

**AN ORDINANCE PERTAINING TO ACCESSORY STRUCTURES AND
WORK EXEMPT FROM PERMITTING**

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 V. ADMINISTRATION AND ENFORCEMENT

Sec. 3. General provisions.

A. Lots, Yards, and Setbacks.

- (1) *Arrangement of Buildings and Structures on Lots.* All buildings and other structures shall be so located and arranged on lots as to provide safe and convenient access for fire protection, servicing and off-street parking and loading located on the premises. No building or structure may be constructed or erected on any lot of record that existed prior to December 9, 1987, which does not have at least fifty (50) feet of frontage, or twenty-five (25) feet of frontage for lots located in the Centreville and Mill Districts, or forty (40) feet of frontage in the Riverfront (RF) and Downtown Residential (DR) districts.

However, lots of record that existed prior to December 9, 1987, which were legally established having less than fifty (50) feet of frontage, may apply for a variance pursuant to Article VIII, section 4(2) of this Code in order to have a building or structure constructed or erected on said lot.

C. Structures

- (1) *Multiple Principal Structures Prohibited.* Unless expressly designated as an allowed use under Article XI of this Code, no lot in any zoning district may contain more than one (1) single family or two-family principal structure in residential use.
- (8) *Setbacks for ~~Small Structures~~ one story detached accessory structures.* Notwithstanding the provisions under article XI, district regulations, with respect to standards for minimum side and rear setbacks and yards, one structure not exceeding ~~100~~ 200 square feet in floor area and a height of ten (10) feet, ~~which is accessory to a residential use and 125 square feet and a height of ten (10) feet, which is accessory to a commercial use,~~ and is to be utilized for storage purposes only, may be constructed ~~within three~~ no closer than five (5) feet of the side or rear property line, ~~but not closer than 15 feet from the nearest point of any principal residential structure existing on any adjacent lot unless otherwise allowed by this Code.~~

Sec. 5. Administrative procedures.

- (a) A permit shall be required for all activities regulated by this code including, but not limited to the following:
- (1) The construction, alteration, relocation, demolition, placement, or removal of or the addition to any structure or building or part thereof;
 - (2) The construction/ installation of a wall or fence 3.5 feet or greater in height in accordance with Article XII, Sec. 7;
 - (3) The erection/ installation of a sign or the replacement of a sign face regulated in accordance with Article XII, Section 16 of this code;
 - (4) The construction/ installation of a swimming pool regulated in accordance with Article XII, Section 6 of this code;
 - (5) The construction of a driveway or parking lot;
 - (6) The change of use or occupancy of a building, structure, or lot of land
 - (7) Campgrounds
 - (8) Any activity or use that expands, changes, or replaces an existing use or structure; or renews a discontinued non-conforming use in a Shoreland Zone.
- (b) No permit shall be issued for the construction, addition, alteration, removal, demolition or change of use of any building, structure or part thereof, or for the use of any premises unless the plans and intended use indicate that the building, structure or premises is to conform in all respects to this Code and the land use laws of the State of Maine.
- (c) Permits are not required for the following; however, work exempt from a permit shall not be deemed to grant authorization for any work to be done in any manner in violation of this code or any other laws or ordinance:
- (1) Residential One-story detached accessory structures, provided that the floor area does not exceed 200 square feet and commercial One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet.
 - (2) Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
 - (3) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
 - (4) Prefabricated swimming pools that are less than 24 inches deep.
 - (5) Swings and other playground equipment.
 - (6) Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
 - (7) Decks not exceeding 200 square feet in area that are not more than 30 inches above grade at any point and not attached to a dwelling.
- (ed) The code enforcement official is hereby authorized and directed to make such

inspections as are necessary to determine satisfactory compliance with this Code.

- (~~d~~e) The code enforcement official shall be given free access at reasonable hours to all parts of lots and structures regulated by this Code.
- (ef) The code enforcement official shall act upon all written applications for building or use permits required by this Code signed by the applicant and directed to the code enforcement official, either by issuing or refusing to issue such permits within 30 days from the date of filing of the application. Notice of refusal to issue any permit shall be given to the owner or to his authorized representative in writing and shall state the reasons for said refusal. The failure of the code enforcement official to issue a written notice of his decision, directed to the applicant, within 30 days from the date of filing of the application, constitutes a refusal of the permit. The applicant may then either appeal the decision of the code enforcement official to the board of appeals or reapply for a permit after changing whatever conditions led to the original denial.
- (~~f~~g) All applications for permits for proposed buildings shall be accompanied by a site and a floor plan drawn to scale and submitted in duplicate reflecting the outside contour of all buildings and main bearing partitions, location of said building on the lot, and such other information as may be required to demonstrate compliance with this Code. All applications for permits for structures shall be accompanied by a sketch submitted in duplicate of the proposal giving the location of the structure on the property and all dimensions necessary for a clear understanding of what is intended.
- (~~g~~h) The code enforcement official shall, upon approval of any application for a building or use permit required by this Code, furnish the applicant a permit and retain a copy for his files.

REASONS FOR PROPOSED AMENDMENT

- Provides clarification that lots developed with one and two family dwellings may only be occupied by a single structure.
- Allows for accessory structures of a limited size to be located no closer than 5 feet to the property line.
- Specifies what type of building activity does not require a permit, including decks and accessory structures of a limited size, small pools, playground equipment, etc.

NOTE: Additions are underlined; deletions are struck-out.