to East Avenue, East Avenue to a point six hundred (600) feet north

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two hundred and fifty (250) feet south of and parallel to Sabattus Street to College Street, College Street, Bates Street, Pine Street, Park Street, Maple Street to a point one hundred twenty-five (125) feet northeasterly of Park Street; a line one hundred twenty-five (125) feet northeasterly of and parallel to Park Street to Willow Street, Willow Street to the main canal. (Ord. No. 75-27, 10-22-75)

South boundary.

Along the main canal in a northerly direction to the resource protection zone. (Ord. No. 73-67, 1-17-74)

West boundary.

Thence along the resource protection zone in a northerly direction to the railroad tracks, along said tracks to Bridge Street, Bridge Street to High Street, thence to the point of beginning. (Ord. No. 73-45, 5-17-73; Ord. No. 73-67, 1-17-74)

COMMERCIAL "4"

Start at a point on Oxford Street and the resource protection zone near Cross Canal #2.

North boundary.

Easterly along the resource protection zone to a point on Hines Alley.

East boundary.

Southeasterly along Hines Alley and an extension thereof to a point on the resource protection zone.

South boundary.

Westerly along the resource protection zone to Oxford Street.

West boundary.

Northwesterly along Oxford Street to the point of beginning.
(Ord. No. 73-67, 1-17-74)

COMMERCIAL "5"

Start at a point on the northwest line of Bleachery Street two hundred (200) feet north of Lisbon Street.

North boundary.

A line two hundred (200) feet north of and parallel to Lisbon Street from the northwest line of Bleachery Street to a point one hundred and twenty-five (125) feet east of Androscoggin Avenue, a line one hundred and twenty-five (125) feet east of and parallel to Androscoggin Avenue to a

point one hundred and twenty-five (125) feet south of Hackett Street, a line one hundred and twenty-five (125) feet south of and parallel to Hackett Street a distance of two hundred and fifty (250) feet, a perpendicular in a northerly direction a distance of fifty (50) feet, thence a perpendicular in an easterly direction a distance of one hundred (100) feet, thence a perpendicular in a northerly direction a distance of fifty (50) feet, thence a perpendicular in an easterly direction a distance of fifty (50) feet, thence a perpendicular in a northerly direction to Bartlett Street, Bartlett Street, East Avenue to a point two hundred and fifty (250) feet north of Lisbon Street, a line two hundred and fifty (250) feet north of and parallel to Lisbon Street to Scribner Boulevard, Scribner Boulevard to a point three hundred (300) feet north of Lisbon Street, a line three hundred (300) feet north of and parallel to Lisbon Street to Beckett Street, Beckett Street to a point one hundred and fifty (150) feet north of Lisbon Street, a line one hundred and fifty (150) feet north of and parallel to Lisbon Street to a point one hundred and twenty (120) feet east of Foch Street, a line one hundred and twenty (120) feet east of and parallel to Foch Street to Pleasant Street, Pleasant Street, Lisbon Street, South Lisbon Street to a point past the Crowley Road five hundred (500) feet northeast of Lisbon Street, a line parallel to and five hundred (500) feet northeast of Lisbon Street to the Lisbon town line.

East boundary.

The Lisbon town line from a point five hundred (500) feet north of Lisbon Street to a point five hundred (500) feet south of same.

South boundary.

From said point a line five hundred (500) feet south of and parallel to Lisbon Street to the Gayton Road, southerly along the Gayton Road to a point one thousand three hundred and eighty (1380) feet from Lisbon Street, a line one thousand three hundred and eighty (1380) feet south of and parallel to Lisbon Street to a point one thousand two hundred and seventy (1270) feet west of the Gayton Road, a line one thousand two hundred and seventy (1270) feet west of and

parallel to the Gayton Road to a point five hundred (500) feet south of Lisbon Street, a line five hundred (500) feet south of and parallel to Lisbon Street to the turnpike right-of-way, along the turnpike right-of-way to Pleasant Street, Pleasant Street, railroad tracks to the turnpike overpass, a line from this point to a point on Olive Street two hundred (200) feet south of Lisbon Street, a line two hundred (200) feet south of and parallel to Lisbon Street to a point one hundred and twenty-three (123) feet west of Lucille Avenue, thence a line one hundred and twenty-three (123) feet west of and parallel to Lucille Avenue to a point three hundred (300) feet south of Lisbon Street, a line three hundred (300) feet south of and parallel to Lisbon Street to a point on a perpendicular from Lisbon Street, said perpendicular being seven hundred and twelve and one-half (712½) feet from South Avenue, along this perpendicular in a southerly direction to a distance of five hundred (500) feet from Lisbon Street a line five hundred (500) feet south of and parallel to Lisbon Street to South Avenue, South Avenue to a point one hundred and fifty (150) feet south of Lisbon Street, a line one hundred and fifty (150) feet south of and parallel to Lisbon Street to a point one hundred and fifty (150) feet west of Summit Avenue, thence parallel to Summit Avenue to a point two hundred (200) feet north of the railroad tracks, a line two hundred (200) feet north of and parallel to the tracks in a westerly direction to a point on a line one hundred and twenty-five (125) feet east of and parallel to Androscoggin Avenue extended to a point two hundred (200) feet north of the railroad tracks, along this line to a point two hundred (200) feet south of Lisbon Street, a line two hundred (200) feet south of and parallel to Lisbon Street to the Bleachery spur track.

West boundary.

Bleachery spur track, Lisbon Street, northwesterly line of Bleachery Street to the point of beginning.

COMMERCIAL "6"

Start on Webster Street one thousand (1000) feet east of Mitchell Street.

North boundary.

Webster Street.

East boundary.

A perpendicular from Webster at the intersection of the Pond Road a distance of one hundred and thirty-three (133) feet.

South boundary.

A line one hundred and thirty-three (133) feet south of and parallel to Webster Street to a point one thousand (1000) feet east of Mitchell Street.

West boundary.

From this point a perpendicular to the point of beginning.

COMMERCIAL "7"

Start at a point on an extension of Memorial Avenue and the resource protection zone.

North boundary.

Along this resource protection zone in an easterly direction to a point nine hundred and eighty (980) feet west of College Street.

East boundary.

A line nine hundred and eighty (980) feet west of and parallel to College Street to Fair Street.

South boundary.

Fair Street, King Avenue to a point two hundred (200) feet east of Main Street, a line two hundred (200) feet east of and parallel to Main Street to a point three hundred (300) feet south of Montello Street, a perpendicular from this point to Main Street, Main Street, Montello Street extension to the railroad tracks.

West boundary.

Along said tracks in a northerly direction to a point two hundred (200) feet west of Main Street, a line two hundred (200) feet west of and parallel to Main Street to Northwood Road, along Northwood Road to a point eight hundred (800) feet west of Main Street, a line eight hundred (800) feet west of and parallel to Main Street to an extension of Memorial Avenue, along said extension in a westerly direction to the point of beginning.
(Ord. No. 73-67, 1-17-74)

APARTMENT "1"

Start at the resource protection zone and an extension of Memorial Avenue. (Ord. No. 73-67, 1-17-74)

North boundary.

Along said extension to a point eight hundred (800) feet west of Main Street, a line eight hundred (800) feet west of and parallel to Main Street to Northwood Road, Northwood Road to a point two hundred (200) feet west of Main Street. (Ord. No. 73-67, 1-17-74)

East boundary.

A line two hundred (200) feet west of and parallel to Main Street to the railroad tracks, along the railroad tracks in a southerly direction to a point eight hundred (800) feet south of Montello Street Extension.

South boundary.

A perpendicular from this point to the resource protection zone. (Ord. No. 73-67, 1-17-74)

West boundary.

Along the resource protection zone to the point of beginning. (Ord. No. 73-67, 1-17-74)

APARTMENT "2"

Start at a point on Frye Street two hundred and fifty (250) feet east of Main Street.

North boundary.

Frye Street, College Street, Campus Avenue to a point two hundred and fifty (250) feet north of Sabattus Street.

East boundary.

None.

South boundary.

From a point on Campus Avenue two hundred and fifty (250) feet north of Sabattus Street a line two hundred and fifty (250) feet north of and parallel to Sabattus Street to Oak Street.

West boundary.

Oak Street to Elm Street, Elm Street to a point one hundred and thirty-three (133) feet east of Main Street, a line one hundred thirty-three (133) feet east of and parallel to Main Street to the point of beginning. (Ord. No. 74-22, 10-3-74)

APARTMENT "3"

Start at a point on Bartlett Street two hundred and fifty (250) feet south of Sabattus Street.

North boundary.

A line two hundred and fifty (250) feet south of and parallel to Sabattus Street to Webster Street, Webster Street, Pine Street, Beacon Alley to a distance of one hundred and fifty (150) feet south of Pine Street, a line one hundred and fifty (150) feet south of and parallel to Pine Street in an easterly direction to a point two hundred and fifty (250) feet south of Sabattus Street, from this point a line two hundred and fifty (250) feet south of and parallel to Sabattus Street to a point two hundred (200) feet west of East Avenue.

East boundary.

From this point a line two hundred (200) feet west of and parallel to East Avenue to Webster Street, Webster Street, Orange Street, Barron Avenue, a perpendicular from Jefferson Street at Barron Avenue to a point one hundred (100) feet northeast of Howe Street, a line one hundred (100) feet northeast of and parallel to Howe Street to a point one hundred (100) feet northwesterly of Birch Street, thence parallel to Birch Street to Bartlett Street, Bartlett Street, Willow Street to a point one hundred twenty-five (125) feet northeasterly of Park Street. (Ord. No. 75-27, 10-22-75)

South boundary.

A line one hundred twenty-five (125) feet northeasterly of and parallel to Park Street to Maple Street, Maple Street, Park Street, Pine Street, Bates Street. (Ord. No. 75-27, 10-22-75)

West boundary.

College Street to the point of beginning.

COMMERCIAL "8"

Start at a point on Bartlett Street two hundred twenty-five (225) feet southeasterly of Birch Street.

North boundary.

Northeasterly along a perpendicular to Bartlett Street a distance of two hundred twenty-five (225) feet.

East boundary.

Southeasterly along a line two hundred twenty-five (225) feet northeasterly of and parallel to Bartlett Street a distance of one thousand one hundred thirty (1,130) feet, more or less, to a perpendicular to Bartlett Street.

South boundary.

Southwesterly along said perpendicular to Bartlett Street.

West boundary.

Northwesterly along Bartlett Street to the point of beginning. (Ord. No. 75-6, 3-25-75)

RESIDENTIAL "1 (1)"

Start at a point on the Merrill Road one thousand (1,000) feet west of Main Street.

North boundary.

Merrill Road in an easterly direction to a point one thousand (1,000) feet east of Main Street.

East boundary.

A line one thousand (1,000) feet east of and parallel to Main Street to the Larrabee Road, Larrabee Road, Main Street, Nimitz Street to a point two hundred (200) feet west of Main Street, a line two hundred (200) feet west of and parallel to Main Street in a southerly direction to the resource protection zone.

South boundary.

Along the resource protection zone in a northerly direction to a perpendicular from the Gulf Island Road, said perpendicular starting a distance of one thousand (1,000) feet west of Main Street.

West boundary.

Along said perpendicular to the Gulf Island Road, a line one thousand (1,000) feet west of and parallel to Main Street to the point of beginning.
(Ord. No. 73-67, 1-17-74)

RESIDENTIAL "1 (2)"

Repealed by Ord. No. 73-43, 5-17-73.

RESIDENTIAL "1 (3)"

Start at a point on King Avenue two hundred (200) feet east of Main Street.

North boundary.

King Avenue, Fair Street to a point nine hundred and eighty (980) feet west of College Street, a line nine hundred and eighty (980) feet west of and parallel to College Street to the resource protection zone, along said zone in a north-

easterly direction to College Street, from this point on College Street a line to the intersection of Hartford Street and the Hogan Road, a line from this point to the intersection of the Old Greene Road and North Temple Street, a line thirty-two hundred (3200) feet north of and parallel to Sabattus Street to the Pond Road, a perpendicular to the Pond Road in an easterly direction to a distance of two hundred and fifty (250) feet. (Ord. No. 73-67, 1-17-74)

East boundary.

A line two hundred and fifty (250) feet east of and parallel to the Pond Road and the Golder Road to a point two hundred and fifty (250) feet north of Sabattus Street.

South boundary.

A line two hundred and fifty (250) feet north of and parallel to Sabattus Street to a point two hundred and fifty (250) feet east of the Pond Road, a line two hundred and fifty (250) feet east of and parallel to the Pond Road in a northeasterly direction to a point one thousand (1000) feet north of Sabattus Street, a line one thousand (1000) feet north of and parallel to Sabattus Street to the Highland Spring Road, a perpendicular from the Highland Spring Road in a westerly direction a distance of five hundred and twenty-five (525) feet, thence a perpendicular in a southerly direction to a point one thousand (1000) feet north of Sabattus Street, a line one thousand (1000) feet north of and parallel to Sabattus Street to East Avenue, East Avenue to a point six hundred (600) feet north

of Russell Street, a line six hundred (600) feet north of and parallel to Russell Street to Morris Avenue, Morris Avenue, Russell Street, College Street, Mountain Avenue to a point two hundred and fifty (250) feet east of Main Street. (Ord. No. 74-21, 9-5-74)

West boundary.

A line two hundred and fifty (250) feet east of and parallel to Main Street to a point three hundred (300) feet south of Montello Street, along a perpendicular to Main Street to a point two hundred (200) feet east of Main Street a line two hundred (200) feet east of and parallel to Main Street to the point of beginning.

RESIDENTIAL "1 (4)"

Start at Webster and Orange Streets.

North boundary.

Webster Street from Orange Street to a point one hundred and twenty-five (125) feet east of Sylvan Avenue.

East boundary.

A line one hundred and twenty-five (125) feet east of and parallel to Sylvan Avenue to Caron Street extended.

South boundary.

Caron Street extended and Caron Street to Barron Avenue.

West boundary.

Barron Avenue to Orange Street, Orange Street to point of beginning.

RESIDENTIAL "1 (5)"

Start at Warren and Webber Avenues. (Ord. No. 73-67, 1-17-74)

North boundary.

Southeasterly on Warren Avenue a distance of one hundred and seventy-five (175) feet, thence along a line one thousand (1000) feet northeasterly of and parallel to Webster Street to Jeanette Avenue extended, along said extension in a north-

easterly direction a distance of one hundred and fifty (150) feet, thence in a southeasterly direction along a line one thousand one hundred and fifty (1150) feet northeasterly of and parallel to Webster Street a distance of three hundred (300) feet, thence along a perpendicular in a northeasterly direction eight hundred (800) feet, thence along a perpendicular in a southeasterly direction eight hundred (800) feet, thence a perpendicular in a northeasterly direction a distance of two thousand two hundred (2200) feet to a point four hundred (400) feet westerly of the Randall Road, a line four hundred (400) feet west of and parallel to the Randall Road in a northerly direction to a point one thousand (1000) feet south of Sabattus Street, a line one thousand (1000) feet south of and parallel to Sabattus Street to a point two hundred (200) feet west of the Randall Road, a line two hundred (200) feet west of and parallel to the Randall Road to a point thirty-one hundred (3100) feet south of Sabattus Street, a line thirty-one hundred (3100) feet south of and parallel to Sabattus Street to a point one thousand (1000) feet west of the Pond Road, a line one thousand (1000) feet west of and parallel to the Pond Road to a point one thousand (1000) feet south of Sabattus Street, thence easterly along a line one thousand (1000) feet south of and parallel to Sabattus Street to Grove Street, Grove Street to a point one thousand (1000) feet east of the Pond Road. (Ord. No. 73-67, 1-17-74)

East boundary.

A line one thousand (1000) feet east of and parallel to the Pond Road to Webster Street.

South boundary.

Webster Street to a point one thousand (1000) feet east of Mitchell Street, from this point a perpendicular from Webster Street in a southerly direction a distance of one hundred and thirty-three (133) feet, a line one hundred and thirty-three (133) feet south of and parallel to Webster Street to a point one hundred and thirty-three (133) feet east of Mitchell Street, a line one hundred and thirty-three (133) feet east of and parallel to Mitchell Street to Pleasant Street, Pleasant Street to a point two hundred and fifty (250) feet east of East Avenue.

West boundary.

A line two hundred fifty (250) feet east of and parallel to East Avenue to Webster Street, Webster Street, Webber Avenue, Webber Avenue in a northeasterly direction to the point of beginning. (Ord. No. 73-67, 1-17-74)

RESIDENTIAL "1 (6)"

Start at a point on Bartlett Street at the extension of a line four hundred twenty-five (425) feet east of and parallel to Willow Street. (Ord. No. 77-2, 2-17-77)

North boundary.

Bartlett Street to a point one hundred fifty-two and one-half (152½) feet westerly of Androscoggin Avenue. (Ord. No. 77-2, 2-17-77)

East boundary.

A line one hundred fifty-two and one-half (152½) feet westerly of and parallel to Androscoggin Avenue to Hackett Street; Hackett Street to a point one hundred twenty-seven and one-half (127½) feet westerly of Arkwright Avenue; a line one hundred twenty-seven and one-half (127½) feet westerly of and parallel to Arkwright Avenue to a point two hundred (200) feet north of Lisbon Street. (Ord. No. 77-2, 2-17-77)

South boundary.

A line two hundred (200) feet north of and parallel to Lisbon Street to the northwesterly line of Bleachery Street. (Ord. No. 77-2, 2-17-77)

West boundary.

Northwesterly line of Bleachery Street extended to a point nine hundred two (902) feet from Lisbon Street, a perpendicular in a northwesterly direction to a point on a line four hundred twenty-five (425) feet east of Willow Street, a line four hundred twenty-five (425) feet east of and parallel to Willow Street to the point of beginning. (Ord. No. 77-2, 2-17-77)

RESIDENTIAL "2 (1)"

Start at the Resource Protection Zone and State Highway #18 (Vietnam Veterans Memorial Bridge.)

North boundary.

State Highway #18 (Vietnam Veterans Memorial Bridge) to the railroad tracks.

East boundary.

Southerly along the railroad tracks to Riverside Street, Riverside Street, Spring Street to Bridge Street.

South boundary.

Bridge Street, Winter Street, Holland Street to the Resource Protection Zone.

West boundary.

Along the Resource Protection Zone to the point of beginning. (Ord. No. 73-67, 1-17-74)

RESIDENTIAL "2 (2)"

Start at a point on Morris Avenue six hundred (600) feet northeast of Russell Street.

North boundary.

A line six hundred (600) feet northeasterly of and parallel to Russell Street to East Avenue, East Avenue to a point one thousand (1,000) feet north of Sabattus Street, a line one thousand (1,000) feet north of and parallel to Sabattus Street to a point five hundred twenty-five (525) feet west of the Highland Spring Road. (Ord. No. 74-21, 9-5-74; Ord. No. 76-8, 10-1-76)

East boundary.

A line five hundred twenty-five (525) feet west of and parallel to Highland Spring Road to a point on an extension of Eaton Street six hundred (600) feet north of Sabattus Street, along said extension and Eaton Street to a point two hundred fifty (250) feet north of Sabattus Street. (Ord. No. 76-8, 10-1-76)

South boundary.

A line two hundred fifty (250) feet north of and parallel to Sabattus Street to Campus Avenue, Campus Avenue to a point five hundred and twenty-seven (527) feet more or less, southeasterly of Central Avenue. (Ord. No. 76-8, 10-1-76)

West boundary.

Along a perpendicular in a northeasterly direction a distance of three hundred fifty (350) feet; thence along a perpendicular in a southeasterly direction a distance of fifty (50) feet; thence along a perpendicular in a northeasterly direction a distance of three hundred eighty (380) feet; thence along a perpendicular in a southeasterly direction a distance of of nine hundred thirty-seven (937) feet; thence in a northeasterly direction along a line one hundred twenty-five (125) feet northwesterly of and parallel to Lafayette Street to Russell Street; Russell Street, Morris Avenue to the point of beginning. (Ord. No. 74-21, 9-5-74; Ord. No. 76-8, 10-1-76)

RESIDENTIAL "2 (3)"

Start on the Highland Spring Road one thousand (1,000) feet north of Sabattus Street.

North boundary.

A line one thousand (1,000) feet north of and parallel to Sabattus Street to a point two hundred fifty (250) feet east of the Pond Road.

East boundary.

A line two hundred and fifty (250) feet east of and parallel to the Pond Road to a point two hundred and fifty (250) feet north of Sabattus Street.

South boundary.

A line two hundred and fifty (250) feet north of and parallel to Sabattus Street to a point five hundred (500) feet east of Highland Spring Road.

West boundary.

A line in a northerly direction five hundred (500) feet east of and parallel to Highland Spring Road a distance of two hundred and thirty-five (235) feet, thence at right angles to the Highland Spring Road, along said road to the point of beginning.

RESIDENTIAL "2 (4)"

Start at a point two hundred (200) feet west of East Avenue and two hundred and fifty (250) feet south of Sabattus Street.

North boundary.

A line two hundred and fifty (250) feet south of and parallel to Sabattus Street to a point on the No Name Pond Brook.

East boundary.

No Name Pond Brook to a point on a line one thousand (1000) feet northerly of and parallel to Grove Street, along said line to the center line of Section 64 of the C.M.P. transmission line right-of-way, thence in a southwesterly direction along the right-of-way to a point one thousand (1000) feet southerly of Grove Street.

South boundary.

A line one thousand (1000) feet south of and parallel to Grove Street to a point one thousand (1000) feet east of the Pond Road; thence northerly along a line one thousand (1000)

feet east of and parallel to the Pond Road to Grove Street, northwesterly along Grove Street to a point one thousand (1000) feet south of Sabattus Street; thence westerly along a line one thousand (1000) feet south of and parallel to Sabattus Street to a point one thousand (1000) feet west of the Pond Road; thence southerly along a line one thousand (1000) feet west of and parallel to Pond Road to a point thirty-one hundred (3100) feet south of Sabattus Street, thence westerly along a line thirty-one hundred (3100) feet south of and parallel to Sabattus Street to a point two hundred (200) feet west of the Randall Road, a line two hundred (200) feet west of and parallel to the Randall Road to a point one thousand (1000) feet south of Sabattus Street; thence westerly along a line one thousand (1000) feet south of and parallel to Sabattus Street to a point eighteen hundred and twenty-five (1825) feet southeast of Farwell Street, thence a line eighteen hundred and twenty-five (1825) feet southeasterly of and parallel to Farwell Street one thousand three hundred and fifty (1350) feet to a perpendicular to Farwell Street, along said perpendicular in a northwesterly direction a distance of one thousand two hundred and fifty (1250) feet, thence southwesterly along a line five hundred and seventy-five (575) feet southeasterly of and parallel to Farwell Street a distance of five hundred (500) feet, thence at right angles in a southeasterly direction a distance of two hundred and twenty-five (225) feet, thence along a line eight hundred (800) feet southeasterly of and parallel to Farwell Street a distance of seven hundred (700) feet, thence a perpendicular in a southeasterly direction one hundred and seventy-five (175) feet, thence a line one hundred and seventy-five (175) feet southeasterly of and parallel to Webber Avenue, along said line to Warren Avenue, Warren Avenue, Webber Avenue, Webster Street to a point two hundred (200) feet west of East Avenue.

West boundary.

A line two hundred (200) feet west of and parallel to East Avenue to the point of beginning.

RESIDENTIAL "2 (5)"

Start at a point on Bartlett Street at the extension of a line four hundred and twenty-five (425) feet east of and parallel to Willow Street.

RESIDENTIAL "2 (5)"

Start at a point on Bartlett Street at the extension of a line one hundred fifty-two and one-half (152½) feet westerly of Androscoggin Avenue. (Ord. No. 77-2, 2-17-77)

North boundary.

Bartlett Street to the easterly line of Essex Street (proposed).

East boundary.

The easterly line of Essex Street (proposed) in a southerly direction a distance of five hundred seventy-five (575) feet, thence in a westerly direction along the southerly line of Hackett Street a distance of fifty (50) feet, thence at right angles to Hackett Street in a southerly direction a distance of fifty (50) feet, thence at right angles in a westerly direction a distance of one hundred (100) feet, thence at right angles in a southerly direction a distance of fifty (50) feet, thence at right angles in a westerly direction a distance of two hundred fifty (250) feet, a line one hundred twenty-five (125) feet east of and parallel to Androscoggin Avenue to a point two hundred (200) feet north of Lisbon Street.

South boundary.

A line two hundred (200) feet north of and parallel to Lisbon Street to a point on a line one hundred twenty-seven and one-half (127½) feet westerly of Arkwright Avenue. (Ord. No. 77-2, 2-17-77)

West boundary.

A line one hundred twenty-seven and one-half (127½) feet westerly of and parallel to Arkwright Avenue to Hackett Street; Hackett Street to a point one hundred fifty-two and one-half (152½) feet westerly of Androscoggin Avenue; a line one hundred fifty-two and one-half (152½) feet westerly of and parallel to Androscoggin Avenue to the point of beginning. (Ord. No. 77-2, 2-17-77)

RESIDENTIAL "2 (6)"

Start at a point on the Bleachery spur track two hundred (200) feet south of Lisbon Street.

North boundary.

A line two hundred (200) feet south of and parallel to Lisbon Street to the extension of a line one hundred and twenty-five (125) feet east of and parallel to Androscoggin Avenue.

East boundary.

Extension of the line one hundred twenty-five (125) feet east of and parallel to Androscoggin Avenue to a point two hundred (200) feet north of the railroad tracks.

South boundary.

A line two hundred (200) feet north of and parallel to the main railroad tracks to the Bleachery spur track.

West boundary.

Bleachery spur track to the point of beginning.

RESIDENTIAL "2 (7)"

Start on Pleasant Street at a point two hundred fifty (250) feet east of East Avenue.

North boundary.

Pleasant Street from a point two hundred fifty (250) feet east of East Avenue to a point one hundred and twenty (120) feet east of Foch Street.

East boundary.

A line one hundred twenty (120) feet east of and parallel to Foch Street to a point one hundred and fifty (150) feet northeast of Lisbon Street.

South boundary.

A line one hundred fifty (150) feet northeast of and parallel to Lisbon Street to Beckett Street, Beckett Street

to a point three hundred (300) feet northeast of Lisbon Street, a line three hundred (300) feet northeast of and parallel to Lisbon Street to Scribner Boulevard, Scribner Boulevard to a point two hundred fifty (250) feet northeast of Lisbon Street, a line two hundred and fifty (250) feet northeast of and parallel to Lisbon Street to a point two hundred fifty (250) feet east of East Avenue.

West boundary.

A line two hundred and fifty (250) feet east of and parallel to East Avenue to the point of beginning.

RESIDENTIAL "2 (8)"

Start at a point one hundred and fifty (150) feet west of Summit Avenue and one hundred and fifty (150) feet south of Lisbon Street.

North boundary.

A line one hundred and fifty (150) feet south of and parallel to Lisbon Street to South Avenue, South Avenue to a point five hundred (500) feet south of Lisbon Street, a line five hundred (500) feet south of and parallel to Lisbon Street to a perpendicular from Lisbon Street seven hundred and twelve and one-half (712½) feet from South Avenue, along this perpendicular to a point three hundred (300) feet south of Lisbon Street, a line three hundred (300) feet south of and parallel to Lisbon Street to a point one hundred and twenty-three (123) feet west of Lucille Avenue, a line one hundred and twenty-three (123) feet west of and parallel to Lucille Avenue to a point two hundred (200) feet south of Lisbon Street, a line two hundred (200) feet south of and parallel to Lisbon Street to Olive Street, a line from this point to the turnpike overpass of the railroad.

East boundary.

None.

South boundary.

Railroad tracks to South Avenue, South Avenue to a point two hundred (200) feet north of the railroad tracks, a line two hundred (200) feet north of and parallel to the railroad tracks to a point one hundred and fifty (150) feet west of Summit Avenue.

West boundary.

From this point a line one hundred and fifty (150) feet west of and parallel to Summit Avenue to the point of beginning.

RESIDENTIAL "2 (9)"

Start at a point on Mountain Avenue two hundred and fifty (250) feet east of Main Street.

North boundary.

Mountain Avenue. (Ord. No. 76-8, 10-1-76)

East boundary.

College Street. (Ord. No. 76-8, 10-1-76)

South boundary.

Frye Street. (Ord. No. 76-8, 10-1-76)

West boundary.

A line two hundred and fifty (250) feet east of and parallel to Main Street from Frye Street to Mountain Avenue. (Ord. No. 76-8, 10-1-76)

RESIDENTIAL "3 (1)"

Start at a point on the Greene town line and the Resource Protection Zone. (Ord. No. 73-67, 1-17-74)

North boundary.

Greene town line to a point one thousand (1,000) feet east of Main Street.

East boundary.

A line one thousand (1,000) feet east of and parallel to Main Street from the Greene town line to a point two hundred and fifty (250) feet north of the Merrill Road, thence a line two hundred and fifty (250) feet north of and parallel to the Merrill Road to the Sleeper Road, Sleeper Road, westerly along the Merrill Road a distance of seven hundred and seventy (770) feet more or less, a line sixteen hundred (1600) feet west of and parallel to the railroad tracks to a point on a line one thousand (1,000) feet east of Main Street.

South boundary.

A line in a northerly direction one thousand (1,000) feet east of and parallel to Main Street to the Merrill Road, Merrill Road in a westerly direction to a point one thousand (1,000) feet west of Main Street, a line one thousand (1,000) feet west of and parallel to Main Street to the Gulf Island

East boundary.

A line one thousand (1,000) feet east of and parallel to Main Street from the Greene town line to a point two hundred and fifty (250) feet north of the Merrill Road, thence a line two hundred and fifty (250) feet north of and parallel to the Merrill Road to the Sleeper Road, Sleeper Road, westerly along the Merrill Road a distance of seven hundred and seventy (770) feet more or less, a line sixteen hundred (1600) feet west of and parallel to the railroad tracks to a point on a line one thousand (1,000) feet east of Main Street.

South boundary.

A line in a northerly direction one thousand (1,000) feet east of and parallel to Main Street to the Merrill Road, Merrill Road in a westerly direction to a point one thousand (1,000) feet west of Main Street, a line one thousand (1,000) feet west of and parallel to Main Street to the Gulf Island Road, a perpendicular from the Gulf Island Road to the Resource Protection Zone. (Ord. No. 73-67, 1-17-74)

West boundary.

Along the Resource Protection Zone to the Greene town line. (Ord. No. 73-67, 1-17-74)

RESIDENTIAL "3 (2)"

Start at a point on the C.M.P. transmission line right-of-way (section 64) nine hundred (900) feet east of the railroad tracks.

North boundary.

C.M.P. transmission line right-of-way (section 64) to the Pond Road.

East boundary.

Pond Road to a point on a line thirty-two hundred (3200) feet north of Sabattus Street.

South boundary.

A line thirty-two hundred (3200) feet north of and parallel to Sabattus Street to the intersection of the Old Greene Road and North Temple Street, a line from this point to the intersection of Hartford Street and the Hogan Road, a line from this point to the resource protection zone on College Street. (Ord. No. 73-67, 1-17-74)

West boundary.

Along the resource protection zone in a northeasterly direction, thence a southwesterly direction to a point one hundred and twenty-five (125) feet east of the railroad tracks. A line one hundred and twenty-five (125) feet east of and parallel to the railroad tracks in a northerly direction to a point two hundred (200) feet north of the Stetson Road, thence a line two hundred (200) feet north of and parallel to the Stetson Road to a point nine hundred (900) feet east of the railroad tracks, a line nine hundred (900) feet east of and parallel to the railroad tracks to the point of beginning. (Ord. No. 73-67, 1-17-74)

RESIDENTIAL "3 (3)"

Start at a point on the No Name Pond Brook two hundred and fifty (250) feet south of Sabattus Street.

North boundary.

From said point a line two hundred and fifty (250) feet south of and parallel to Sabattus Street to the Golder Road, Golder Road and an extension thereof to a point one thousand (1000) feet south of Sabattus Street, a line one thousand (1000) feet south of and parallel to Sabattus Street to a point on a perpendicular to Sabattus Street opposite Riley Street, along said perpendicular to a point five hundred (500) feet

south of Sabattus Street, a line five hundred (500) feet south of and parallel to Sabattus Street to the center line of the C.M.P. transmission line (section 64).

East boundary.

The C.M.P. transmission line (section 64) to a point one thousand (1000) feet northerly of Grove Street.

South boundary.

A line one thousand (1000) feet north of and parallel to Grove Street to the No Name Pond Brook.

West boundary.

No Name Pond Brook to the point of beginning.

RESIDENTIAL "3 (4)"

Start at a point one thousand (1000) feet southwest of Grove Street and one thousand (1000) feet east of Pond Road.

North boundary.

A line from this point one thousand (1000) feet southwest of and parallel to Grove Street to the center line of C.M.P. transmission line right-of-way (section 64).

East boundary.

Southwesterly along said right-of-way to a point two hundred and fifty (250) feet northeast of the Webster Road, a line two hundred and fifty (250) feet northeast of and parallel to the Webster Road to the turnpike right-of-way.

South boundary.

Along the turnpike right-of-way to the Webster Road, Webster Road to the intersection of the Crowley Road, from this intersection a perpendicular to the Crowley Road in a southeasterly direction a distance of five hundred (500) feet; a line five hundred (500) feet southeasterly of and parallel to the Crowley Road to the C.M.P. transmission line right-of-

way (sections 43 and 72), along this right-of-way to the turnpike right-of-way; thence along the turnpike right-of-way in a westerly direction to a point nine hundred (900) feet north of Lisbon Street, a line nine hundred (900) feet north of and parallel to Lisbon Street to a point on a perpendicular from Webster Street said perpendicular being a distance of seven hundred (700) feet west of the intersection of the Old Lisbon Road. (Ord. No. 73-63, 1-3-74)

West boundary.

Along said perpendicular a distance of sixteen hundred and forty-three (1,643) feet, thence at right angles a distance of five hundred and ten (510) feet to a perpendicular from the Webster Road at a distance of one hundred and ninety (190) feet west of the intersection of the Old Lisbon Road, along said perpendicular a distance of five hundred (500) feet, from this point a line to the Old Lisbon Road at a point three hundred (300) feet south of Webster Street, Old Lisbon Road, Webster Street to a point one thousand (1,000) feet east of the Pond Road, a line one thousand (1,000) feet east of and parallel to the Pond Road to the point of beginning.

RESOURCE PROTECTION "1"

The word "elevation" used in the following description means height above mean sea level as shown on the City of Lewiston topographical maps prepared by the James W. Sewall Co.

The word "rivermile" used in the following description means the number of miles measured from Brick Island in Merrymeeting Bay as prepared by the Corps of Engineers, U.S. Army.

This zone covers all land along the Androscoggin River as described below and at the given elevations in addition to all land within two hundred and fifty (250) feet of the normal height water mark; also included are all river islands within the city boundaries.

(1) Lewiston-Greene boundary to the Gulf Island Dam—Elev. 265 feet.

(2) The Gulf Island Dam to the Deer Rips Dam—Elev. 215 feet.
(3) The Deer Rips Dam to Rivermile 33.4—Elev. 205 feet.
(4) Rivermile 33.4 to Rivermile 33.3—Elev. 200 feet.
(5) Rivermile 33.3 to Rivermile 33.1—Elev. 195 feet.
(6) Rivermile 33.1 to Rivermile 32.8—Elev. 190 feet.
(7) Rivermile 32.8 to Jepson Brook—Elev. 185 feet.
(8) Jepson Brook to Union Water Power Co. Dam—Elev. 180 feet.
(9) Union Water Power Co. Dam to the Maine Turnpike Bridge—Elev. 140 feet.
(10) The Maine Turnpike Bridge to Rivermile 26—Elev. 135 feet.
(11) Rivermile 26 to the Lisbon Town Line—Elev. 130 feet. (Ord. No. 73-67, 1-17-74)

RESOURCE PROTECTION "2"

Start on the northeast line of the proposed Alonzo Street five hundred and seventy-five (575) feet southeast of Farwell Street.

North boundary.

A line five hundred and seventy-five (575) feet southeast of and parallel to Farwell Street a distance of five hundred (500) feet in a northeasterly direction, thence along a perpendicular in a southeasterly direction a distance of one thousand two hundred and fifty (1250) feet, thence along a perpendicular in a northeasterly direction a distance of one thousand three hundred and fifty (1350) feet to a point one thousand (1000) feet south of Sabattus Street thence easterly along a line one thousand (1000) feet south of and parallel to Sabattus Street to a point four hundred (400) feet west of the Randall Road.

East boundary.

A line four hundred (400) feet west of and parallel to the Randall Road in a southerly direction a distance of nine hundred (900) feet, thence by an interior angle of one hundred and thirty (130) degrees a line in a southwesterly direction a distance of two thousand two hundred (2200) feet.

South boundary.

From that point a perpendicular in a northwesterly direction a distance of eight hundred (800) feet, thence along a perpendicular in a southwesterly direction a distance of eight hundred (800) feet, thence along a perpendicular in a northwesterly direction a distance of three hundred (300) feet to Jeannette Avenue extended, thence along Jeannette Avenue extended a distance of one hundred fifty (150) feet, thence along a line one thousand (1,000) feet northeasterly of and parallel to Webster Street to a point one hundred and seventy-five (175) feet southeasterly of Webber Avenue.

West boundary.

A line one hundred seventy-five (175) feet southeasterly of and parallel to Webber Avenue a distance of two hundred twenty-five (225) feet in a northeasterly direction, thence along a perpendicular in a northwesterly direction to a point eight hundred (800) feet southeast of Farwell Street, a line eight hundred (800) feet southeast of and parallel to Farwell Street a distance of seven hundred (700) feet in a northeasterly direction, thence along a perpendicular in a northwesterly direction a distance of two hundred twenty-five (225) feet to the point of beginning. (Ord. No. 73-67, 1-17-74)

RESOURCE PROTECTION "3"

Start at a point on the No Name Pond inlet two hundred fifty (250) feet from the normal high water mark.

North and east boundaries.

A line along the periphery of No Name Pond at a distance of two hundred fifty (250) feet from the normal high water mark to a point on a perpendicular from Sabattus Street, said perpendicular being two thousand twenty-five (2,025) feet easterly of Riley Street, along said perpendicular in a southerly direction a distance of nine hundred (900) feet more or less, thence by an angle of thirty (30) degrees to the left a line a distance of twenty-one hundred

(2,100) feet more or less to a point five hundred (500) feet northerly of Sabattus Street.

South boundary.

A line five hundred (500) feet northerly of and parallel to Sabattus Street to Riley Street, thence along Riley Street in a southerly direction two hundred fifty (250) feet, thence a line two hundred fifty (250) feet north of and parallel to Sabattus Street to a point two hundred fifty (250) feet easterly of Golder Road.

West boundary.

A line two hundred fifty (250) feet east of and parallel to the Golder Road, a distance of one thousand nine hundred fifty (1,950) feet more or less, thence along a perpendicular from the C.M.P. transmission line right-of-way (section 64), a distance of five hundred (500) feet more or less, thence northerly along the westerly side of said right-of-way a distance of three hundred fifty (350) feet, thence perpendicular to and across said right-of-way, to a point nine hundred (900) feet east of the Pond Road, a line nine hundred (900) feet east of and parallel to the Pond Road in a northerly direction to a point two hundred fifty (250) feet from the normal high water mark of No Name Pond, thence around the periphery of No Name Pond at a distance of two hundred fifty (250) feet from the normal high water mark to the point of beginning. (Ord. No. 73-67, 1-17-74)

TRANSITIONAL "1"

Start at the railroad tracks at a point on a perpendicular to Main Street, said perpendicular being two hundred eighty (280) feet south of Montello Street Extension. (Ord. No. 77-1, 2-17-77)

North boundary.

Along said perpendicular to a point two hundred thirty-three (233) feet west of Main Street; a line two hundred thirty-three (233) feet west of and parallel to Main Street to Montello Street Extension, Montello Street Extension, Main Street to a point three hundred (300) feet south of Montello

Street, a perpendicular from Main Street in an easterly direction a distance of two hundred fifty (250) feet. (Ord. No. 77-1, 2-17-77)

East boundary.

From this point a line two hundred fifty (250) feet east of and parallel to Main Street to Frye Street, Frye to a

Street, a perpendicular from Main Street in an easterly direction a distance of two hundred fifty (250) feet. (Ord. No. 77-1, 2-17-77)

East boundary.

From this point a line two hundred fifty (250) feet east of and parallel to Main Street to Frye Street, Frye to a point one hundred thirty-three (133) feet east of Main Street, a line one hundred thirty-three (133) feet east of and parallel to Main Street to Elm Street, Elm Street, Oak Street, Prescott Street, Main Street to Hamilton Street. (Ord. No. 73-32, 4-5-73; Ord. No. 73-44, 5-17-73; Ord. No. 74-22, 10-3-74)

South boundary.

Hammond Street, High Street, Bridge Street to the railroad tracks. (Ord. No. 73-44, 5-17-73)

West boundary.

Railroad tracks to the point of beginning.

TRANSITIONAL "2"

Start at a point on Wood Street two hundred and fifty (250) feet north of Sabattus Street.

North boundary.

A line two hundred and fifty (250) feet north of and parallel to Sabattus Street to Lafayette Street.

East boundary.

Lafayette Street, Campus Avenue to a point two hundred and fifty (250) feet south of Sabattus Street.

South boundary.

A line two hundred and fifty (250) feet south of and parallel to Sabattus Street to a point one hundred and fifty (150) feet south of Pine Street, a line one hundred and fifty (150) feet south of and parallel to Pine Street to Beacon Alley, Beacon Alley, Pine Street, Webster Street to a point two hundred and fifty (250) feet south of Sabattus Street, a line two hundred and fifty (250) feet south of and parallel to Sabattus Street to Howe Street.

West boundary.

Howe Street to Sabattus Street, Sabattus Street, Wood Street to the point of beginning.

TRANSITIONAL "3"

Start at Jefferson and Caron Streets.

North boundary.

Caron Street and Caron Street extended to a point one hundred and twenty-five (125) feet east of Sylvan Avenue, a line one hundred and twenty-five (125) feet east of and parallel to Sylvan Avenue to Webser, Webster Street to a point two hundred and fifty (250) feet east of East Avenue.

East boundary.

A line two hundred and fifty (250) feet east of and parallel to East Avenue to a point two hundred and fifty (250) feet north of Lisbon Street.

South boundary.

A line two hundred fifty (250) feet north of and parallel to Lisbon Street to East Avenue, East Avenue, northwesterly along Bartlett Street a distance of one thousand eight hundred fifty (1,850) feet, more or less, to a perpendicular to Bartlett Street; northeasterly along said perpendicular a distance of two hundred twenty-five (225) feet; a line two hundred twenty-five (225) feet northeasterly of and parallel to Bartlett Street to a point two hundred and twenty-five (225) feet southeasterly of Birch Street; thence along a perpendicular to Bartlett Street, Bartlett Street to a point one hundred (100) feet northwesterly of Birch Street. (Ord. No. 75-6, 3-25-75)

West boundary.

A line one hundred (100) feet northwesterly of and parallel to Birch Street to a point one hundred (100) feet northeast of Howe Street, a line one hundred (100) feet northeast of and parallel to Howe Street to a point on a perpendicular to Jefferson Street at Barron Avenue along said perpendicular to the point of beginning.

TRANSITIONAL "4"

Start at a point on Bates Street seventy-five (75) feet northwesterly of Pine Street.

North boundary.

A line seventy-five (75) feet northwesterly of and parallel to Pine Street extending from Bates Street to Bartlett Street. (Ord. No. 77-29, 10-6-77)

East boundary.

Bartlett Street to a point seventy-five (75) feet southeasterly of Pine Street. (Ord. No. 77-29, 10-6-77)

South boundary.

A line seventy-five (75) feet southeasterly of and parallel to Pine Street extending from Bartlett Street to Bates Street. (Ord. No. 77-29, 10-6-77)

West boundary.

Bates Street to a point seventy-five (75) feet northwesterly of Pine Street and the point of beginning. (Ord. No. 77-29, 10-6-77)

Editor's note—Sec. 29-37 is basically derived from Ord. No. 72-26, effective Nov. 30, 1972. Ordinances enacted subsequent to said date which amend § 29-37 are cited in the history notes following the particular boundary descriptions affected.

This pamphlet index is set up to conform to the index in the Code of Ordinances for future amendatory purposes.

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