

## AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

### THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine, is hereby amended as follows:

#### APPENDIX A ZONING AND LAND USE CODE ARTICLE IV. ESTABLISHMENT OF DISTRICTS

##### Sec. 1. Zoning Map

The "Official Zoning Map, City of Lewiston," adopted pursuant to this Section, is hereby amended by conditionally rezoning the parcel more fully described in Exhibit "A" attached hereto, and as shown on Exhibit "B," said parcel being located at 117 Webster Street, Lewiston, Maine, from the Neighborhood Conservation "A" (NCA) zoning district to the Downtown Residential (DR) zoning district.

#### REASONS FOR THE PROPOSED AMENDMENT

The reason for the proposed conditional rezoning of 117 Webster Street is to allow accessory uses to support the existing commercial building located on the abutting property at 111 Webster Street which was recently rezoned for market rate multifamily housing. This site has been vacant for many years. The proposed change would allow access, additional parking and construction of garage and/or storage units for the tenants of the market rate multifamily housing units. The conditional zoning request would reinforce residential uses in this residential neighborhood. Specifically, proponent would like to have the property, which is currently zoned for the Neighborhood Conservation "A" (NCA) zoning district, conditionally rezoned to the Downtown Residential (DR) zoning district to allow for the creation of accessory structures or uses to support the market rate multifamily dwellings at 111 Webster Street in addition to those uses currently allowed in the NCA.

#### CONFORMANCE WITH COMPREHENSIVE PLAN

1. Encourage and promote safe, affordable, decent housing opportunities for all Lewiston citizens (Housing Goal #1, Page 69).
2. Continue to allow a wide variety of housing types in all appropriate zones within the City (Housing - Strategy H, Page 71).
3. Encourage orderly growth and development in appropriate areas of the City, while protecting the City's rural character, making efficient use of public services and preventing development sprawl (Land Use Goal #1, page 123).

4. A sustainable community provides housing opportunities for all residents (Long Range Planning – Sustainable Communities, Page 130).
5. Provide incentives for adaptive reuse of building or infill construction (Long Range Planning Policy #3, Strategy A, page 134).
6. Encourage and promote affordable, decent housing opportunities for all Lewiston citizens and continue to allow a diverse range of housing types in the community (Long Range Planning Policy #5, page 135).

**CONDITIONAL REZONING AGREEMENT**

The proponent requests that the official zoning map for the City be amended by deleting the subject property from the Neighborhood Conservation “A” (NCA) zoning district and conditionally rezoning the subject premises to the Downtown Residential (DR) zoning district, subject to the limitations more fully described below.

In compliance with the provisions of the Code, Article XVII, Section 5(g), the proponent hereby proposes the following conditions:

1. Land Use Table:

Allowed uses of the property shall include those uses which are presently permitted in the NCA district, and multifamily dwellings as a permitted use in the DR zoning district, as listed below and subject to the conditions contained herein.

<b>Land Use Table: All Zoning Districts</b>	Conditional Rezoning (DR) 117 Webster Street
<b>USES(15)(33)</b>	
Accessory use or structure	P
<b>Commercial-Service</b>	
Veterinary facilities excluding kennel and humane societies	
Veterinary facilities including kennel and humane societies	
Small day care facilities	P(22)
Day care centers	
Day care centers accessory to public schools, religious facilities, multifamily or mixed res.	C(22)

developments, and mobile home park	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	
Restaurants	
Drinking Places	
Adult business establishments	
Hotels, motels, inns	
Movie theaters except drive-in theaters	
Places of indoor assembly, amusement or culture	
Art and crafts studios	
Personal Services	
Retail stores	
Neighborhood retail stores	
Lumber and building materials dealer	
Gasoline service stations	
Gasoline service stations which are a part of and subordinate to a retail use	
New and used car dealers	
Recreational vehicle, mobile home dealers	
Equipment dealers and equipment repair	
Automotive Services including repair	
Registered dispensary (27)	
Registered primary caregivers engage in the cultivations of medical marijuana for two to five registered patients	
Tattoo Establishments	
<b>Industrial</b>	
Light industrial uses	
Industrial uses	
Building and construction contractors	
Fuel oil dealers and related facilities	
Wholesale sales, warehousing and distribution facilities and self-storage facilities	
Self-storage facilities	
Commercial solid waste disposal facilities	
Junkyards and auto graveyards	
Recycling and reprocessing facilities	
Private industrial/commercial developments (23)	

<b>Transportation</b>	
Airports or heliports	
Commercial parking facilities	
Transit and ground transportation facilities	
Transportation facilities	
<b>Public and Utility</b>	
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C
Municipal buildings and facilities	C
Preservation of historic areas; emergency fire protection activities; bridges and public roadway	
Dams	
<b>Institutional</b>	
Religious facilities	P
Cemeteries	P
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	
Hospitals, medical clinics	
Museums, libraries, and non-profit art galleries and theaters	
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses together with buildings accessory to the foregoing permitted principal buildings or structures	
Civil and social organizations	
Public community meeting and civic function buildings including auditoriums	
<b>Residential (8)</b>	

Single-family detached dwellings on individual residential lots	
Mobile homes on individual residential lots	
Two-family dwellings	
Multifamily dwellings in accordance with the standards of Article XIII	
Single-family attached dwelling in accordance with the standards of Article XIII	
Mixed single-family residential developments in accordance with the standards of Article XIII	
Mixed residential developments in accordance with the standards of Article XIII	
Mixed use structures	
Lodging houses	
Home occupations	P
	P
	P
Single-family cluster development	
Family day care home	P
Shelters	
<b>Natural Resource</b>	
Agriculture	
Farm stands	
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P
Earth material removal	
Community gardens (20)	P
Water dependent uses, e.g. docks and marinas	
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet	
<b>Recreation</b>	
Campgrounds	
Public or private facilities for nonintensive outdoor recreation	C
Commercial outdoor recreation and	

drive-in theaters	
Fitness and recreational sports centers as listed under NAICS Code 713940	

Applicable footnotes:

- XII Sec. 22.  
 (22) Accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks.

2. Space and Bulk Table:

Allowed space and bulk standards on the property shall include those standards which are presently permitted in the NCA and DR zoning district as modified and listed below, subject to the conditions contained herein.

Dimensional Requirements	Downtown Residential DR
Single family detached	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Veterinary facilities	
Other uses	
All permitted uses	5,000 s.f.
Single family detached	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Veterinary facilities	
Other uses	
Two-family dwellings	
Multifamily dwellings	
All permitted uses	1,250 s.f.
Two-family dwellings	
Single family detached, mobile homes	
Two-family dwellings	
Single family cluster development (with multiple vehicular access)	
Multifamily dwellings (with multiple vehicular access)	
Religious facilities	

Other uses	
All permitted uses	75 ft.
Single family detached, mobile homes on individual lots	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Religious facilities	
Other uses	20 ft. (21,22)
All permitted uses	20 ft. (21, 22)
Single family detached, mobile homes on individual lots	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Religious facilities	
Other uses	20 ft. (21)
All permitted uses	20 ft. (21)
Single family detached, mobile homes on individual lots	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Religious facilities	
Other uses	15 ft. (21)
All permitted uses	15 ft. (21)
Single family detached, mobile homes on individual lots	
Two-family dwellings	
Single family cluster development	
Multifamily dwellings	
Religious facilities	
Other uses	10 ft.
All permitted uses	10 ft.
Other permitted uses	35 ft.
Maximum lot coverage	
Maximum impervious coverage	0.75

Applicable Footnotes:

- (21) Notwithstanding, applicable setback and yard requirements and the provisions of Article XII, section 17(f)(3), the area between the required front yard and the front wall of the

portion of the building or structure closest to the street and running the full width of that portion of the building shall be maintained as a yard area, except that only one (1) of the two (2) following options may be instituted: a. Access roads or drives in this area are permitted only when a minimum of twenty (20) feet of front yard area can be maintained (forty (40) feet in the NCA District); or b. No more than one (1) parking space shall be created in this area.


- (22) In areas where the existing buildings have an established uniform setback relationship to the street, any new building or modification to an existing building shall maintain this established relationship notwithstanding the setback provisions of that district. An established uniform setback relationship is deemed to exist when the distances between the front face of the building and edge of the travel way in the adjoining street for the two adjacent parcels fronting on the same street on each side of the subject parcel are within +/- five (5) feet of mean of this distance for the four (4) parcels. For the purposes of this provision, lots shall be deemed to be adjacent even if separated by a street or public easement.
3. Notwithstanding the provisions under article XI, sections 1 through 14, district regulations, with respect to space and bulk standards for setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height, modifications of these standards may be granted pursuant to Article V, Section 3(v) and Article IX, subsections 3(9) through (11) if met and satisfied.
4. Violations of any of the conditions herein will constitute a violation of the Code.
5. The conditions described herein shall bind the proponent, its successors and assigns, and any person in possession or occupant of the subject premises, or any portion thereof, and shall inure to the benefit of and be enforceable by the City.
6. The proponent shall, at his own expense, record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of this proposal by the City. Such form of recording is to be in a form satisfactory to the City.
7. The conditions described herein shall run with the subject premises.
8. In addition to other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession of use of the subject premises fails or refuses to comply with any of the conditions imposed, any rezoning approved by the City in accordance with the conditions shall be of no force or effect. In that event, any use of the subject premises and any building or structures developed pursuant to the rezoning shall be immediately abated and brought into compliance with all applicable provisions of the Code with the same effect as if the rezoning had never occurred.
9. If any of the conditions are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions.



10. Any rezoning approved by the City conditionally shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.

11. Any allowed proposed use, addition, or expansion of the property deemed applicable to Article XIII, Section 2 of the Zoning and Land Use Code shall be subject to the applicable sections of Article XIII of the Zoning and Land Use Code, Development Review and Standards.


12. By submitting this proposal, the proponent agrees in writing to the conditions described herein.



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Jamey Pittman, Proponent

On 9/22/16, 2016, personally appeared the above named Jamey Pittman and acknowledged the foregoing to be of his free act and deed.



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Notary Public

My Commission Expires:

**SEAL**

Lawrence M. Moreau  
Notary Public - State of Maine  
My Commission Expires  
January 29, 2018

**MUNICIPAL QUITCLAIM DEED**  
**STATUTORY SHORT FORM**  
**TITLE 33, §775**

**CITY OF LEWISTON**, a body corporate and politic in Androscoggin County, Maine, with a mailing address of 27 Pine Street, Lewiston, ME 04240, for consideration paid, releases to **JAMEY PITTMAN** having a mailing address of 30 Taywood Road, Auburn, Maine 04210, a certain lot or parcel of land situated in the City of Lewiston, County of Androscoggin, and State of Maine, more particularly described in Exhibit A attached hereto and made a part hereof.

The said Inhabitants of the municipality of the City of Lewiston have caused this instrument to be signed in its corporate name by Edward A. Barrett, its City Administrator, duly authorized, this 7<sup>th</sup> day of July, 2016.

CITY OF LEWISTON

*Edward A. Barrett*

By: Edward A. Barrett  
Its: City Administrator

STATE OF MAINE  
COUNTY OF ANDROSCOGGIN

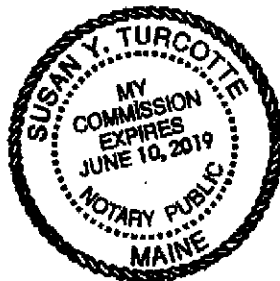
July 7, 2016

Personally appeared the above-named Edward A. Barrett, City Administrator for the City of Lewiston and acknowledged the above instrument to be his free act and deed and the free act and deed of the City of Lewiston.

Before me,

*Susan Y. Turcotte*  
Notary Public/Attorney-at-Law

Susan Y. Turcotte  
(Print Name)



**EXHIBIT A**

The land and buildings thereon in Lewiston, Androscoggin County, Maine, bounded and described as follows:

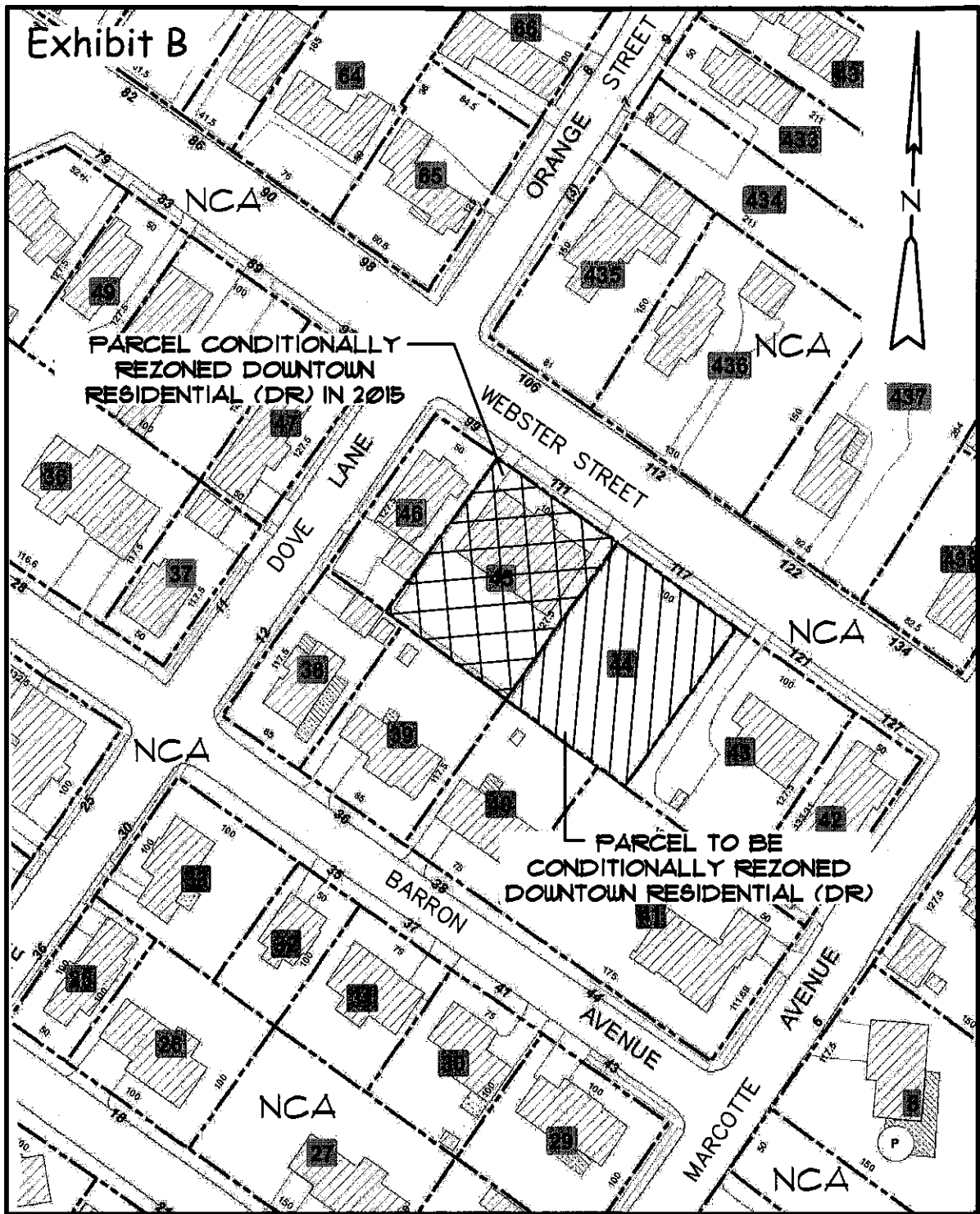
COMMENCING in the Southwesterly line of Webster Street at the Easterly corner of a parcel of land conveyed by the Franklin Company to Annie Ross by deed numbered 1664, dated November 14, 1924; thence in a Southeasterly direction by the said Southwesterly line of Webster Street about one hundred (100') feet to land conveyed by the Franklin Company to Armand Poliquin by deed numbered 1744, dated August 12, 1931; thence in a Southwesterly direction by land conveyed to the said Poliquin one hundred twenty-seven and five-tenths (127.5') feet to land conveyed by the Franklin company to Paul J. and Annette M. Fortier by deed numbered 1983, dated February 10, 1959; thence in the Northwesterly direction by land of the said Fortier and by land conveyed by the Franklin Company to Lucien J. Lebel by deed numbered 1982, dated January 9, 1959, one hundred (100') feet, more or less, to land conveyed to the said Ross; thence in a Northeasterly direction by land conveyed to the said Ross one hundred twenty-seven and five-tenths (127.5') feet to the point of beginning.

SUBJECT to the restrictions that no buildings erected thereon shall be placed nearer the line of Webster Street than twenty-five (25') feet.

NO building other than a dwelling house for occupancy of not more than two (2) families and only such garage or other outbuildings as may be appropriate for or incidental to the use of the occupants of such dwelling house shall be built on the lot hereby conveyed. No such house shall be occupied by more than two (2) families and no such house or buildings shall be built for or used in whole or in part as a store or for business purposes.

ALSO hereby conveying all rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

Meaning and intending to convey the same property described in a Warranty Deed from Guildo O. Poliquin, Milio J. Poliquin, Sr., and Monita P. Collet to Jean Marie Paradis and Rita C. Paradis dated April 7, 1986, and recorded in the Androscoggin County Registry of Deeds in 1916, Page 55.



ANDROSCOGGIN COUNTY  
*Tina R. Chaurand*  
REGISTER OF DEEDS

## PROPOSED ZONING MAP AMENDMENT

117 WEBSTER STREET - LEWISTON, MAINE  
OWNER: JAMEY PITTMAN  
SCALE: 1" = 100'  
DATE OF GRAPHIC: JULY 27, 2016  
SOURCE: CITY OF LEWISTON TAX MAP 174  
PUBLICATION DATE: 2014

Stoneybrook  
Consultants, Inc.