

**CITY OF LEWISTON  
PLANNING BOARD MEETING**  
Monday, March 28, 2022 – 5:30 P.M.  
Lewiston City Government  
27 Pine Street, Lewiston, ME

# **AGENDA**

**1. ROLL CALL**

**2. ADJUSTMENTS TO THE AGENDA**

**3. CORRESPONDENCE**

**4. PUBLIC HEARINGS:** No public hearings

**5. OTHER BUSINESS**

- a) Planning Board initiation of various text amendment to the Lewiston Zoning and Land Use Code, Appendix A

**6. READING OF THE MINUTES:**

Motion to adopt the January 24, 2022, February 14, 2022 and February 28, 2022 draft minutes.

**7. ADJOURNMENT**

The next scheduled Planning Board meeting is April 11, 2022

## Planning & Code Enforcement

TO: Lewiston Planning Board

FROM: Douglas Greene, AICP, RLA; Deputy Director Planning and Special Projects

DATE: March 25, 2022

RE: Planning Board Initiation of Zoning Ordinance Text Amendments

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Over the last several months, the Staff has been compiling text amendment to the Zoning Ordinance that will update, clarify confusing language, correct errors, and create new sections that help administer the zoning and land use code. The Staff would like the Planning Board to initiate this text amendment at their March 28, 2022 meeting, and hold a public hearing at a later date, once the changes have been put into a final draft.

An attached spreadsheet lists proposed text amendments and are organized as follows:  
A = Amendment ready for **ACTION**  
C = **Correction** (Minor)

The items on the spreadsheet are listed by Article, Section, Page #, a description and comments. The complete, final draft of the text amendments will be presented at a future Planning Board public hearing at a date to be determined.

### Article II, Definitions-

- a) Dwelling- Amend the definition of Dwelling by making Tiny Homes exempt from the Dwelling Size requirement
- b) Mural- A new definition needed as part of the City's public art initiative to differentiate between a Sign (advertising) and Mural (public art)
- c) Sign- Minor changes are proposed to be in alignment with Maine State Law
- d) Tiny Home- An increased interest in tiny houses justifies adding a definition

### Article V, Administration and Enforcement-

- a) Section 3, General Provisions, A, Lots, Yards and Setbacks, (1), Add effective date for the creation of undersized lots (December 9, 1987).
- b) Section 3, General Provisions, C. Structures, (1), Multiple Structures Prohibited- Clarify that more than one multi-family structure can be located on an individual lot.
- c) Section 3, General Provisions, C. Structures, Clarify setbacks for small detached accessory structures

- d) Section 5, Administrative Procedures, (a) Add two new requirements for permits; in a shoreland zone and exemptions for permits

Article XI, District Regulations-

- a) Section 22, Land Use Regulations, Land Use Chart, Amend the Zoning Districts columns for Shoreland Zoning, Resource Conservation and No Name Pond Overlay to fit the new Shoreland Zone amendment
- b) Section 22, Land Use Requirements, Special Note 11, Clarify what type of development must comply with the Design District Standards
- c) Section 23, Space and Bulk Chart, For Downtown Residential (DR), add special note (29) to allow 10' driveway on one side yard
- d) Section 25, Additional Overlay Districts, (5) Design District Standards, (1 d) and (2 a) Replace "clear" glass with "non-reflective" to allow some amount of tinted glass windows
- e) Section 25, Additional Overlay Districts, (5) Design District Standards, (h) Simplify the approval criteria for a waiver request

Article XII, Performance Standards-

- a) Section 7, Walls and Fences, Reduce height for retaining walls from six to four feet that will require stamped plans from an engineer
- b) Section 10, Frontage Right of Way Provisions, Staff is proposing to increase the number of lots allowable for a Frontage Right of Way ("rear lot") development from two residential lots to six residential lots, provided there is enough lot size for the additional lots and to add a provision for 2 new frontage lots for Commercial or Industrial development
- c) Section 16 Signage, B, 1, c, 5, Political Signs, Amend this section to fit with State regulation on political signs in the Right of Way and to clarify where political signs can be placed on City owned property and parks
- d) Section 16, Signage, E, 2, c, Official Business Directional Signs, Amended to meet new State law that allows this type of sign to be used for businesses located in adjacent municipalities

Article XIII, Development Review and Standards-

- a) Section 10, Standards for Private Commercial and Industrial Subdivisions, Amend proposed and existing building setbacks

Article XV, Significant Buildings and Districts (Historic Preservation)-

- a) Section 5, Certificate of Appropriateness (COA), Amend COA application requirements, allow Staff approval of signs on Historic Buildings, allow re-painting and repair of historic painted signs

**ACTION NECESSARY-**

Make a motion to initiate various text amendments to Appendix A of the Zoning and Land Use Code and instruct the Staff to come back to the Planning Board at a later date for a recommendation to the City Council, pursuant to Article VII, Planning Board, Powers, and Duties, and Article XVII, Amendments and Legal Provisions, Section 5, b, 1 c.

Status	Article	Section	Page	Existing Text	Description of Change/Issue	Comments
A	2	2		Amend definition of Dwelling	Add Tiny Home exemption to definition	As per new State Law
A	2	2		Add definition	Mural	HPRB will be finalizing their recommendation on language at their 4/3/22 meeting.
A	2	2		Amend definition	Sign	HPRB will be finalizing their recommendation at their 4/3/22 meeting.
A	2	2		Add definition	Tiny House/Home	Use language approved by the state
A	5	3	2	A.1. "No building or structure may be constructed . . . Which does not have at least fifty feet of frontage."	Add that it must be lot of record that existed prior to Dec. 9, 1987.	Staff has been allowing lots with undersized frontage to be developed so long as they have 50, 40 or 25 feet of frontage (depending on the zone)
A	5	3	4	B. Uses and Access #8	See Steve LeBrun's mark up of language	Recommended by Building Inspector Steve Lebrun
A	5	3	4	C. Multiple principal structures on one lot prohibited	Clarify that multi-family development can have multiple structures on one lot.	Reference to Article XI Land Use Chart is not enough
A	5	3	6	C. Structures, (8)	Clarify setbacks for small detached accessory structures	Recommended by Building Inspector Steve Lebrun
A	5	5	8	Section 5.a. add new # 8	Any activity or use that expands, changes, or replaces an existing use or structure; or renews a discontinued nonconforming use in the Shoreland Zone."	Shoreland Amendments
A	5	5	8	Section 5.a. New # 9, Building Permits required for...	Add additional types of activity needing permits	Recommended by Building Inspector Steve Lebrun
A	5	5	8	Section 5, add new # 9	Addresses exemptions from permits	Recommended by Building Inspector Steve Lebrun
A/C	11	22	10	Land Use Special Note #11	Article reference is wrong, the design standards are in Article 11 Section 24 subsection 5. Also amend note #11 to read: "All new construction or additions greater than 50%" (strike out "residential construction")	Correct where Design District Standards will apply

Status	Article	Section	Page	Existing Text	Description of Change/Issue	Comments
A*	11	23	13	Shoreland Zoning Overlay, Resource Conservation, No Name Pond Overlay	Amend the Zoning Districts columns for Shoreland Zoning, Resource Conservation and No Name Pond Overlay to fit new Shoreland Zone amendment.	*Text changes may not be ready for 3/28 based on discussion with MDEP but this is priority to still include in this round of changes.
A	11	24	29	Commercial (1)d. and residential (2) a use the term "clear" glass.	Replace term "clear" glass with "non-reflective" to allow tinted glass	Needs clarification
A	11	24	32	(h) Waiver Requests	Re-write this section	Will need to do a thoughtful re-write, a priority
A	12	7	25	7b retaining walls	Reduce height from six feet to four feet to be designed by registered professional	Recommended by Building Inspector Steve Lebrun
A	12	10	28	Frontage Right-of-Way	Relax standards to allow more lots to be created	One method to increase new housing opportunities
A	12	16	42	Official Busines Directional Signs (OBDS)	e.2.c. Qualifying uses can only be in Lewiston, need to either strike or change this.	Triggered by a request
A	12	16	34	B.1.c.5 political signs	Add language related to MDOT ROW law	This has been a confusing issue every election.
A	13	10	26	Special requirement for private commercial and industrial developments	Relax setbacks for existing and proposed buidlings	This text amendment is going to PB on 4/11/22.
A	15	5		COA application amendment & add new staff approval of signs	Recommendations from the Historic Preservation Review Board	To be finalized at the next Historic Board meeting on April 7, 2022
C	2	2		Add definition	Use State definition of Tiny Home	This is becoming a regular question for staff
C	5	3	2	A.2. first paragraph refences "w and z"		There are no "w" and "z" sections. W should be subsection 3.c.7., Z is 3.a.10. SD of Lots with Multiple Principal Structures.
C	5	3	3	A.4 also references "w and z"		There are no "w" and "z" sections.
C	5	5	8	5.a. strike out words "building/use" entirely		
C	6	2	2	Nonconformance, Section 2, a.3	Typo: letter "T" is missing from the word "The"	

Text Amendment Spring 2022  
Staff Recommendations

March 22, 2022

Status	Article	Section	Page	Existing Text	Description of Change/Issue	Comments
C	11	22	8	Use Chart in the Industrial Section, Self Storage Facility is essentially a duplication	Remove "Self Storage Facilities" line and just keep Wholesale, Warehousing, and Self-Storage	There doesn't appear to be any value in having both designations and allowing one and not the other in the Industrial district doesn't make sense.
C	11	22	9	Use Chart Natural Resources "Keeping of Chickens"	Remove (don't allow) from Riverfront District and add (allow) to NCA.	
C	11	22	9	Land Use Chart "two-family dwellings"	Add language "on individual residential lots"	
C	11	22	9	Use Chart "Multifamily dwelling"	add language in () that multiple structures are allowed on one lot.	
C	11	23	13	In the Space & Bulk Chart for the DR the min. side & rear yards	Add a new note #29 to that that says: "Driveways are allowed within a 10-foot side yard in the DR."	Verify that this change was made in the last round of changes.
C	11	23	13	Office Residential & Community Business column in header	Remove footnote 12 reference	
C	11	23	14	Office Residential & Community Business column in header	Remove footnote 12 reference	
C	11	23	15	Note #2 Change in its entirety.	Change to "All new development or expansions over 50% shall comply with design standards in Article XI, Section 24, Subsection 5."	Difficult to follow organizational structure
C	11	23	16	Note 18 should be eliminated and become "reserved" like note 12 and 13.		
C	11	24	28	Title of Design District Overlay District	Move section header "#5 Design district overlay district to the next page	Help connect title with text
C	12	16	33-44	Change in formatting	Reletter/indent the signs section so that a hierachy is evident	It is hard to read currently
C	13	4	18	S. Open Space #1 add the word "land"	"ten or more residential dwelling units in a <u>land</u> subdivision . . . "	
C	13	6	20	Site Plan Review and Design Guidelines	Move Sec 6 heading to the next page	Help connect title with text