

AN ORDINANCE PERTAINING TO DEFINITIONS

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 II. DEFINITIONS

Sec. 2. Definitions.

Unless otherwise expressly stated, the following words shall, for the purpose of this Code, have the meaning herein indicated:

Accessory dwelling unit means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit or mobile home located on the same parcel of land. An accessory dwelling unit shall be a minimum and maximum size requirements of Article XII, Section 11.

Accessory use or structure means a subordinate use of a building, other structure or land, or a subordinate building or other structure:

- (1) Whose use is customary in connection with the principal building, other structure or use of land;
- (2) Whose use is clearly incidental to the use of the principal building, other structure or use of land;
- (3) Which is located on the same lot with the principal building, other structure or use of land or on a lot abutting such lot if in the same ownership or part of the same establishment, even if located in another district, or off-street parking in accordance with Article XII, Section 17(e)(2) of this Code. However, if the accessory use of structure is proposed to be located on a lot which is in another district and across a public or private street from the principal building, the use or structure must be permitted in that district in order to be allowed. Furthermore, accessory structures to be located on a lot across a public or private street may not be utilized for a home occupation and the sale of either lot in common ownership separating the accessory structure from the principal structure will create an illegal nonconformance which shall either be removed or brought into conformance with all provisions of the Code; and
- (4) Which does not constitute, in effect, conversion of the principal use of the premises to one not permitted.

- (5) An accessory dwelling unit is not, for the purposes of this code, an accessory use or structure.

Attached (for the purpose of accessory dwelling units only) means connected by a shared wall to the principal structure.

Automobile repair garages means facilities for major maintenance and repair of passenger vehicles, motorcycles, pickup trucks and similar vehicles, including those uses listed under NAICS 8111-811198 (includes towing and impound yard). The type of work normally provided by repair garages includes engine overhauls, transmission repairs, glass replacement, body work, painting and similar work not involving routine maintenance. Repair garages shall include muffler shops, brake shops, body shops, paint shops, and tune-up centers.

Automotive services, except repair means the uses listed under NAICS 8111-811198 (includes towing and impound yard), which include car washes, detailing, automotive diagnostic centers, lubricating services, road services, rustproofing and other service uses similar to those listed.

Dwelling means any building or structure or portion thereof designed or used for residential purposes.

- (1) *Single-family detached dwelling.* A structure having a length to width ratio of less than four (4) to one (1), and a minimum horizontal dimension at its narrowest point of at least sixteen (16) feet and containing only one (1) dwelling unit occupied by not more than one (1) family. Tiny homes, as defined by M.R.S. Title 29-A, section 101, sub-section 80-C are exempt from this dimensional requirement. If a dwelling otherwise meets these criteria, a single-family detached dwelling is deemed to include a dwelling occupied by a group of individuals housed within a "community living arrangement" which is a housing facility for eight (8) or fewer persons with disabilities that is approved, certified or licensed by the State of Maine. A community living arrangement may include a group home, foster home or intermediate care facility. A single-family detached dwelling shall not include mobile homes as defined herein, but shall include any other manufactured housing meeting these criteria.
- (2) *Single-family attached dwelling.* A building containing single-family dwelling units each with two (2) or more vertical fire separation walls, or one (1) vertical fire separation wall in the case of a dwelling unit at the end of a group of attached units; which have no dwelling units above or below them; and which have no common hallways. If a dwelling otherwise meets these criteria, a single-family detached dwelling is deemed to include a dwelling occupied by a group of individuals housed within a "community living arrangement" which is a housing facility for eight (8) or fewer persons with disabilities that is approved, certified or licensed by the State

of Maine. A community living arrangement may include a group home, foster home or intermediate care facility.

- (3) *Two-family dwelling.* A building containing two (2) dwelling units, such building being designed for residential use and occupancy by two (2) families living independently of each other.
- (4) *Multifamily dwelling.* A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units and which is not a single-family attached dwelling.
- (5) Accessory dwelling unit, see separate definition under “accessory dwelling unit.”

Dwelling unit means a room or group of rooms, containing at least three hundred (300) square feet of living area, designed and equipped exclusively for use as living quarters for one (1) family, including provisions for living, sleeping, cooking, and eating. The term shall not include accessory dwelling units, hotel or motel rooms or suites, individual lodging house units that do not have kitchen facilities, fraternity rooms, sorority rooms, club or institutional group rooms, or similar accommodations.

Habitable space means a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Home occupation means an occupation conducted in a dwelling unit or a structure accessory thereto, provided that all of the following criteria are met:

- (1) ~~No person other than a member of the family residing on the premises shall be engaged in such occupation; and~~
Any member of the family residing on the premises is permitted to be engaged in such occupation. In addition, one individual that is not a member of the family residing on the premises is permitted to be engaged in such occupation; and
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the total floor area of the dwelling unit or the accessory dwelling unit and accessory structures used in the home occupation shall be used in the conduct of the home occupation; and
- (3) There shall be no change in the outside appearance of the building or premises, or any visible evidence of the conduct of such home occupation other than one (1) sign, except as hereinafter permitted; and

- (4) No traffic shall be generated by such home occupations in greater volumes than would normally be expected in the neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required setback; and
- (5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the home occupation is conducted in a detached one family dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in a radio or television receiver off the premises, or causes fluctuations in line voltage off the premises; and
- (6) There shall be no stock in trade regularly maintained or any new commodity sold on the premises; and
- (7) The following are specifically excluded as home occupations: Convalescent or nursing home, tourist home, animal hospital, restaurants, doctors' offices, dentists' offices, real estate offices, registered caregivers, beauty shops and barber shops, except those that are owner-occupied, one (1) chair, appointment-only shops that meet all the other home occupation criteria.

~~In-law apartment means an accessory apartment contained within or attached to a single family dwelling which meets the standards of section 11 of Article XII.~~

~~Setback area, front means the area between the principal building facade and the public street as applied in the Design District Overlay.~~

Tiny Home means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

- a) Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;
- b) Does not exceed 400 square feet in size;
- c) Does not exceed any dimension allowed for operation on a public way; ~~and~~
- d) Is a vehicle without motive power, and
- e) Can be placed anywhere a single-family detached dwelling can be placed.

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