

**AN ORDINANCE PERTAINING TO DEVELOPMENT REVIEW  
AND STANDARDS**

**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 XIII. DEVELOPMENT REVIEW AND STANDARDS**

**Sec. 11. Expiration of approval.**

~~Approval of the development plan and any building permit issued for development within the scope of this Code shall expire after a period of 24 months after the date of approval if substantial development has not begun. A statement of this effect must appear on all approved plans. [Extension of this deadline may only be granted by the body which approved the plan for good cause shown and in accordance with the amendment procedures found under article XIII, section 3(1) and the extension request must be made at least 60 days prior to the time of expiration.]~~

a) Initiation of development within two years.

- (1) If development has not occurred as defined within the scope of this Code within two years, development review approval shall expire. The applicant may not begin construction or operation of the development until a new approval is granted. A statement to this effect must appear on all approved plans.
- (2) An extension of development review approval must be made within two years of the initial granting of approval. The applicant must state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of an extension, if granted. Extensions of approval may include information submitted in the initial application by reference. Only one extension of the initial approval shall be allowed under these provisions.

b) Reexamination after five years.

- (1) If the approved development is not completed within five years from the date of the granting of approval or extension of approval, said approval shall expire and the applicant shall reapply for a new approval. A statement to this effect must appear on all approved plans. The appropriate reviewing authority must reexamine its initial approval and may impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred between the date of original approval and the date of expiration of that approval,

including any extension thereto. Within the scope of this Code, these changes may include, but not be limited to zoning, stormwater, environment, and traffic regulations. The appropriate reviewing authority may waive requiring any additional terms or conditions or other necessary corrective actions for a particular development for which it is determined the changes to be insignificant.

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### **REASON FOR PROPOSED AMENDMENT**

Given the size and scope of certain projects, or unforeseen economic conditions, some developments approved are not substantially completed within the 24 months currently allotted. Furthermore, the City of Lewiston has delegated review authority from the Maine Department of Environmental Protection (DEP) to review projects of a certain size subject to Site Location of Development Law (Site Law). In effort to be consistent with Site Law, the proposed amendment is in part based upon MDEP rules, providing an applicant of a development reviewed project pursuant to Article XIII of the Zoning and Land Use Code of the City of Lewiston two years to begin construction and five years to complete. The proposed amendment provides more flexibility for developers to complete a project while providing an extended deadline with provisions and guidance for the applicant and appropriate reviewing authority to determine whether a project should be reapproved or reexamined and impose additional terms or conditions as deemed necessary.

### **CONSISTENCY WITH COMPREHENSIVE PLAN**

Review development review policies and practices to see where they can be streamlined in order to better service the development community. . . (see Economy, Policy 1, Strategy B, p. 38.)