

**AN ORDINANCE PERTAINING TO THE ZONING 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**

**Section 1. Zoning Map**

The “Official Zoning Map, City of Lewiston,” adopted pursuant to this Section, is hereby amended by conditionally rezoning said property being located 49 and 59 Cedar Street, Lewiston, Maine, and identified as Tax Map 208 Lot 131 and Lot 130 of the City of Lewiston Tax Maps, from the Riverfront (RF) District to the Downtown Residential (DR) District.

**REASONS FOR THE PROPOSED AMENDMENT**

- (a) The principal use of these properties as a shelter by Hope Haven Mission Gospel have been made non-conforming with the recent passage of the new zoning regulations which specifically define shelters, which are not a permitted use in the RF district;
- (b) Conditionally rezoning the property would be limited to shelters providing for continued use and possible expansion in the future.
- (c) Allowing Hope Haven Gospel Mission to operate as a conditional use without creating a conflict of vision and purpose for either the shelter or the City’s efforts within the Riverfront District.

**CONFORMANCE WITH COMPREHENSIVE PLAN**

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

- (a) Conditional rezoning the subject premises will allow the properties to continue to be used for shelter and other accessory activities and uses; and
- (b) Land Use. Goal #1 on Page 121-122 of the Comprehensive Plan promotes the orderly growth and development of the appropriate areas of the City making efficient use of public services. By allowing the proponent to conditionally rezone the subject premises, the proponent will more easily make use of the existing infrastructure on the subject premises, while at the same time protecting the adjacent properties. It will also allow existing uses as a shelter to expand and grow; and,
- (c) The conditional zoning will allow the property to revert to the Riverfront (RF) District, as envisioned by the Downtown Master Plan, if use as a shelter and other non-conforming uses are abandoned.

## CONDITIONAL REZONING AGREEMENT

The proponent requests that the official Zoning Map for the City be amended by deleting the subject premises from the Riverfront District and conditionally rezoning the subject premises to the Downtown Residential District, subject to the limitations more fully described below.

In compliance with the provisions of the Code, Article XVII, Section 5(b)(2)(b), the proponent hereby proposes the following conditions:

(A.) The uses of the Subject Premises shall be limited to the following:

1. Shelters, allowed as a conditional use under Article XI, Section 9(d)(5);
2. Accessory buildings and uses, allowed as a permitted use under Article XI, Section 9(c)(2).

(B.) All permitted and conditional uses are subject to development review in accordance with Article XIII of the Zoning and Land Use Code and to the applicable performance standards in accordance with Article XII of the Zoning and Land Use Code.

(C.) When use of said properties as a shelter and accessory buildings and uses associated with said use that would be nonconforming in the Riverfront (RF) District are abandoned in accordance with Article VI, Non-Conformance, Section 4(c) of the Zoning and Land Use Code, the zoning for this property shall automatically revert to the Riverfront (RF) District.

(D.) Violations of any of the conditions herein shall constitute a violation of the code.

(F.) 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.

(G.) The Proponent shall, at its 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 to be in a form satisfactory to the City.

(H.) The conditions described herein shall run with the Subject Premises.

(I.) In addition to all other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession or 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.

(J.) Any rezoning approved by the City conditionally shall be of no force or effect if the Proponent fails or refuses to comply with the conditions imposed.

(K.) By submitting this Proposal, the Proponent agrees in writing to the conditions described herein.

Witness Proponent

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Dr. Paul E. McLaughlin, Executive Director  
Hope Haven Gospel Mission

Androscoggin, SS

Lewiston, Maine

\_\_\_\_\_, 2011

Personally appeared the above named Dr. Paul E. McLaughlin, Executive Director of Hope Haven Gospel Mission and acknowledged the foregoing to be of his free act and deed

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Notary Public  
Commission Expires: