

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 hereby amended as follows:

APPENDIX A

ZONING AND LAND USE CODE

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

Sec. 1. Zoning Map

The City of Lewiston hereby ordains that the Official Zoning Map of the City of Lewiston be amended by establishing a contract zone for the property at 2 Central Avenue as recorded in the Androscoggin Registry of Deeds Book 9390 Page 285 as described in Exhibit "A" and depicted on Exhibit "B", both of which are attached hereto as follows, said property to remain conditionally rezoned from the current office/residential (OR Zone) zone to neighborhood conservation B (NCB Zone) zone.

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REASONS FOR THE PROPOSED AMENDMENT

The reasons for the proposed amendment include allowing the premises situated in the Municipality of Lewiston County of Androscoggin County, State of Maine, located at 2 Central Avenue (see Exhibit A, Registry of Deeds Book 9390, Page 285) be allowed to operate residential homeless shelter. The property was operated for years as a home for unwed mothers. Although the proposed use may include unwed mothers, its use will be expanded to include women in need of a temporary shelter who would otherwise be homeless. The property (see Exhibit B) will be known as "St. Catherine of Siena Residence." It will need no internal modification to allow this use. Presently, it can house up to ten (10) individuals with accommodations for the newborn. We intend to create additional on-site parking spaces in the rear of the building which will be accessed by the existing driveway on the right side of the building. The facility may also be used for administrative and professional office space and meeting space which currently are permitted use.

CONFORMANCE WITH COMPREHENSIVE PLAN

The City Council of the City of Lewiston hereby determines that the change to the Zoning maps is in conformance with the Comprehensive Plan for the following reasons:

- (1.) The property is located in a G-4 Infill Growth Sector and abuts a G-5 Infill Growth Sector. "Additional growth and development in these areas is desirable due to the presence of existing infrastructure. The plan envisions that most residential and non-residential development over the next ten years will occur in this growth sector. This sector includes the City's current Urban Enterprise and Neighborhood Conservation "B" zones. (Conservation & Growth Map, Growth Sectors, page 125).
- (2.) Strengthen Neighborhoods & Expand Housing Choice: Encourage creative investment strategies that help to reinforce positive neighborhood identities and provide employment, recreational, and civic opportunities within walking distances of homes. The use of the premises will allow women to have a safe place to rest as they transition to a long term residence that is close to medical and social services. (Vision Statement & Guiding Principles, Guiding Principles, page 116.)
- (3.) Grow The Economy: Promote a healthful and sustainable business environment by investing actively in efficient infrastructure, providing favorable incentives, and building a community that is attractive to employers and their workers. Allowing women a safe place to sleep will enable them to be better prepared to enter the work force. (Vision Statement & Guiding Principles, Guiding Principles, page 116.)
- (4.) Encourage infill and redevelopment within the downtown, existing service area and designated growth areas. The prior use was as a home for unwed mothers. The proposed use will allow the property to continue a similar mission while assisting women in need as they transition into the work force. (Prioritize Economic Vitality, Market Shifts, page 164.)

### CONDITIONAL REZONING AGREEMENT

The proponent requests that the official zoning map for the City be amended by modifying the existing Office/Residential (OR) zoning of the subject property by contractually rezoning the subject property to Neighborhood Conservation B, 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:

- (a) Land Use Table: Allowed uses of the property shall include those uses as are necessary to allow the use of the property, in addition to those uses allowed under existing zoning, Office/Residential (OR) to allow for a homeless shelter under Neighborhood Conservation B (NCB) zoning

Land Use Table	Proposed Contract Rezoning to NCB 2 Central Avenue
<b>USES (15)(33)</b>	
Accessory use or structure	P
<b>Commercial-Service</b>	
Veterinary facilities excluding kennels and humane societies	
Veterinary facilities including kennels and humane societies	
Small day care facilities	P
Day care centers	
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. Developments, and mobile home parks	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	C(31)
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	C
Personal Services	P
Retail stores	
Neighborhood retail stores	P
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 engaged 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	
Power transmissions lines, substations, telephone exchanges, microwave towers or other public utility or communications use	
Municipal buildings and facilities	
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways	
Dams	
<b>Institutional</b>	
Religious facilities	
Cemeteries	
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 accessory to the foregoing permitted principal buildings or structures	
Civic and social organizations	
Public community meeting and civic function buildings including auditoriums	
<b>Residential</b>	
Single-family detached dwellings on individual residential lots	P
Mobile homes on individual residential lots	
Two-family dwellings	
Multi-family 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 use structures	
Lodging houses	
Home occupations	
Bed and breakfast establishments as a home occupation	P
In-law apartments in accordance with the standards of Article XII	
Single family cluster development	
Family day care home	
Shelters	P (Limited to 10 Beds)
<b>Natural Resource</b>	
Agriculture	
Farm Stands	
Forest management and timber harvesting activities in accordance with the standards of Article XIII	
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 non-intensive outdoor recreation	
Commercial outdoor recreation and drive-in theaters	
Fitness and recreational sports centers as listed under NAICS Code 713940	

Applicable footnotes:

(15) Buildings, structures and uses accessory to permitted or conditional uses are allowed in all districts.

(33) The performance standards of Article XII shall apply, unless otherwise specified.

(b) Space and Bulk Table: Allowed space and bulk standards on the property shall include those standards which are presently permitted in the UE district as listed below, subject to the conditions contained herein:

<b>Space and Bulk Table</b>	
<b>Dimensional Requirements (13)</b>	<b>Proposed Contract Rezoning to NCB - 2 Central Avenue</b>

<b>Minimum lot size with public sewer</b>	
Single family detached (24)	
Single family attached	
Two-family dwelling	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multi-family dwellings	
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	None
<b>Minimum lot size without public sewer (3)</b>	
Single family detached, mobile homes on individual lots (24)	
Single family attached	
Two-family dwellings	
Single family cluster development (1)	
Mixed residential development (14)	
Multi-family dwellings	
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	N/A
<b>Minimum net lot area per d.u. with public sewer</b>	
Single family detached	
Single family attached	
Two-family dwellings	
Mixed residential developments (14)	
Multi-family dwellings	
Mixed use structures	
All permitted residential uses	(26)
<b>Minimum net lot area per d.u. without public sewer</b>	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	
Mixed single family residential development (14)	(N/A)
Mixed residential development (14)	
Multi-family dwellings	
Mixed use structures	
All permitted residential uses	

<b>Minimum frontage</b>	
Single family detached, mobile homes -	
Single family attached	
Two-family dwellings	
Single family cluster development (with multiple vehicular accesses)	
Mixed single family residential development (with multiple vehicular accesses)	
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	100'
<b>Minimum front setback</b>	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multi-family dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	10'
<b>Minimum front yard</b>	(21, 22)
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multi-family dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	10' (21, 22)
<b>Minimum side and rear setback</b>	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	

Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multi-family dwellings	
Religious facilities	
Mixed use structures	
Veterinary facilities	
Farm structures for keeping of animals	
Other uses	
All permitted uses	5'
<b>Minimum side and rear yard</b>	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multi-family dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	
Farm structures for keeping of animals	
Other uses	
All permitted uses	5' (16, 21)
<b>Maximum height</b>	
Agriculture	
Other permitted uses	35'
Hospital, nursing homes and medical offices	
<b>Ratios</b>	
Maximum lot coverage	0.65
Maximum impervious coverage	0.85

Applicable footnotes:

(10) Any required side or rear yard area located within fifty (50) feet of a lot containing a dwelling not in a residential zoning district shall be maintained as a buffer area meeting the standards of Article XIII. In the Industrial district, buffer areas may not be reduced by modification or variance.

(13) Modifications (i.e. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in district space and bulk standard may be granted by the board of appeals,



planning board, staff review committee and the code enforcement official pursuant to Articles V, VII, VIII, IX, and XIII of this Code.

(16) Any required side or rear yard area for uses other than residential located within fifty (50) feet of a residential zoning district or dwelling shall be maintained as a buffer area meeting the standards of Article XIII.

(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 the 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.

(23) Fifty (50) percent of 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 not be used for parking and shall be maintained as additional yard area, except that access roads or drives and sidewalks are permitted in this area.

(26) The required minimum lot area per dwelling unit for any residential use in the neighborhood conservation "B" district shall be the average lot area per dwelling unit of impacted properties. The maximum number of dwelling units that can be placed on a parcel in the district shall be figured by the following procedures: The total lot area of all developed impacted properties shall be calculated. In determining the total area of the impacted properties, the tax records of the City of Lewiston shall be used unless the applicant or the owner of an impacted property presents definitive evidence to the contrary. The total number of legally existing dwelling units shall be calculated. The total lot area shall be divided by the total number of dwelling units existing on the impacted properties. This figure divided into the lot area of the subject parcel yields the total dwelling units

which can be placed on the lot. If less than 50 percent of the impacted properties are in residential use, the minimum lot area per dwelling unit shall be the greater of: (1) One thousand five hundred square feet per dwelling unit; or (2) The minimum area derived by the procedure outlined above.

(c) Violations of any of the conditions herein will constitute a violation of the Code.

(d) 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.

(e) The proponent shall, at their 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.

(f) The conditions described herein shall run with the subject premises.

(g) 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.

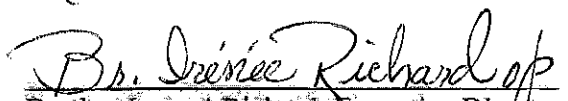
(h) If any of the conditions are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions.

(i) 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.

(j) 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.

(k) By submitting this proposal, the proponent agrees in writing to the conditions described herein.

The Proponent hereby respectfully submits this Proposal as of the 26 day of March ~~2017~~ 2018

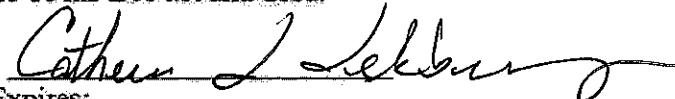
  
Brother Irenee Richard, Executive Director  
Saint Martin de Porres Residence, Inc.

Androscoggin, SS  
Lewiston, Maine

MARCH 26, ~~2017~~ 2018

Personally appeared the above named Brother Ireneé' Richard, individually and in his capacity as Executive Director, Saint Martin de Porres Residence, Inc. and acknowledged the foregoing to be his free act and deed.

Notary Public  
Commission Expires:



**CATHERINE L. LEKBERG**  
Notary Public, State of Maine  
My Commission Expires February 5, 2025

EXHIBIT A

No. 17-14

Effective: 10/19/2017

This document was e-recorded by 123456789

Book 9390, Page 285

COPY

Recorded on: 6/21/16 at 9:25

Androscoggin County Registry of Deeds

State of Maine

**WARRANTY DEED**  
(Maine Statutory Short Form)

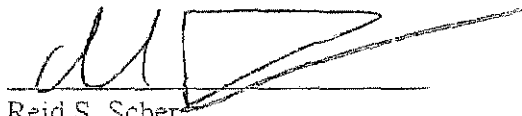
**ST. ANDRE HOME, INC.**, a Maine non-profit corporation with a mailing address of 283 Elm Street, Biddeford, Maine 04005 (the "Grantor"), for consideration paid, grants to **ST. MARTIN DE PORRES RESIDENCE, INC.**, a Maine non-profit corporation having a mailing address of P.O. Box 7227, Lewiston, ME 04243 (the "Grantee"), with Warranty Covenants, certain real estate and the improvements thereon situated in the City of Lewiston, County of Androscoggin and State of Maine, being more particularly described in Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, St. Andre Home, Inc. has caused this instrument to be executed by Reid S. Scher, its duly authorized Executive Director, this 20<sup>th</sup> day of June, 2016.

WITNESS:

ST. ANDRE HOME, INC.

\_\_\_\_\_



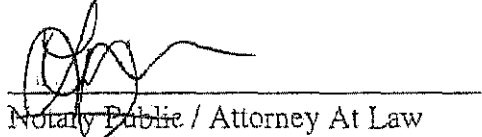
Reid S. Scher  
Its Executive Director

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

June 20, 2016

Personally appeared before me the above named Reid S. Scher, Executive Director of St. Andre Home, Inc. and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of St. Andre Home, Inc.

Before me,



Notary Public / Attorney At Law

Lisa R. Magnacca, Esp.  
Print name

My commission expires: \_\_\_\_\_

**EXHIBIT A**

A certain lot or parcel of land with the buildings thereon situated at the intersection of Sabattus Street and Central Avenue in the City of Lewiston, County of Androscoggin and State of Maine, bounded and described as follows:

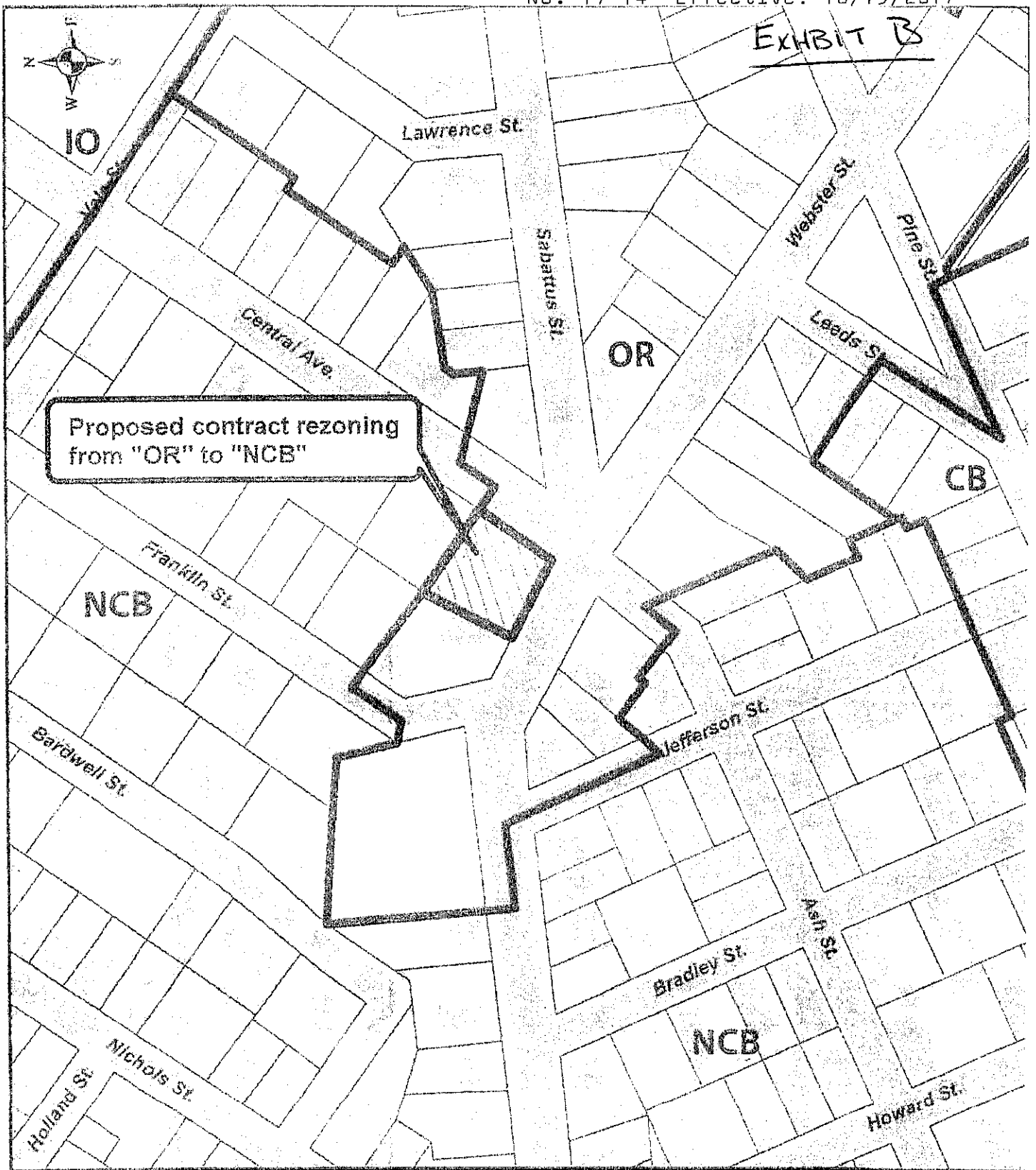
Commencing at the intersection of the Northeasterly line of Sabattus Street, with the Northwesterly line of Central Avenue; thence running Northeasterly by the Northwesterly line of said Central Avenue one hundred (100) feet; thence Northwesterly and parallel to Sabattus Street one hundred five (105) feet to land now or formerly of Perlstein; thence Southwesterly by the Southeasterly line of Perlstein's land one hundred fifteen (115) feet to Sabattus Street; thence Southeasterly by the Northwesterly line of Sabattus Street one hundred ten (110) feet to the point of beginning.

Excepting and reserving all interests in said premises taken by the State of Maine through its Department of Transportation by virtue of a Notice of Layout and Taking dated September 4, 1979 and recorded in said Registry of Deeds in Book 1426, Page 279.

Reference is made to deeds exchanged by and between the Servants of the Immaculate Heart of Mary and Jeanne Bilodeau, dated April 13, 1992 and recorded in said Registry in Book 2843, Page 61; and dated April 14, 1992 and recorded in Book 2843, Page 63, to establish and confirm their common boundary line.

Being a portion of the premises conveyed to the Grantor by deed of the Servants of the Immaculate Heart of Mary dated March 29, 2011 recorded in said Registry in Book 8142, Page 85, which parcel was referred to as Parcel 2 in said deed.

EXHIBIT B



Proposed  
**2 Central Avenue**  
**Contract Rezoning**

April 2017