

**AN ORDINANCE PERTAINING TO PERFORMANCE STANDARDS: WALLS,
FRONTAGE RIGHT-OF-WAYS, AND SIGNS**

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 XII. PERFORMANCE STANDARDS

Sec. 7. Walls and fences.

(b) *Retaining walls.* Retaining walls may be constructed, altered, added to or changed anywhere on a lot to the lot line provided the following conditions are met:

- (1) Retaining wall exceeding ~~six~~four (4) feet in height shall be designed by a registered professional engineer in accordance with the requirements of the Maine Uniform Building and Energy Code, as amended, and shall be approved by the code enforcement official prior to the start of construction.
- (2) A wall or fence may be required by the code enforcement official in accordance with subsection (c) if a potential safety hazard will be created by a retaining wall.
- (3) The retaining wall shall be located and constructed in a manner that will not create a barrier or undue impediment to public safety officers in performing their function in connection with the premises or adjacent properties.
- (4) Retaining walls may be located in the corner cutback area of any lot provided the height of the wall does not exceed three feet.

Sec. 10. Frontage right-of-way provisions.

~~The required frontage for a lot whose sole principal use is a single family detached dwelling may be the linear distance between the sidelines of the lot, measured along the line that borders upon a right of way (R.O.W.) a minimum of 40 feet in width, upon the following criteria being met:~~

- ~~(1) The R.O.W. must be approved pursuant to the applicable provisions of article XIII;~~
- ~~(2) The R.O.W. must utilize existing curb cuts to access the property, unless the applicant can demonstrate that doing so unduly impacts the existing or proposed lot;~~
- ~~(3) No more than two lots gain frontage from the R.O.W.;~~
- ~~(4) The R.O.W. is the principal means of access to the lot;~~
- ~~(5) The area within the R.O.W. cannot be used to satisfy the required minimum lot size for the particular district or the required front setbacks and yards for existing buildings on the existing lot or those proposed on the new lot;~~

- ~~(6) The R.O.W. does not create any nonconformance with respect to lot size or structures; neighboring lots will be required to meet front yard and front setbacks from the R.O.W.;~~
- ~~(7) The travel surface within the R.O.W. must be twenty feet wide with surface thickness of at least 18 inches.~~
- ~~(8) The R.O.W. shall include a cul-de-sac, T-shaped or hammerhead turnaround. A cul-de-sac shall have a radius of 50 feet measured from the center line of the travel surface. A t-shaped or hammerhead turnaround shall be 50 feet long measured from the center line of the travel surface.~~
- ~~(9) Grades, intersections, access and sight distances shall be in accordance with the City of Lewiston's Policy for the Design and Construction of Streets and Sidewalks.~~
- ~~(10) Only one R.O.W. may be created per lot.~~
- ~~(11) The driveway within the R.O.W. must be unobstructed and permit vehicle access at all times.~~
- ~~(12) No part of a proposed street(s) shall be used for the above referenced R.O.W. provisions.~~
- ~~(13) A paved apron must be constructed a minimum length of 15 feet from the edge of the R.O.W.'s intersection with the street.~~
- ~~(14) Stormwater management standards must be met or waived in accordance with article XIII, Section 4(f) of this Code.~~
- ~~(15) A note must be added to the plan stating it is the responsibility of the owners of those lots from which frontage is obtained off the R.O.W. to assure the long term maintenance, repair, and replacement of and improvements within the R.O.W.~~
- ~~(16) The final approved plan must be recorded in the Androscoggin County Registry of Deeds.~~
- ~~(17) The R.O.W. width may be reduced to 30 feet in width, provided that any necessary easements are provided for stormwater, drainage, snow storage, etc.~~

Purpose: The purpose of the Frontage Right of Way (R.O.W.) provision is to allow and encourage new, smaller-scale residential and commercial development. Residential Frontage R.O.W. subdivision may create up to six (6) new lots and Commercial Frontage R.O.W. may create up to two (2) new lots. New lots created under this provision shall meet the minimum lot frontage requirements for the underlying zoning district of Article XI, Section 23, Space and Bulk standards. Frontage R.O.W.'s shall meet the design standards found in figure 1, depending on the number of lots proposed.

(a) Approval Criteria for a Frontage Right-of-Way

1. The Frontage R.O.W. must be approved pursuant to the applicable provisions of Article XIII;
2. The Frontage R.O.W. must utilize existing curb cuts to access the property unless the applicant can demonstrate that doing so unduly impacts the existing or proposed lot;
3. The Frontage R.O.W. is the principal means of access to the lot(s);

4. The area within the Frontage R.O.W. shall not be used in calculating or meeting any space and bulk requirements for the existing lot or the new Frontage R.O.W. lot(s);
5. The Frontage R.O.W. does not create any nonconformance with respect to lot size or structures; newly created lots will be required to meet front yard and front setbacks from the Frontage R.O.W.;
6. The Frontage R.O.W. shall include a cul-de-sac, T-shaped, or hammerhead turnaround. A cul-de-sac shall have a radius of 50 feet measured from the centerline of the travel surface. A T-shaped or hammerhead turnaround shall be 50 feet long measured from the centerline of the travel surface. The turnaround shall be approved by the Police, Public Works, and Fire Departments;
7. Intersections, access, and sight distances for the Frontage R.O.W. shall be in accordance with Lewiston's Policy for the Design and Construction of Streets and Sidewalks;
8. Only one Frontage R.O.W. may be created per parent lot;
9. The roadway within the Frontage R.O.W. must be unobstructed and permit vehicle access at all times;
10. No part of a proposed public or private street(s) shall be used for the above referenced Frontage R.O.W. provisions;
11. A paved apron must be constructed a minimum length of 25 feet from the edge of the Frontage R.O.W.'s intersection with an approved public street or private road;
12. Stormwater management standards must be met or waived in accordance with Article XIII, Section 4(f) of this Code;
13. A note shall be added to the plan stating: "It is the responsibility of the owner(s) of those lots from which frontage and access is obtained from the Frontage R.O.W. to assure the long-term maintenance, repair, and replacement of and improvements within the Frontage R.O.W.".
14. A note shall be added to the plan stating, "This Frontage R.O.W. is considered private and the City of Lewiston is not responsible for maintenance, repair, plowing, trash collection, or other municipal services for the lots accessed by the Frontage R.O.W. way shown on this plan. If the way has not been built to public street standards, the City Council will not accept it as a public street."
15. The approved Frontage R.O.W. plan shall be recorded in the Androscoggin County Registry of Deeds within 90-days of approval. If the plan is not recorded within this time period, the development review and/or subdivision approval shall be null and void.
16. Prior to the issuance of occupancy permits for any of the lots served by the Frontage R.O.W., the applicant's engineer shall certify to the City of Lewiston that the Frontage R.O.W. has been constructed in accordance with the requirements contained in this section and the approved plan.
17. The Frontage R.O.W. may only be accessed from a public or private street.
18. The Frontage R.O.W. may be an easement or held in fee interest by a lot or lots accessed by the R.O.W.

Figure 1- Frontage Right-of-Way Design Standards

Residential (one and two-family dwellings)

<u>Number of Lots Accessed by ROW</u>	<u>1-2</u>	<u>3-4</u>	<u>5-6</u>
<u>Right-of Way</u>	<u>40 feet</u>	<u>40 feet</u>	<u>50 feet</u>
<u>Minimum Roadway Width</u>	<u>14 ft.</u>	<u>18 ft.</u>	<u>20 ft.</u>
<u>Minimum Roadway shoulders</u>	<u>2 ft.</u>	<u>2 ft.</u>	<u>2 ft.</u>
<u>Maximum Roadway Length</u>	<u>500 ft.</u>	<u>1,000 ft.</u>	<u>1,500</u>
<u>Passing lane providing a minimum roadway width of 30' x 20' every ft.</u>	<u>250 ft.</u>	<u>250 ft.</u>	<u>N/A</u>
<u>Minimum Sub-base</u>	<u>12 inches</u>	<u>15 inches</u>	<u>15 inches</u>
<u>Minimum base</u>	<u>3 inches</u>	<u>3 inches</u>	<u>3 inches</u>
<u>Surface Type</u>	<u>Gravel or Paved</u>	<u>Gravel or Paved</u>	<u>Paved</u>
<u>Maximum Grade</u>	<u>10%</u>	<u>8%</u>	<u>8%</u>
<u>Minimum Grade</u>	<u>0.50%</u>	<u>0.50%</u>	<u>0.50%</u>
<u>Turnaround</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Stormwater Management Approval</u>	<u>Public Works</u>	<u>Public Works</u>	<u>Public Works</u>
<u>Stamped Engineered Plans</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>

Commercial Type (multifamily, mixed used, non-residential uses)

<u>Number of Commercial Lots Accessed by ROW</u>	<u>1-2</u>
<u>Right-of Way/Easement Width</u>	<u>50 feet</u>
<u>Minimum Roadway Width</u>	<u>24</u>
<u>Minimum Roadway shoulders</u>	<u>2 ft.</u>
<u>Maximum Roadway Length</u>	<u>1,000 ft.</u>
<u>Minimum Sub-base</u>	<u>18 inches</u>
<u>Minimum Base</u>	<u>3 inches</u>
<u>Surface Type</u>	<u>Paved</u>
<u>Maximum Grade</u>	<u>8%</u>
<u>Minimum Grade</u>	<u>0.50%</u>
<u>Turnaround</u>	<u>Yes</u>
<u>Stormwater Management Approval</u>	<u>Public Works</u>
<u>Stamped Engineered Plans</u>	<u>YES</u>

Sec. 16. Signs.

(b) *Signs permitted in all districts.*

(1) The following types of signs may be erected in all zoning districts without obtaining a permit from the code enforcement official:

(c) *Temporary signs.* Temporary signs listed below shall not be placed in a position that will impair vision, obstruct traffic, or in any manner create a hazard or nuisance to the general public.

- (5) *Political signs.* Signs of a temporary nature bearing political messages relating to an election, primary or referendum may be placed within the public right-of-way of any street or highway in accordance with the timelines established in M.R.S.A. Title 23, ~~(§1913-A, Section 1(H)).~~ Political signs outside of the public right-of-way are not subject to time limits. ~~Political signs located within or outside the public right-of-way of any street or highway are prohibited on or in front of City owned property including schools, parks, cemeteries and municipally owned buildings. Notwithstanding Article V, Section 7 (8), the code enforcement official or designee may remove any political signs erected contrary to this section.~~

(e) *Official business directional signs.*

- (1) *Authority.* The provisions of this section shall govern the installation and maintenance of official business directional signs authorized by the Maine Traveler Information Services Act, 23 M.R.S.A. sections 1901 through 1925, as amended.
- (2) *Qualifying uses.*
- a. ~~Uses include public accommodations, facilities, commercial services for the traveling public, and points of scenic, historical, cultural, recreational, educational and religious interest.~~ lawful businesses, and points of interest, and cultural, historic, recreational, educational and religious facilities.
 - b. ~~Uses with existing, off-premises signs that have been, or will be, removed pursuant to 23 M.R.S.A. sections 1901 through 1925, as amended, provided that such signage is owned and maintained by the affected use for a continuous period of at least 12 months prior to said removal.~~
 - c. ~~Qualifying uses must be located within the City of Lewiston.~~
- (3) *Location.*
- a. An official business directional sign may be installed in any district except the Centreville district (CV).
 - b. In the Centreville district (CV), signs located therein on December 31, 1982, may be replaced, but new directional signs shall not be erected.
 - c. Official business directional signs shall only be located in those vicinities where the traveler must change direction from one public way to another to reach the business, facility or point of interest.
 - d. ~~Official business directional signs are not permitted within the right-of-way of the interstate highway or Alfred A Plourde Parkway from Webster Street to Challenger Drive.~~ shall be not be erected more than 10 mile radius from the place of business, facility or point of interest.
- (4) ~~*Additional requirements.*~~
- a. ~~Official business directional signs shall be installed and maintained in accordance with the requirements of the Maine Traveler Information Act, 23 M.R.S.A. §§ 1901–1925, as amended, and any other regulations adopted pursuant to said statutes.~~
 - b. ~~The following additional requirements shall apply:~~

- ~~1. The minimum distance between official business directory sign posts shall be at least 300 feet as measured along the shortest straight line;~~
- ~~2. No official business directory sign shall be placed closer than 200 feet from the property line of a commercial business offering directly competing goods or services;~~
- ~~3. An official business directory sign shall be located no closer than 200 feet or further than 2,500 feet from an intersection where a change in direction as indicated on said sign is required;~~
- ~~4. No more than three official business directional signs may be attached to an individual sign post assembly. No new sign post assembly shall be installed until existing sign post assemblies suitable for any newly proposed official business directional sign contain the maximum number of permitted signs.~~

~~(5) Number of signs.~~

- ~~a. Uses as identified in subsection (2)a. shall be limited to a maximum of six official business directional signs.~~
- ~~b. Uses as identified in subsection (2)b. shall be limited to the number of sign faces that have been or will be removed pursuant to 23 M.R.S.A., sections 1901 through 1925, as amended.~~
- ~~c. Uses as identified in subsection (2)b. shall be limited to the number of sign faces that have been or will be removed pursuant to 23 M.R.S.A. sections 1901 through 1925, as amended.~~

(f) *Special intracommunity service signs.* Special service signs for local information within Lewiston may be erected on state or state aid highways provided the following conditions are met:

- (1) *Requests.* Requests for signs must be made by the Municipal Officers of Lewiston.
- (2) *Eligible facilities.* Signs shall be limited to directing traffic to locations of special interest which include the following:
 - (a) Hospitals which provide emergency service 24 hours a day.
 - (b) Public transportation facilities including airports, railroad stations, bus terminals and ferries.
 - (c) Public recreational facilities such as beaches, parks, sport arenas, scenic areas and historical areas.
 - (d) Municipal subdivisions such as central business districts and villages within municipal boundaries (i.e. industrial parks, business parks, etc.)
 - (e) Governmental buildings or agencies such as city halls, county buildings, schools, armories and fire or police stations. Signs for specific commercial establishments shall not be permitted.
 - (f) Colleges and Universities

~~(3) Designs of signs. Signs shall be rectangular in shape with a white legend on a blue background. The maximum length shall be 48 inches and the maximum letter size shall be four inches. No more than three lines or copy shall be permitted~~

~~on one sign.~~ Signs must meet the Maine Department of Transportation's requirements for the design and installation of signs.

~~(4) — *Installation of signs.* Signs shall be provided and installed by the local municipal officials. The vertical and lateral clearances of such signs shall conform with Sections 1A-22 and 1A-23 of the "Manual on Uniform Traffic Control Devices for Streets and Highways". The signs shall not be erected in conjunction with, nor be in conflict with, nor interfere with official highway signs.~~

~~(5) — *Restrictions.* Special intracommunity service signing shall not be permitted on interstate highways or on expressway systems~~

REASONS FOR PROPOSED AMENDMENTS

- The proposed change updates wall height requirements to be consistent with building code requirements.
- The proposed amendments to the frontage right-of-way (ROW) provisions provide more options and flexibility for residential and commercial development without having to construct a public or private street. The amendment provides more opportunities for back-lot development without the consuming or assembling additional frontage on an existing public or private street. The changes will also avoid the additional construction costs associated with construction a public or private street.
 - Residential development up to six lots accessed by a frontage ROW will be allowed, previously limited to two lots. The width of the road will vary depending upon the number of lots.
 - The frontage ROW provisions will be available for up to two lots of commercial development. Previously, all commercial development required frontage on a public or private street. This will provide more opportunities for commercial development on larger lots with limited frontage.
- Political signs: the proposed change updates the ordinance to be consistent with state law, whereby temporary signs, such as political signs, may be located in front of city owned property. The ordinance continues to prohibit political signs from being erected on city property.
- Official business directional sign and intra-community service signs: The proposed changes eliminate discrepancies with the Maine Department of Transportation (MDOT) Rules, Chapter 205: Rules for Administer The Maine Travelers Information Service Act whereby existing City language was either in conflict or duplicative. The changes made are consistent with MDOT rules and applicable sections of the Maine Statute: Maine Traveler Information Services Act, 23 M.R.S.A. sections 1901 through 1925, as amended.

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