

AN ORDINANCE PERTAINING TO ZONING DISTRICT 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" (herein, "Zoning Map") is amended as follows:

The properties listed as 186 Oak Street (Bk. Pg.) displayed on the map attached as Exhibit A, is rezoned from Community Business (CB) to Neighborhood Conservation "B" (NCB):

186 OAK STREET Bk 3877 Pg 268

REASON FOR THE PROPOSED AMENDMENT

The reason for the proposed zoning amendment is to allow the property owner to construct a two-car garage, similar to what existed on the property some ten years ago but was demolished. The property's current zoning of Community Business (CB) has side and rear building setbacks of 20 feet, prohibiting the two-car garage from being issued a building permit. Rezoning this parcel from Community Business (CB) to Neighborhood Conservation "B" (NCB) makes sense as this property and section of Oak Street is residential in character and does not fit the description of Community Business (CB) as defined in Article XI, District Regulations,

Sec. 11. Community business district (CB).

- (a) *Statement of purpose.* The purpose of the community business district is to provide areas within the City for the location of major shopping facilities, including shopping centers, which serve the wider community. The standards of the district are intended to encourage well-planned commercial developments, which have controlled vehicular access and high standards of site design.

Conversely, the zoning across the street from the property at 186 Oak Street is Neighborhood Conservation "B," which has five-foot side and rear building setbacks, which would allow the two-car garage, a common feature in this neighborhood. Article XI, District Regulations defines NCB as follows:

Sec. 7. Neighborhood conservation "B" district (NCB).

- (a) *Statement of purpose.* The purpose of the neighborhood conservation "B" district is to promote the stability and improvement of older multifamily residential neighborhoods by requiring the development of new buildings or the replacement, reuse, or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. The standards of the district allow multifamily housing while encouraging the upgrading of this housing stock.

CONFORMANCE WITH 2017 COMPREHENSIVE PLAN

The property proposed for rezoning falls within the *G-3 Infill Growth Sector* in the Legacy Lewiston Comprehensive Plan. (pg. 125) "This area and includes the City's current Community Business zone as well as new centers for walkable neighborhood development, portions of which should be rezoned as character-based districts."

The property proposed for rezoning is consistent with the Urban Neighborhood definition outlined on pg. 36 of the Lewiston Comprehensive Plan. The parcel, along with adjacent properties along Oak Street, was developed with building frontages set to the public right of way and covering most of the lot. "Parking is available via the rear or alley."

The age and construction type of the property being considered for rezoning is consistent with those found in the Neighborhood Conservation "B" district (NCB). The oldest neighborhoods are found in the greater downtown area, developed around a traditional street grid. Many of these structures are in need of reinvestment (pg. 54)." By reducing the rear and side lot setbacks would allow for the construction of a two-car garage that is consistent with the neighborhood character and would allow for significant investment.

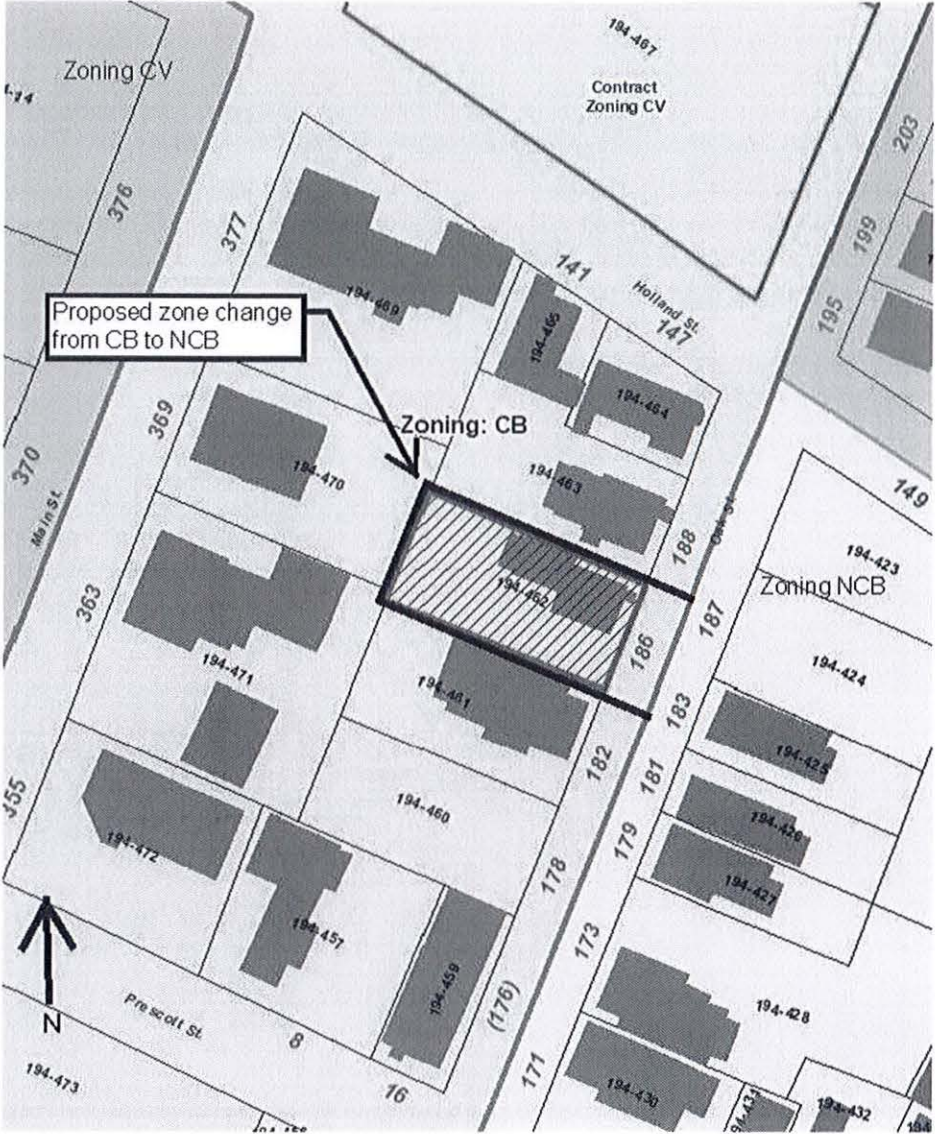
In addition to assisting in the property owner's efforts to invest in their property, the zoning amendment would help further the City's growth and development vision outlined in the Comprehensive Plan:

- "Building on the City's rich heritage, the vision for Lewiston is to generate new vitality and innovation within its urban core and neighborhoods. Lewiston aspires to be more than it is today through smart land-use decisions, diverse transportation options, and an enthusiastic community that supports the local economy (pg. 114)."
- "Promote distinct, safe, and vibrant neighborhoods with greater access to a diverse range of affordable and market-rate housing types to meet Lewiston's evolving population... Provide a greater range of housing choices to meet the needs of young adults, families, retirees, seniors, immigrants, refugees, and people of different income levels (pg. 117)."

Page 128 of the City's Comprehensive plan acknowledges that, "Lewiston has a number of high-density urban neighborhoods that are in need of attention and should be considered an immediate goal for improvement... A form-based approach will be one piece of the puzzle to help these downtown neighborhoods see appropriate revitalization and redevelopment that provides for a mix of housing types in keeping with the character of the area and supporting Lewiston's rich diversity...Setbacks and landscaping are variable. Streets with curbs and sidewalks define

medium-sized blocks (pg.128)." Using form-based zoning strategies would encourage mixed-use development, in addition to "Encourage reinvestment in older higher-density residential neighborhoods by allowing full utilization of existing buildings and flexible parking requirements."

Exhibit A



Proposed Zone Change From:
Community Business (CB) to Neighborhood Conservation "B" (NCB)
186 Oak Street

NOT AN OFFICIAL DEED OF SALE AN OFFICIAL
BK3877 PG268 OFFICIAL 22560 OFFICIAL
LEOCA. BARIL of Durham, County of Androscoggin, State of

Maine, duly appointed and acting personal representative of the estate of
NOT NOT

ARTHUR H. BARIL, deceased, as shown by the probate records of
ANDROSCOGGIN COUNTY, MAINE, and having given notice to each person
OFFICIAL OFFICIAL
COPY COPY

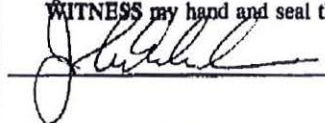
succeeding to an interest in the real estate described below at least ten (10) days
prior to the sale, by the power conferred by the Probate Code, and every other
power, for consideration paid, grants to JOSEPH S. STROUT and SONIA M.
STROUT, both of Lewiston, County of Androscoggin, State of Maine, the land
with the buildings thereon situated in Lewiston, County of Androscoggin, State
of Maine, bounded and described as follows:

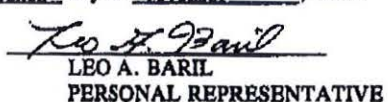
MAINE REAL ESTATE
TRANSFER TAX PAID

Beginning at a point on the Northwestern side of Oak Street, said
point being One Hundred (100) feet Northeast from the Southeast corner of a lot
of land formerly owned by S. Merrill, and also One Hundred (100) feet
Northeast from the Southwest corner of a lot of land formerly owned by George
Benallie on said Street thence running in a Northeasterly direction on the
Northwest line of said Oak Street fifty (50) feet; thence at a right angle in a
Northwesterly direction about ninety eight (98) feet to a lot of land now or
formerly owned by L. L. Blake; thence at a right angle in a Southwesterly
direction on the Northeasterly line of said Blake's land fifty (50) feet; thence at
right angles in a Southeasterly direction about ninety eight (98) feet to point
begun at.

Being the same premises conveyed to Arthur H. Baril and Simonne
Baril by warranty deed of Maurice M. Lepage and Henry D. Lepage and
Simonne Baril dated Augusto 30, 1961 and recorded in the Androscoggin County
Registry of Deeds in Book 855, Page 474. See Certificates of Discharge of
Estate Tax Lien of Simonne Baril and Arthur Baril duly recorded in the
Androscoggin County Registry of Deeds.

WITNESS my hand and seal this sixth day of November, 1997.





LEO A. BARIL
PERSONAL REPRESENTATIVE

STATE OF MAINE
ANDROSCOGGIN, SS.

November 06, 1997

Personally appeared the above named LEO A. BARIL in his said capacity
and acknowledged the foregoing instrument to be his free act and deed.

Before me,

ATTORNEY AT LAW/NOTARY PUBLIC
JOHN E. CROUCH

RECEIVED
ANDROSCOGGIN S.S.
97 NOV -7 AM 9:00
ATTEST:

REGISTER OF DEEDS