

**AN ORDINANCE PERTAINING TO PERFORMANCE STANDARDS FOR
DRINKING PLACES**

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 II. DEFINITIONS

Sec. 2. Definitions.

~~Church~~ *Religious facility* means a building, together with its contiguous 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.

APPENDIX A

ZONING AND LAND USE CODE

ARTICLE XII. PERFORMANCE STANDARDS

Sec. 9. Adult business establishment, tattoo establishment, and drinking place standards.

The regulation of the density of adult business establishments, tattoo establishments, and drinking places is intended to permit the location of such establishments within the community, yet ensure that they will not become overly concentrated in neighborhoods or areas outside the downtown to the detriment of other uses. Therefore, in addition to the regulations of ~~a~~Article XI, adult business establishments, tattoo establishments, and drinking places shall conform to the following standards:

- ~~(1) — The minimum distance between an adult business establishment, tattoo establishments, and/or drinking place and any two other adult business establishments, tattoo establishments, and/or drinking places in the same or adjoining zoning district shall be 300 feet for businesses located within the Centreville district as measured along the ordinary course of travel between the main entrance of each premises.~~
- ~~(a) — Drinking places with 5,000 square feet or greater on the first floor are exempt from the above referenced standard. Drinking places of 5,000 square feet or greater shall not be included in the locational criteria~~

~~determinations for drinking places of less than 5,000 square feet or adult business establishments.~~

- (21) Except for businesses located in the Centreville, Mill, or Riverfront zoning districts, the minimum distance between any adult business establishment, tattoo establishments, and/or drinking place and any two other adult business establishments, tattoo establishments, and/or drinking places in the same or adjoining zoning district shall be 500 feet for businesses located in any other district as measured along the ordinary course of travel between the main entrance of each premises.
- (32) Except as provided in subsection 2(a) below, An adult business establishment, or drinking place may not be located within 300 feet, as measured along the ordinary course of travel between the main entrance of each premises, of a public or private school, school dormitory, church, religious facility chapel or parish house, or legally-established dwelling in a residential zoning district, in existence prior to the establishment of the business.
- (a) The restriction in this section does not apply to drinking places if a proposed public or private school, school dormitory, or religious facility:
- (1) Locates in a commercial zone that includes restaurants or bars as permitted uses and that had been established prior to the public or private school, school dormitory, or religious facility locating in the commercial zone; or
 - (2) Is located in the Centreville, Mill or Riverfront zoning district pursuant to Title 30-A, section 4301, subsection 5-A.

REASON FOR THE PROPOSED AMENDMENT

The purpose of this amendment is to provide greater flexibility in the locational requirements for drinking places by relaxing setback standards in commercial zoning districts and the downtown. Furthermore, the amendment aims to clarify the performance standards for drinking places by bringing the Zoning and Land Use Code in line with state statute.

CONFORMANCE WITH 2017 COMPREHENSIVE PLAN

The proposed text amendment is compatible with the 2017 Legacy Lewiston Comprehensive Plan for the following reasons:

- The Comprehensive Plan (The Plan) acknowledges that the Downtown area is not capturing its share of revenue from eating and drinking places, and encourages such establishments to locate in the downtown. “The city could capture more of these sales and has the potential to attract an additional 14,000 square feet of total restaurant space, or about two full restaurants and two to

five smaller eating and drinking establishments by 2021.” (Economy, page 39)

- The Plan recommends that the City “invest wisely” in the “significant amount of underutilized land within the downtown” and areas “supported by existing infrastructure” in order to reduce the costs of public services and to encourage concentration in “the heart of the community.” (Prioritize Economic Vitality, page 164) This change helps bring us closer to that goal by eliminating inflexible setbacks between different uses in the downtown which might otherwise push incompatible uses apart, contributing to sprawl.
- By providing flexibility in the regulation of drinking places, the amendment simplifies the Zoning and Land Use Code as envisioned in the Comprehensive Plan. It moves commercial zones and the downtown away from strict “mandated separation” of uses and towards a greater mix of uses. (Regulatory Barriers, page 226)