



Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
November 13, 2024 - 5:30 PM
Bell Building – Second Floor Conference Room – 215 D Street
Lewiston, Idaho 83501

Seating will be available on a first-come, first-served basis.

I. CALL TO ORDER

II. CITIZENS COMMENTS

An opportunity for citizens to address the Commission with comments and/or questions about Planning and Zoning Commission-related matters that are not a public hearing action item on this agenda. Citizens are asked to limit their time to three (3) minutes each.

III. ACTIVE AGENDA

- A. APPROVAL OF OCTOBER 23, 2024 MEETING MINUTES (ACTION ITEM):** - Action Item ()
- B. PRELIMINARY PLAT: SKYVIEW ESTATES PHASE IV (ACTION ITEM):** The applicant proposes to subdivide approximately 22.11 acres of property, located south of Powers Ave and east of 23rd Street, into 39 lots. The applicant requests recommendation of approval and consideration of the associated Reasoned Statement of Relevant Criteria and Standards, to City Council. - Action Item ()
- C. ZONING CODE AMENDMENT INITIATION, ZA-03-24 (ACTION ITEM):** The Commission will consider initiation of Zoning Code amendments recommended by the Comprehensive Plan Work Plan Development Committee. Such amendments would add a requirement for an outdoor recreation area to be provided for multi-family development in residential and mixed-use zones, to add flexibility to uses permitted in the R-4 Zone, to decrease the maximum allowable building height in the R-4 Zone, and to add multi-family residential as a conditional use in the C-6 Zone. - Action Item ()
- D. ZONING CODE AMENDMENT WORKSHOP FOR ZA-04-24: SMALL LOT DEVELOPMENT STANDARDS AMENDMENTS:** : City Council heard a request from a developer to eliminate certain design standards from Lewiston City Code Sec 37-33, Small lot or zero lot line development. City Council initiated a zoning code amendment at its October 28, 2024 meeting. The Planning and Zoning Commission will consider possible amendments before scheduling a public hearing. - Action Item ()

IV. STAFF-COMMISSION COMMUNICATIONS

- A. QUERY OF COMMISSIONERS TO ATTEND THE NOVEMBER 27, 2024 MEETING (THANKSGIVING HOLIDAY).**

V. ADJOURNMENT - Action Item

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact Nikki Province, ADA Coordinator, at least forty-eight (48) hours in advance of the meeting at 208-746-3671 x 6211.

October 23, 2024

The LEWISTON PLANNING AND ZONING COMMISSION met in the Community Development Department Second Floor Conference Room at 215 “D” Street. Chair Ball called the meeting to order at 5:30 p.m.

I. CALL TO ORDER

COMMISSIONERS PRESENT: Cynthia Ball, Chair; Gabriel Iacoboni, Vice Chair; Kathy Branson; Maureen Anderson; Emily Wolf;

COMMISSIONER EXCUSED: Kevin Kelly; Shaunita Cable

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; Dawn Ortiz, Community Development Office Supervisor; Jennifer Tengono, City Attorney

II. CITIZEN COMMENTS

None

III. APPROVAL OF OCTOBER 09, 2024 MEETING MINUTES (ACTION ITEM)

Commissioner Branson and Anderson moved and seconded, respectively, approval of the October 09, 2024 meeting minutes with corrections. The motion carried 5-0.

IV. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS ON ZONE CHANGE APPLICATION ZNC24-4 BY CHRIS CLARK. (ACTION ITEM):

Commissioner Wolfe and Vice Chair Iacoboni moved and seconded, respectively, to approve the reasoned statement for ZNC24-4 as written. The motion carried 5-0.

V. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS ON VARIANCE APPLICATION VAR24-2 BY DK HOLDINGS LLC. (ACTION ITEM):

Vice Chair Iacoboni and Commissioner Branson moved and seconded, respectively, to approve the reasoned statement for VAR24-2 as written. The motion carried 5-0.

VI. APPROVAL OF THE REASONED STATEMENT AFFIRMING THE COMMISSION’S DECISION AFTER RECONSIDERATION OF CONDITIONAL USE PERMIT CUP24-3 FOR A TRANSITIONAL HOUSING VILLAGE. (ACTION ITEM):

Commissioners Anderson and Wolf moved and seconded, respectively, to approve the Commission's Decision on Reconsideration of CUP24-3 as written. The motion carried 5-0.

VII. STAFF-COMMISSION COMMUNICATIONS

Katie Hollingshead, Assistant Planner stated that although the agenda states there are no items for the November 13th meeting, a preliminary plat has been submitted for the Commission to review. Staff Hollingshead let the Commission know that Mr. Yonge has gone to City Council to request a code amendment and it will be a discussion item on the Council's October 28th meeting agenda, the Commission might see a discussion item on the November 13th agenda regarding Council's direction. The Comprehensive Plan work committee has been meeting regularly to discuss upcoming code changes and zoning map amendments and staff is working on having those items drafted for the Commission to review in December.

A. Query of Commissioners for the November 13, 2024 meeting

All present Commissioners besides Commissioner Branson who can attend via Zoom shall be in attendance at the November 13, 2024 meeting.

VIII. ADJOURN

There being no further business, Commissioner Anderson and Branson moved and seconded, respectively, to adjourn. The motion carried 5-0 and the Planning and Zoning Commission meeting adjourned at approximately 5:44 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2024.



November 5, 2024

To: Lewiston Planning and Zoning Commission

Re: Skyview Estates Phase IV - Preliminary Plat (SUB24-000007)

Commissioners:

The Skyview Estates Phase IV preliminary plat proposes to subdivide approximately 22.11 acres of property, located south of Powers Avenue, and east of 23rd Street, into 39 lots. Lots located along the north boundary of the proposed subdivision will be accessed from the existing adjacent Powers Avenue. On the west, existing 23rd Street will be extended to the south, and a non-contiguous section of Birch Avenue will provide east-west access across the southerly portion of the subdivision. Three new public streets will provide north-south access. The central north-south street will provide through access, and the remaining two north-south streets will incorporate cul-de-sac turn-arounds to provide residential access. The proposed street configurations provide a balance of access and accessibility with connections to adjoining un-platted land as required in Section 32-32(d) of the subdivision code, while also discouraging through traffic on local streets in accordance with Section 32-32(e) of City Code. In total, an additional 2,985 l.f. of public street, and associated public utilities will need to be constructed to service the completed subdivision. Frontage improvements consisting of approximately 1,156 l.f. of curb, gutter and sidewalk with required asphalt patch-back are proposed to be constructed along the existing Powers Avenue frontage of the proposed subdivision. Extension of City sewer mains will also be required along the Powers Avenue frontage to provide sewer service to the northern lots, and connections to public services for un-platted land to the east. The proposed subdivision is located adjacent to the Lewiston Orchards Irrigation District, and the irrigation district has indicated their intent to provide potable water service for the proposed lots contingent upon annexation of the proposed development into the District, and approval of the developer's design documents. Avista Utilities, CenturyLink/Lumen Technologies, and Sparklight have also confirmed their intent to provide utility service.

The subject property was recently annexed into the City limits and designated as an R2 – low density residential zone. The proposed lot configurations adhere to the requirements of the R2 zone as outlined in the City of Lewiston Zoning Ordinance, City Code Chapter 37.

The preliminary plat is presented at a scale of 50' to the inch when printed at full scale, which differs from the 100' to the inch standard specified in Section 32-20(a) of subdivision code. Because the 50' to 1" scale provides for better "clarity of lines, bearings, and dimensions" as specified in Title 50-1304 (1) of Idaho Code, City staff recommends that the 50' to 1" scale be accepted as exceeding the code requirement of the specified 100' to 1" scale. With the exception of the noted difference in scale, the preliminary plat complies with the applicable requirements of the City of Lewiston Subdivision Ordinance, City Code Chapter 32.

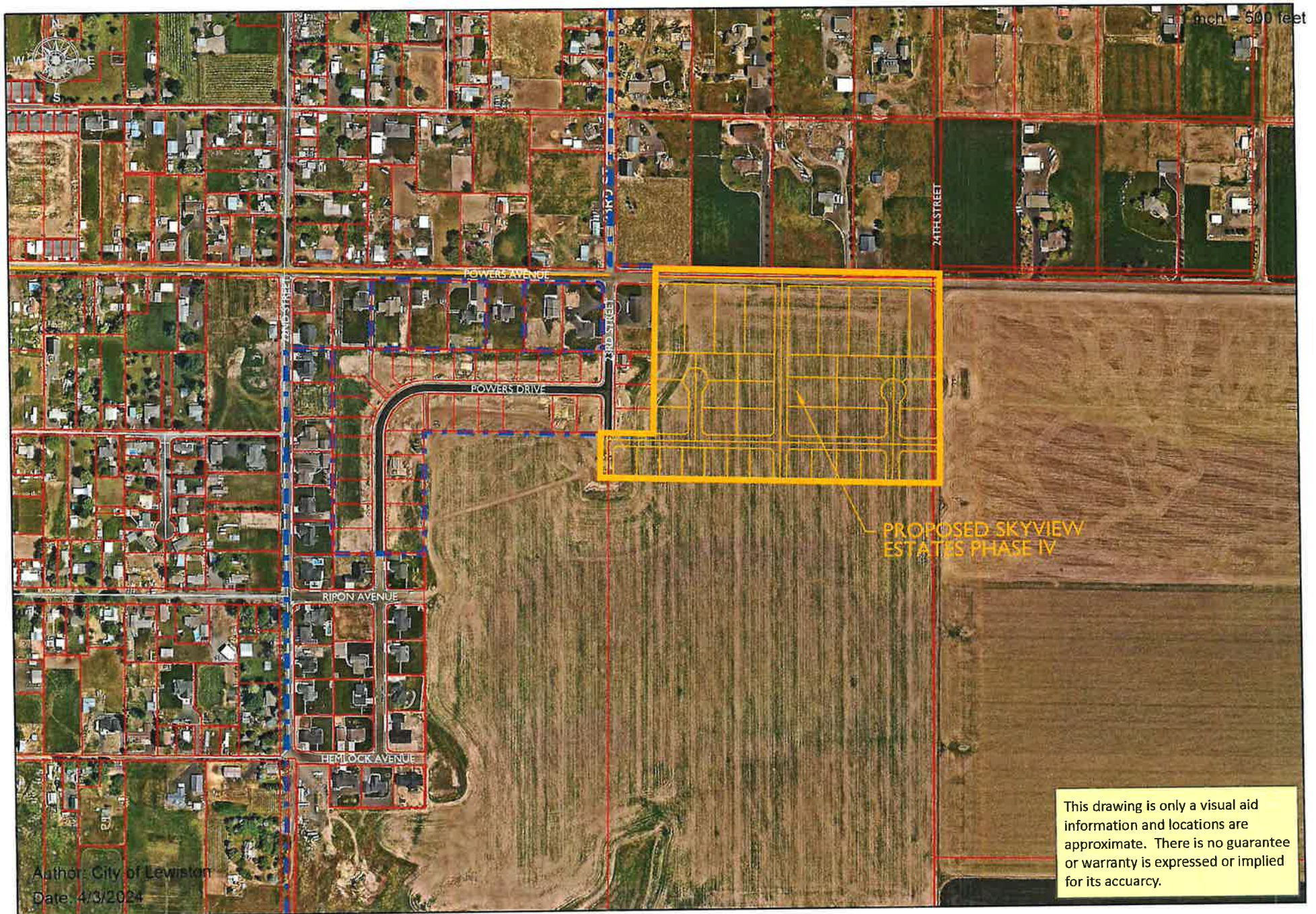
City Staff recommend that the Lewiston Planning and Zoning Commission recommend to the Lewiston City Council approval of the Skyview Estates - Phase IV, preliminary plat as presented.

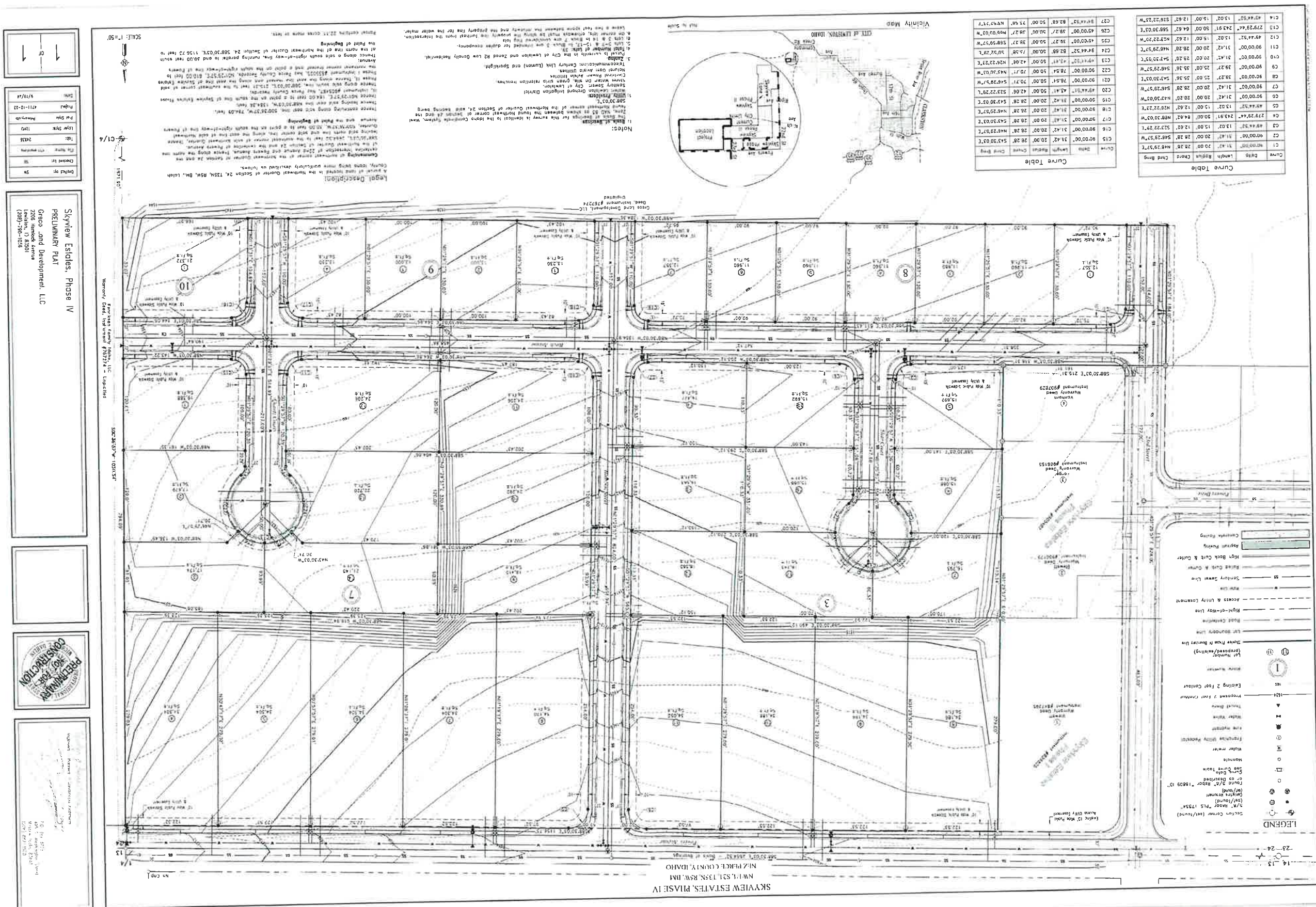
Sincerely,



Mark Weigand, PLS
City Surveyor

City of Lewiston





**CITY OF LEWISTON PLANNING AND ZONING COMMISSION
REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
RECOMMENDING APPROVAL, APPROVAL WITH CONDITIONS, OR
DENIAL OF A SUBDIVISION PRELIMINARY PLAT TO THE LEWISTON
CITY COUNCIL**

This document shall serve as memorialization of the rationale for the recommendation to Lewiston City Council, approving, approving with conditions, or denial of a Subdivision Preliminary Plat, which shall be based upon relevant criteria and standards, including the Lewiston Comprehensive Plan, Lewiston City Code, and Idaho Code. *See I.C. § 67-6535.*

- I. **APPLICATION NUMBER:**
SUB24-000007
- II. **APPLICANT'S NAME AND ADDRESS:**
Greco Land Development, LLC
2206 Hemlock Avenue
Lewiston ID, 83501
- III. **IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:**
22.11 acres of undeveloped property, located south of Powers Avenue, and east of 23rd Street, Lewiston, Idaho.
- IV. **IDENTIFICATION OF ZONING DISTRICT AND FUTURE LAND USE DESIGNATION OF SUBJECT PROPERTY:**
R-2 Low Density Residential Zone, Neighborhood Residential
- V. **DATE OF CONSIDERATION:**
November 13, 2024
- VI. **NAME OF GOVERNING BODY:**
City of Lewiston Planning and Zoning Commission
- VII. **NATURE OF SUBJECT APPLICATION:**
Application for approval of subdivision preliminary plat.
- VIII. **DECISION:**
The Lewiston Planning and Zoning Commission recommends **APPROVAL** of SUB24-000007.

IX. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

None.

X. RELEVANT CRITERIA AND STANDARDS:

The following relevant criteria, standards, facts, and considerations are hereby declared as reasons for the decision on this subdivision administrative plat:

1. The proposed subdivision **will** be in compliance with the intents and purposes of Chapter 32 (Subdivisions) of the Lewiston City Code. Lewiston City Code § 32-2 (Purpose and Intent) states:
 - (a) The purpose of this chapter is to provide for the orderly growth and harmonious development of the City of Lewiston, to insure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to insure consideration for adequate sites for schools, recreation areas, and other public facilities; to promote the conveyance of land by accurate legal descriptions; and to provide logical procedures for the achievement of this purpose.
 - (b) Its interpretation and application, the provisions of this chapter are intended to provide a common ground of understanding and a sound equitable working relationship between the public and private interests to the end that both independent and mutual objectives can be achieved in the subdivision of land. Applicable commentary:

The Skyview Estates Phase IV preliminary plat proposes to subdivide approximately 22.11 acres of property, located south of Powers Avenue, and east of 23rd Street, into 39 lots. Lots located along the north boundary of the proposed subdivision will be accessed from the existing adjacent Powers Avenue. On the west, existing 23rd Street will be extended to the south, and a non-contiguous section of Birch Avenue will provide east-west access across the southerly portion of the subdivision. Three new public streets will provide north-south access. The central north-south street will provide through access, and the remaining two north-south streets will incorporate cul-de-sac turn-arounds to provide residential access. The proposed street configurations provide a balance of access and accessibility with connections to adjoining un-platted land as required in Section 32-32(d) of the subdivision code, while also discouraging through traffic on local streets in accordance with Section 32-32(e) of City Code. In total, an additional 2,985 l.f. of public street, and associated public utilities will need to be constructed to service the completed subdivision. Frontage improvements consisting of approximately 1,156 l.f. of curb, gutter and sidewalk with required asphalt patch-back are proposed to be constructed along the existing Powers Avenue frontage of the proposed subdivision. Extension of City sewer mains will also be required along the Powers Avenue frontage to provide sewer service to the northern lots, and

connections to public services for un-platted land to the east. The proposed subdivision is located adjacent to the Lewiston Orchards Irrigation District, and the irrigation district has indicated their intent to provide potable water service for the proposed lots contingent upon annexation of the proposed development into the District, and approval of the developer's design documents. Avista Utilities, CenturyLink/Lumen Technologies, and Sparklight have also confirmed their intent to provide utility service.

2. The proposed subdivision **will** be in compliance with the intents and purposes of Chapter 37 (Zoning Code) of the Lewiston City Code. Lewiston City Code § 37-2 (Purpose) states: "The purpose of this chapter is to promote the orderly development of the city according to the comprehensive plan; to conserve and stabilize the value of property; and otherwise to promote the public health, safety, and general welfare." Applicable commentary:

The proposed plat adheres to the requirements for the R-2 Zone which were established to promote the orderly development of the city according to the comprehensive plan; to conserve and stabilize the value of property; and otherwise to promote the public health, safety, and general welfare.

3. The proposed subdivision **will** be in compliance with Chapter 37 (Zoning) of the Lewiston City Code standards (unless otherwise waived by Conditional Use Permit or Variance) to include meeting the minimum lot depth, minimum lot width, and minimum lot area standards as set forth by the zoning district which it is located in. Applicable commentary:

The proposed subdivision was reviewed by the City of Lewiston Community Development Department, and Community Development staff confirmed that the proposed subdivision is in compliance with applicable standards contained in Chapter 37 of Lewiston City Code, and meets the lot configuration requirements for lot width, lot depth, and lot size as established for the applicable R2 zone.

4. The proposed subdivision **will** be in conformance with the Lewiston Comprehensive Plan's requirements and objectives. Applicable commentary:

The proposed subdivision is in conformance with the Lewiston Comprehensive Plan which includes the subject property in the Neighborhood Residential - Future Land Use Designation area. The proposed subdivision promotes the desired Neighborhood Residential characteristics by providing a relatively low intensity residential neighborhood with adequate street access, and opportunities for single family detached residences and duplexes.

5. The proposed subdivision **does** include the entire tract of land, unless an approved preliminary plat, planned unit development (PUD), or approved development master plan shows development in phases. Applicable commentary:

The plat area includes all of the applicant's contiguous property which is located within the City Limits.

6. The proposed subdivision **has** received favorable review from applicable public utility providers.

Representatives of applicable public utility providers have reviewed the plat proposal, and affirmed their ability and intent to provide service by signing the utility services acceptance form contained in the preliminary plat application packet.

7. The applicant **has** complied with all elements of Lewiston City Code § 32.20. Applicable commentary:

The plat was reviewed by the City Surveyor and Public Works Staff under the direction of the City Engineer. The preliminary plat is presented at a scale of 50' to the inch when printed at full scale, which differs from the 100' to the inch standard specified in Section 32-20(a) of subdivision code. Because the 50' to 1" scale provides for better "clarity of lines, bearings, and dimensions" as specified in Title 50-1304 (1) of Idaho Code, City staff recommends that the 50' to 1" scale be accepted as exceeding the code requirement of the specified 100' to 1" scale. With the exception of the noted difference in scale, the preliminary plat contained the information as required by Section 32.20 of the City Subdivision Code.

8. The proposed subdivision **does not** contain all or any part of the site of a proposed park, school, flood control facility, or other public area as shown by the City's Comprehensive Plan or future acquisitions map.

The approved City Comprehensive plan does not propose any public areas at this location.

9. The proposed subdivision **is not** within a known floodplain. Applicable commentary:

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) do not indicate that the platted property is located in a designated floodplain.

10. The proposed subdivision **does not** have, in whole or in part, terrain having an average slope exceeding ten percent (10%).

The native slopes of all land located within the plat area are less than the 10% threshold. All constructed improvements will be designed by an Idaho licensed engineer.

11. The proposed subdivision **is** in conformance with the City's Master Transportation Plan and/or neighborhood plan. Applicable commentary:

The current adopted Transportation Plan does not address, or make recommendations for the property located within the applicants proposed development.

12. The proposed subdivision's street name(s) **are** in conformance with Lewiston City Code § 31-85.
Applicable commentary:

23rd Street and Birch Avenue are the continuations of existing streets previously approved by the City Council. Burbon Street, Quartz Court and Slate Court are unique names for the local emergency services dispatch area and adhere to the requirements established for street naming established in Chapter 31 of City Code.

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant could not take actions to obtain approval, the explanation is:

Not applicable.

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant could take actions to obtain approval, such actions might include:

Not applicable.

NOTICE TO APPLICANT AND AFFECTED PERSONS: The Planning and Zoning Commission's recommendation to the City Council is not a final decision, and thus, shall not be subject to reconsideration or appeal.

By: _____
Signature of Planning and Zoning Commission Chair or Vice Chair or Acting Chair

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Specialist

Sec. 37-45. Lot size.

In an R-3 zone, the minimum lot size shall be as follows:

- (1) Lot area shall be a minimum of six thousand (6,000) square feet plus an additional ~~two~~one thousand five hundred (~~21~~1,500) square feet for each dwelling unit over one (1).
- (2) Lot width shall be a minimum of sixty (~~65~~0) feet.
- (3) Lot depth shall be a minimum of eighty (80) feet.

Sec. 37-49. Outdoor recreation area.

In an R-3 zone an outdoor recreation area shall be required in each multi-family residential development consisting of greater than ten (10) dwelling units. The recreation area shall be a minimum of five (5) percent of the lot area and shall have a minimum of one and one-half-inch caliper shade tree per three hundred fifty (350) square feet of outdoor recreation area. A fraction of one-half (½) or higher shall be rounded up to the nearest whole number in doing this calculation. The recreation area shall be accessible to all residents within the development and shall be of slope and configuration as to be practicable for the intended purpose. The recreation area shall contain active and/or passive recreation improvements which may include, but is not limited to, grass, trees, shrubs, picnic tables, playground equipment, shade structures, barbecues, horseshoe pits, ball courts, etc. The recreation area shall not be displaced or reduced below the minimum required size.

Sec. 37-50. R-4 higher density residential zone.

- (a) *Purpose.* To accommodate a compatible mixture of higher density residential uses with limited options for scattered, small-scale, low-impact neighborhood service businesses. Such areas are generally in proximity to major community facilities, employers, arterials and commercial developments. ~~Such uses and~~ generally serve as transition or buffer zones between major arterials or more intensively developed areas and residential districts.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 20, 10-25-99)

Sec. 37-51. Uses permitted outright.

In an R-4 zone the following uses and their accessory uses are permitted outright subject to the provisions of article IV:

- (1) Bed and breakfast facilities, subject to the special conditions of section 37-13.1(1) of this Code;
- (2) Church, subject to the special conditions of section 37-20.1(2) of this Code;
- (3) Class A manufactured home;
- (4) Commercial uses legally established as of December 31, 2004, and which have maintained a valid business license and occupation permit;
- (5) Family day care, subject to the special conditions of section 37-13.1(2) of this Code;
- (6) ~~Hospital;~~ Group day care, subject to the special conditions of section 37-13.1(3) of this Code;
- (7) Intermediate care facility, subject to the special conditions of section 37-44.1(1) of this Code;
- (8) Long-term care facility, subject to the special conditions of section 37-44.1(2) of this Code;
- (9) Manufactured home park, subject to the provisions of chapter 23 of this Code, with a maximum density of eighteen (18) dwelling units per acre;

- (10) Mortuary, subject to the special conditions of section 37-20.1(1) of this Code;
- (11) Multifamily dwelling, meeting the standards of section 37-124.1 of this Code;
- (12) School, subject to the special conditions of section 37-20.1(3) of this Code;
- (13) Single-family dwelling;
- (14) Small lot development subject to the requirements of section 37-33 of this Code, standards for small lot development;
- (15) Tiny house village, subject to the provisions of chapter 23 of this Code, with a maximum density of eighteen (18) dwelling units per acre;
- (16) Two-family dwelling.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4161, § 6, 7-1-96; Ord. No. 4249, § 21, 10-25-99; Ord. No. 4385, § 9, 2-14-05; Ord. No. 4386, § 4, 2-14-05; Ord. No. 4433, § 5, 1-9-06; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4676, § 18, 11-28-16; Ord. No. 4841, § 10, 11-14-22)

Sec. 37-52. Conditional uses permitted.

In an R-4 zone, the following uses and their accessory uses are permitted when authorized in accordance with the standards and requirements in articles IV and IX:

- (1) Repealed by Ord. No. 4742.
- (2) Day care center, subject to the special conditions of section 37-20.1(5) of this Code;
- (3) ~~Dormitory, subject to the special conditions of section 37-44.1 of this Code;~~
- (4) ~~Group day care, subject to the special conditions of section 37-13.1(3) of this Code; Eating and drinking establishment. Qualification for an eating and drinking establishment in the R-4 Zones is contingent upon it being small scale and neighborhood oriented with no drive-thru service;~~
- (5) Intensification, or expansion of commercial uses of ten (10) percent of the building area or more which were legally established and licensed for business and occupation;
- (6) ~~Noncommercial kennel, subject to the commercial kennel standards of section 37-163(15) of this Code;~~
- (7) ~~Personal service uses;~~
- (8) ~~Professional offices, except medical, dental, and banking services;~~
- (9) ~~Preschool, subject to the special conditions of section 37-20.1(6) of this Code;~~
- (10) ~~Public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency. Other limited commercial uses that are consistent with the purpose of the R-4 zone and are not detrimental to any of the outright permitted uses or other existing conditional uses or to nearby residential uses;~~
- (11) Re-establishment of a commercial use which was legally established but where the business and occupation license has lapsed for a period not to exceed one (1) year;
- (12) Replacement of a nonconforming residential use not located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to setback and yard requirements of the R-2 zone;
- (13) Semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency.

Sec. 37-53. Lot size.

In an R-4 zone, the minimum lot size shall be as follows:

- (1) Lot area shall be a minimum of five thousand (5,000) square feet plus an additional one thousand six hundred (1,600) square feet per dwelling unit over one (1).
- (2) Lot width shall be a minimum of fifty (50) feet.
- (3) Lot depth shall be a minimum of eighty (80) feet.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4531, § 5, 7-13-09; Ord. No. 4676, § 19, 11-28-16)

Sec. 37-54. Yards.

Except as provided in article VIII, in an R-4 zone minimum yard requirements shall be as follows:

- (1) A front yard shall be a minimum of twenty (20) feet or thirty-five (35) feet from the centerline of the street, whichever is greater.
- (2) A side yard shall be a minimum of five (5) feet and the total of both side yards shall be a minimum of fifteen (15) feet, except that on corner lots the side yard on the street side shall be a minimum of fifteen (15) feet from the property line or thirty-five (35) feet from the centerline of the street, whichever is greater.
- (3) A rear yard shall be a minimum of twenty (20) feet.
- (4) Side and rear yards shall be increased by one (1) foot for each foot by which a building exceeds a height of thirty-five (35) feet. A front yard shall be increased by one (1) foot for each two (2) feet by which a building exceeds thirty-five (35) feet.
- (5) Two-family dwelling units constructed as a use permitted outright in this zone and constructed so as to share a common or adjoining side wall shall be allowed to legally split into two (2) minimum five thousand (5,000) square foot lots, provided the front and rear setbacks are in compliance with this chapter and the side yard opposite the zero-lot line shall be a minimum of fifteen (15) feet. In no case shall the minimum width of the zero-lot line lot be less than fifty (50) feet nor the depth less than eighty (80) feet.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4676, § 20, 11-28-16)

Sec. 37-55. Lot coverage.

In an R-4 zone, buildings shall not cover more than fifty (50) percent of the lot.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4676, § 21, 11-28-16)

Sec. 37-56. Height of buildings.

In an R-4 zone no building shall exceed a height of sixty (~~60~~50) feet.

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-57. ~~Reserved.~~ Outdoor recreation area.

In an R-4 zone an outdoor recreation area shall be required in each multi-family residential development consisting of greater than ten (10) dwelling units. The recreation area shall be a minimum of five (5) percent of the lot area and shall have a minimum of one and one-half-inch caliper shade tree per three hundred fifty (350) square feet of outdoor recreation area. A fraction of one-half (½) or higher shall be rounded up to the nearest whole number in doing this calculation. The recreation area shall be accessible to all residents within the development and shall be of slope and configuration as to be practicable for the intended purpose. The recreation area shall contain active and/or passive recreation improvements which may include, but is not limited to, grass, trees, shrubs, picnic tables, playground equipment, shade structures, barbecues, horseshoe pits, ball courts, etc. The recreation area shall not be displaced or reduced below the minimum required size.

Sec. 37-57.1. MXD-NL North Lewiston mixed use development zone.

Purpose. To foster mixed use development of a variety of commercial, industrial and residential uses in North Lewiston, utilizing development standards to protect abutting uses.

(Ord. No. 4283, § 3, 4-9-01)

Sec. 37-57.2. Uses permitted outright.

In the North Lewiston mixed use development (MXD-NL) zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of articles IV and IX:

- (1) Auto, boat, truck, recreational vehicle rental, sales and service;
- (2) Building supply outlet;
- (3) Business or professional offices;
- (4) Car wash;
- (5) Class A manufactured home;
- (6) Commercial or industrial laundry and dry cleaners;
- (7) Concrete or concrete products manufacturing;
- (8) Eating or drinking establishments;
- (9) Financial institutions;
- (10) Greenhouses and nurseries;
- (11) Heavy equipment sales;
- (12) Heavy equipment service subject to development standards;
- (13) Hotels or motels;
- (14) Industrial parks;
- (15) Keeping of livestock on lots where the predominant use on the property is residential, subject to the standards of sections 37-195 through 37-199 of this Code;
- (16) Manufactured home park, subject to the provisions of chapter 23 of this Code, with a maximum density of eighteen (18) dwelling units per acre;

- (17) Manufacturing, processing, assembly and distribution, except a use specifically listed as a conditional use in an M-1, M-2 or P zone, subject to development standards;
- (18) Office parks;
- (19) Personal services;
- (20) Public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;
- (21) Recreational vehicle park, subject to the standards of chapter 23 of this Code;
- (22) Retail sales and service;
- (23) Single-family, two-family, or multifamily residential, subject to the lot size requirements of the R-4 higher density residential zone, and multi-family residential shall be subject to the provisions of the standards of section 37-124.1 of this Code;
- (24) Repealed by Ord. No. 4742.
- (25) Tiny house village, subject to the provisions of chapter 23 of this Code, with a maximum density of eighteen (18) dwelling units per acre;
- (26) Truck terminals;
- (27) Veterinary clinic or kennel;
- (28) Warehousing and mini-storage, subject to development standards.

Sec. 37-49. Reserved. Sec. 37-93.7. Reserved. Outdoor recreation area.

In a BASPA zone an outdoor recreation area shall be required in each multi-family residential development consisting of greater than ten (10) dwelling units. The recreation area shall be a minimum of five (5) percent of the lot area and shall have a minimum of one and one-half-inch caliper shade tree per three hundred fifty (350) square feet of outdoor recreation area. A fraction of one-half (½) or higher shall be rounded up to the nearest whole number in doing this calculation. The recreation area shall be accessible to all residents within the development and shall be of slope and configuration as to be practicable for the intended purpose. The recreation area shall contain active and/or passive recreation improvements which may include, but is not limited to, grass, trees, shrubs, picnic tables, playground equipment, shade structures, barbeques, horseshoe pits, ball courts, etc. The recreation area shall not be displaced or reduced below the minimum required size.

Sec. 37-124.1. Standards for multifamily development.

Where multifamily dwellings are allowed as a use permitted outright or as a conditional use, the following standards shall apply:

- (1) Parking must be paved and meet all requirements of article VII, off-street parking and loading.
- (2) Where more than one (1) detached single-family dwelling exists on one (1) lot, the minimum required lot area shall be the minimum required by the zoning district multiplied by the number of detached single-family dwellings.
- (3) An outdoor recreation area shall be required in each multi-family residential development consisting of greater than ten (10) dwelling units. The recreation area shall be a minimum of five (5) percent of the lot area and shall have a minimum of one and one-half-inch caliper shade tree per three hundred fifty (350) square feet of outdoor recreation area. A fraction of one-half (½) or higher shall be rounded up to

the nearest whole number in doing this calculation. The recreation area shall be accessible to all residents within the development and shall be of slope and configuration as to be practicable for the intended purpose. The recreation area shall contain active and/or passive recreation improvements which may include, but is not limited to, grass, trees, shrubs, picnic tables, playground equipment, shade structures, barbeques, horseshoe pits, ball courts, etc. The recreation area shall not be displaced or reduced below the minimum required size.

Sec. 37-82. Conditional uses permitted.

In a C-6 zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of articles IV and IX:

- (1) Public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;
- (2) Semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency;
- (3) Other limited arterial commercial uses which are not permitted outright but which are consistent with the purpose of the C-6 Zone, and are not detrimental to any of the outright permitted uses or other existing conditional uses;
- (4) Homeless shelter, subject to the standards of section 37-125 of this Code;
- (5) Bridge housing shelter, subject to the standards of section 37-125 of this Code;
- (6) Transitional housing village, subject to the provisions of chapter 42 of this Code;
- (7) Multi-family residential uses not on the ground floor of a building.

These potential code amendments are offered as a compromise to a local developer's desire to eliminate the requirement that an attached garage shall be recessed from the living space of the home by at least four feet and to eliminate the requirement to provide street trees in the right of way. These changes would satisfy his desire to not have to comply with the aforementioned requirements **and adds flexibility for all developers** choosing to do small lot development by offering the qualities deemed appropriate to mitigate impacts from small lot development as a shopping list of development qualities from which they get to choose a number of them that fits their particular development needs or circumstances. Simply eliminating the development design items he wants deleted would erode the quality of the built environment these regulations are intended to provide in small lot development neighborhoods, effecting not only the residents thereof, but all residents driving to and through or by them.

Joel D. Plaskon, AICP
City Planner

Sec. 37-33. Small lot development or zero lot line development.

(a) *Lot size.*

- (1) For a single-family dwelling, the minimum lot area shall be four thousand (4,000) square feet;
- (2) For a two-family dwelling, the minimum lot area shall be six thousand five hundred (6,500) square feet;
- (3) Lot dimensions shall be a minimum of forty (40) feet and sixty-five (65) feet, with either dimension serving as lot width or lot depth, so long as both dimensions are met; provided, however, the minimum lot width for a lot street frontage that is a street curve radius only shall be thirty (30) feet, or twenty (20) feet if adjacent to a shared driveway evidenced by a recorded easement with the neighboring lot.

(b) *Yards.* Except as provided in section 37-156 of this Code, the minimum yard requirements shall be as follows:

- (1) A front yard shall be a minimum of ten (10) feet or twenty-five (25) feet from the centerline of the adjacent street, whichever is greater, except a front yard for a garage or carport shall be a minimum of twenty (20) feet.
- (2) A side yard shall be:
 - a. Zero (0) feet for the common wall of a single-family dwelling that is attached to another single-family dwelling where the common wall is also a property line established by the subdivision platting process of chapter 32 of this Code, Subdivisions; or
 - b. A minimum of five (5) feet, except (i): on corner lots the street side yard shall be a minimum of ten (10) feet or twenty-five (25) feet from the centerline of the adjacent street, whichever is greater; and (ii) for a garage or carport, a side yard shall be a minimum of twenty (20) feet.
- (3) A rear yard shall be a minimum of twenty (20) feet except when one (1) side yard is at least twenty (20) feet, the rear yard may be reduced to ten (10) feet.

(c) *Building size.* In small lot development, buildings shall not cover more than sixty (60) percent of the lot.

(d) *Standards Detached Accessory Buildings.* One (1) detached garage, carport, or storage building shall be allowed, so long as such detached garage, carport, or storage building does not exceed four hundred eighty-four (484) square feet; does not exceed sixteen (16) feet in height; and is not located closer to a street right-of-way than the house, unless on a flag lot or on the street side of a corner lot. No other detached accessory buildings are allowed, unless they do not exceed one hundred twenty (120) square feet.

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(e) *Standards.* All homes within a small lot or zero lot line development shall comply with a minimum of five (5) of the following list of eight (8) items:-

- (21) ~~Except on a flag lot, h~~ouse facades fronting a street right-of-way shall have a minimum of fifteen (15) percent window area and shall include at least two (2) of the following for a minimum of twenty (20) percent of the length and/or height of the facade:
 - a. Color change;
 - b. Texture change;
 - c. Building material change; or

- d. Incorporation of a wall plane projection or recession with the plane projection being a minimum of one (1) foot in depth and a minimum height equal to twenty-five (25) percent of the height of the wall.
- (32) Primary entrances ~~to homes~~ shall incorporate a covered front porch ~~or and other a minimum of three (3) of the following~~ building articulation elements as part of any street-facing facade; such as cornices, brackets, overhangs, shutters, ~~and bay windows, window boxes, as part of the street-facing facade, balconies, or other similar features.~~
- (43) ~~Except on a flag lot, h~~ouse facades fronting a street right-of-way shall not have an attached garage that exceeds seventy (70) percent of the width of the facade.
- (54) ~~Except on a flag lot, f~~or a home with an attached garage, the garage wall with the garage door shall be recessed at least four (4) feet from the adjoining habitable space wall of the home, unless the garage is accessed from the rear.
- (65) ~~Except on a flag lot, a~~All roofs shall be a hip, gable, or mansard roof with a minimum four-to-twelve (4:12) pitch with twelve (12) inch minimum eaves. Any mansard roof, ~~except on a flag lot,~~ shall incorporate dormers equal to at least twenty-five (25) percent of the facade area of the roof.
- (76) All parking shall be located at the rear of the lot with alley access.
- (7) All homes shall have a minimum of one (1) dormer.
- (8) ~~Street t~~rees. ~~Street trees~~Each lot shall have a minimum of one tree planted by the developer with automatic irrigation in the front yard ~~shall be planted by the developer or the lot owner in the right-of-way between the street and sidewalk, as approved by the city engineer and the city forester. The developer or the lot owner shall provide an automatic irrigation system for the street trees. The number of street trees required to be planted is one (1) per lot street frontage, except no street trees are required to be planted for lots on cul-de-sacs. Street trees shall be planted at a spacing of not less than thirty (30) feet and not greater than sixty (60) feet, unless otherwise approved by the city forester. Each lot owner shall be responsible for maintenance of the street tree(s) for his or her lot, including replacement when necessary. Street trees shall be planted for each lot prior to the approval of final inspection for the home on the lot, except when weather conditions do not allow planting of trees, which may typically occur between November 1 and March 1. If the tree is not planted due to the weather conditions, then it shall be planted either by the developer or homeowner within six (6) months of the approval of the final inspection, and the developer or homeowner shall call for inspection to verify the installation of the tree and associated automatic irrigation.-~~
- (Ord. No. 4433, § 2, 1-9-06; Ord. No. 4755, § 2, 9-9-19; Ord. No. 4835, § 1, 12-20-21)