

AN ORDINANCE PERTAINING TO THE ZONING AND LAND USE CODE

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 IX. APPEALS AND VARIANCES

Sec. 3. Standards for the granting of appeals and variances.

(b) *Variances.*

(6) *Variance from shoreland zoning standards.* The Board of Appeals shall grant a variance within mandated shoreland zoning areas ~~or in Resource Conservation (RC), Lake Conservation (LC), or Groundwater Conservation (GC) districts~~ only when it forwards the variance request to the DEP Commissioner as per (b) below, and then finds that the granting of the variance, in addition to meeting the standards contained in ~~sub~~ Section 3(b)(1), also:

a. Standards for Variance from Shoreland Zoning

a. i. Will not result in unsafe or unhealthful conditions;

b. ii. Will not result in erosion or sedimentation;

c. iii. Will not result in water pollution;

d. iv. Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

e. v. Will conserve shoreland vegetation;

f. vi. Will conserve visual points of access to waters as viewed from public facilities;

g. vii. Will conserve actual points of public access to waters;

h. viii. Will conserve natural beauty; and

i. ix. Will avoid problems associated with floodplain development and use, such as erosion, increased risk of flood damage to upstream properties or increased flood damage.

b. Preliminary Review by DEP Commissioner. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal

officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

Note: Additions are underlined; deletions are ~~struck-out~~.