

AN ORDINANCE PERTAINING TO DEVELOPMENT REVIEW AND STANDARDS

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 XIII. DEVELOPMENT REVIEW AND STANDARDS

Sec. 3. Procedure.

(c) *Planning board actions.* In considering development plans under this section, the planning board may act to approve, approve with conditions, or disapprove development applications based on the applicable criteria set forth in this article.

The board shall hear and decide requests for the reduction of the provisions under article XI, sections 1 through 14, district regulations, with respect to space and bulk standards for setbacks, ~~yards~~, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height, where the development is a major development as defined in article XIII, subsection 3(a)(2) of this Code. In order for the board to grant the aforementioned relief, it must find that the standards contained in article IX, sections (3) (9),(10) and (11), as applicable, are met.

(g) *Application requirements.* The application for development review, the site plan and related submissions shall contain at least the following exhibits and information:

- (5) Final Development Review Materials - A complete application for the Planning Board shall consist of twelve copies of the complete application, nine 11" x 17" and three 24" x 36" copies of maps and drawings and PDF files of all application materials shall be submitted to the Planning Office no later than 5 days before the scheduled meeting.

c. *Proposed development activity.*

1. The location of all building setbacks, ~~yards~~ and buffers required by this Code.

Sec. 4. Approval criteria.

The following criteria are to be used by the staff review committee and the planning board in judging applications for development review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the staff review committee or the planning board determines that the applicant has

failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence sufficient to warrant a finding that all applicable criteria have been met.

- (d) *Internal vehicular circulation.* The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.
- (5) Where a development borders an existing narrow road (below standards set in this Code for public streets) or when the comprehensive plan indicates plans for realignment or widening of a road that would require use of some of the land in the development, the applicant shall be required to show areas for widening or realigning such roads on the plan, marked "Reserved for Road Realignment (or Widening) Purposes." It shall be mandatory to indicate such reservation on the plan when a proposed widening or realignment is shown on the official map. Land reserved for such purposes may not be counted in satisfying setback ~~or~~ ~~yard~~-or area requirements of the zoning districts.

Sec. 7. Additional standards for single-family cluster developments.

- (c) In addition to the criteria set forth in Article XIII, section 4, applications for single-family clustered developments shall meet the following standards:
 - (1) Each lot will be an element of an overall creative plan for site development. The road and lot layout shall discourage through traffic and provide for pedestrian access to the common open space.
 - (2) No single-family clustered development will exceed the allowable residential density (minimum net lot area per dwelling unit) otherwise permitted in the district in which it is located.
 - (3) The development will contain a minimum of five lots.
 - (4) Individual lot sizes may be reduced to 50 percent of that required by the district requirements, but no lot may be reduced below 5,000 square feet.
 - (5) Each individual lot will have at least 50 feet of frontage on a road approved by the planning board.
 - (6) ~~Front yard and front setbacks for individual lots will not be reduced to less than 50 percent; parking for not more than one vehicle may take place in the area between the front wall of the building or structure closest to the street, and running the full width of the building, and the reduced front yard area.~~
 - (7) ~~Side yard and side setbacks on one side of an individual lot may be reduced to five feet provided that the minimum fire separation distance required by the International Building Code, as amended, is maintained between adjacent structures;~~
 - (8) ~~The common open space will meet the following requirements:~~

Sec. 8. Additional standards for certain multi-unit residential developments.

In addition to the criteria set forth in Article XIII, section 4, applications for:

- (1) Mixed single-family residential developments;
- (2) Mixed residential developments;
- ~~(3) Planned residential developments; or~~
- (43) Multi-family developments ~~Developments in which two or more principal residential structures are placed on one lot.~~

shall meet the following additional standards:

- (1) *Relationship of residences and open spaces.* The dwelling units and other improvements will be located so that each unit has access to the open space and/or recreational facilities. The open space should be located to enhance the living environment of each unit in the development.
- (2) *Buffering.* The plan for development will provide for the buffering, pursuant to the Design Lewiston Site Plan Review and Design Guidelines/Standards, of adjacent properties. ~~To this end, no building, structure or other facility shall be located within any required yard area. Within this yard area, using~~ a combination of landscaping, natural vegetation, fencing and grading ~~shall be used~~ to minimize the impact on abutting property owners. No parking, roads or service facilities will be located in this buffer strip.
- (3) *Amenity area* ~~Recreation facilities.~~ An area equal to 500 50 square feet per dwelling unit will be set aside as an amenity area which is maintained to provide outdoor enjoyment and may include but is not limited to eating or other seating area, passive or active recreation area such as playground, ball courts, mown lawns or walking trails. Side and rear setbacks, patios, balconies and rooftop decks may be counted towards the amenity area, but stormwater, parking areas and required buffers including fencing, planting, or berms may not. Recreation areas and will be developed with recreational facilities suitable for the anticipated occupants of the development.
 - a) Waiver for the amenity area. Where an applicant can demonstrate one the following to the satisfaction of the reviewing board, a waiver may be granted:
 - i. The need for a waiver is due to unique circumstances of the property and not the general conditions or the neighborhood or the property owner's preferred development layout;
 - ii. Where reusing an existing building or footprint, there is insufficient lot area available for the amenity space to be placed on the lot. While balconies or other above ground features can be used to meet the amenity area, their use is not required to meet the standard in this situation.
 - iii. For new construction or conversion on a site previously developed/occupied by a structure in the RF, M, CV, DR, and NCB districts the creation of the required amenity space would make the project unviable due to significant hardship, which may include financial hardship such as having to acquire adjacent land for the amenity area.

- (4) ~~Private outdoor space.~~ The design of the development will provide each dwelling unit with a private, outdoor space immediately adjacent to the unit where the architectural style of the buildings makes this possible.
- (5) ~~Storage.~~ Each dwelling unit will have access to and use of a minimum of 400 cubic feet of private, lockable storage space either within the individual dwelling unit or in common storage facilities.
The development plan will also make provisions for the safe storage of such items as recreational vehicles and boats for dwellings other than detached single-family homes. These storage areas will be screened and landscaped.
- (6) ~~Open space.~~ At least 25 percent of the total lot area will be set aside as open space. Areas of the site with significant development constraints or outstanding natural features will be included in the open space. If the site contains soils which are identified as prime farmland soils, consideration should be given to including these areas in the open space. This land, in whole or in part, may be controlled by one or more of the following methods:
- a. ~~Ownership by the owner of the development;~~
 - b. ~~Joint ownership by the owners of units within the project;~~
 - c. ~~Joint ownership by the owners of the units within the project with a conservation easement granted to the city or recognized conservation organization;~~
 - d. ~~Dedication to the city as public open space land;~~
 - e. ~~Transfer, with permanent restrictions, to a land trust or other recognized conservation organization;~~
 - f. ~~Transfer, with permanent restrictions, to a farmer for use as agricultural land.~~

~~The planning board shall approve the arrangements for the ownership, control and maintenance of the open space as part of the approval of the final plan. No changes in the management of the open space shall be made without planning board approval.~~

~~The arrangements for the ownership and management of the open space will provide for, at least the following:~~

- a. ~~That the area shall be permanently maintained as open space.~~
- b. ~~That there shall be no transfer of the open space separately from the remainder of the development without approval of the planning board.~~
- c. ~~That there shall be no division of the property.~~
- d. ~~That no structures or buildings other than those shown on the approved plan shall be erected in the open space.~~
- e. ~~That any agricultural or forestry activity be carried out in accordance with an approved plan of action.~~

Sec. 9. Additional standards for mobile home parks.

In addition to the standards set forth in article XIII, section 4, applications for mobile home parks shall meet the following additional standards.

- (4) *Mobile home park cluster developments.*
 - b. In addition to the criteria set forth in article XIII, section 4 of this Code, applications for mobile home park cluster developments shall meet the following standards:
 5. Individual lot front setbacks will not be reduced to less than ten feet; parking in the front ~~yard~~ setback is permitted for not more than one vehicle; carports of noncombustible materials are not subject to side setback requirements;

Sec. 10. Additional standards for private commercial or industrial subdivisions.

Lots within a private commercial or industrial development may gain their required frontage on private roads. In addition to the criteria set forth in Article XII, section 18 and Article XIII, section 4, applications for these developments shall meet the following additional standards:

- (4) Existing and proposed buildings on proposed private roads may have their required ~~front yard and~~ setbacks from the private road reduced by the planning board to accommodate the private road layout and to promote uniform building setbacks from that private road within the subdivision. The reductions, however, must not interfere with the convenient and safe use of the road right-of-way for all vehicles and pedestrians, and must be noted on the plans and be incorporated into the covenants of the development. Unless a variance is obtained from the board of appeals, all other space and bulk standards required for the respective zoning district must be met by the existing structures, proposed lot and any proposed building or structure.

REASONS FOR PROPOSED AMENDMENT

- Eliminates the use of the term “yard” to be consistent with the elimination of this in other Articles.
- Section 8 clarifies which types of developments must comply with these standards; Lewiston doesn’t have anything called a “Planned Residential Development.”
- Section 8 reduces excessive requirements for multi-family development to encourage additional development and increase housing units, while still allowing for areas for play and outdoor enjoyment by the residents of new multi-family developments.

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