

ARTICLE 4
Zoning Districts

§ 120-410.1. Commercial District I North (C-1N). [Added 7-12-2022 by Order No. 22-126; 4-25-2023 by Order No. 23-067; 4-25-2023 by Order No. 23-060; 8-15-2023 by Order No. 23-150]

- A. Intent. The intent of this district is to provide and enable the continuation of existing general retail sales, services and business space within the Town of Windham in locations capable of conveniently servicing community-wide and/or regional trade areas, with safe, well-regulated automobile access and pedestrian access where appropriate.
- B. Permitted uses. The following uses, as they are defined in Article 3, shall be permitted in the Commercial District I North as a matter of right. Refer to Article 5, Performance Standards, or Subsection F, District standards, for additional use information.

Agriculture

Assisted living facility

Adult business establishment

Adult use marijuana store

Automobile gas station

Automobile repair services

Bank

Building, accessory

Business and professional office

Child-care facility

Child care, family home

Club

Contractor services

Contractor services, landscaping

Contractor storage yard

Construction services, heavy, major

Construction services, heavy, minor

Convention center

Distribution center

Drive-through facility

Dwelling, two-family

Dwelling, multifamily

Dwelling, mixed-use

Fitness center

Forestry

Funeral home

Home occupation 1

Home occupation 2

Hospital

Hotel

Housing for older persons

Industry, light

Industry, heavy

Marijuana manufacturing facility

Marijuana registered dispensary

Marijuana testing facility

Medical marijuana caregiver

Medical marijuana caregiver (Home occupation)

Medical marijuana caregiver retail store

Medical office

Mineral extraction

Motel

Nursing home

Place of worship

Public building

Public utility facility

Recreation facility, outdoor

Recreation facility, indoor

Research laboratory

Restaurant

- Retail sales
- Retail sales, automobile sales
- Retail sales, convenience
- Retail sales, minimart
- Retail sales, nursery
- Retail sales, outdoor
- Sawmill, temporary
- Service business, commercial
- Service business, personal
- Small engine repair
- Solar energy system – roof-mounted, small, medium, and large scale
- Solar energy system – ground-mounted, small scale
- Solar energy system – ground-mounted, medium scale
- Solar energy system – ground-mounted, large scale (see Subsection F, District standards, below)
- Theater
- Use, accessory
- Warehousing, private
- Wireless telecommunications tower and facility

C. Conditional uses. The following uses, as defined in Article 3, shall be allowed as a conditional use in accordance with § 120-516. Refer to Article 5, Performance Standards or Subsection F, District standards, for additional use information:

(1) Other.

D. Prohibited uses. Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

E. Dimensional standards. The following dimensional standards shall apply in the Commercial District I North:

(1) Minimum lot size: none.

(2) Net residential density: none.

(3) Minimum frontage: 100 feet.

(4) Minimum front setback: 40 feet.

(a) Minimum landscaped buffer strip: 20 feet.

- (b) Dwelling, two-family on Route 302: 300 feet.
- (5) Minimum side setback: six feet.
- (6) Minimum rear setback: six feet.
- (7) Maximum building height: 60 feet. **[Amended 8-15-2023 by Order No. 23-151]**

F. District standards. In addition to Article 5, Performance Standards, these standards shall apply to the following uses in the Commercial District I North: **[Amended 3-12-2024 by Order No. 24-033]**

- (1) Aquifer Protection Overlay District. See § 120-416 or § 120-417, Aquifer Protection Overlay Districts and the Town's Official Land Use Map.
- (2) Zoning district boundary buffer. See § 120-511, Buffer yard, in Article 5, Performance Standards, for requirements.
- (3) Curb cuts. See "Curb Cuts and Driveway Openings"¹⁵ in Article 5, Performance Standards, for additional standards applicable to the C-1N District.
 - (a) New, enlarged or rebuilt uses on an arterial road, as defined in Article 3, shall be limited to one curb cut. In addition, the following standards shall apply to these curb cuts:
 - [1] A minimum center-line turning radius of 25 feet must be provided.
 - [2] A larger turning radius shall be provided if the curb cut will be used by vehicles with a wheel base of 35.8 feet or larger. In this case, the latest American Association of State Highway and Transportation Officials (AASHTO) standard shall apply.
- (4) Industry, heavy. In the C1 District, this use shall not involve any activity defined in Article 3 as "manufacturing, hazardous." (See Article 3, Definitions.)
- (5) Minimum lot size. The State of Maine minimum lot size, and minimum lot size waiver, standards apply in the C-1N District when the Town's minimum lot size requirements are less restrictive than those of the State of Maine.
- (6) Retail sales, outdoor. The display or sale of products outside of a building shall meet the standards of Article 5. (See Article 5, Performance Standards.)
- (7) Sidewalks.
 - (a) The Planning Board may require the construction of public sidewalks on Roosevelt Trail (Route 302) as part of a site plan or subdivision application.
 - (b) When the construction of the sidewalk is not required by the Planning Board as part of a site plan approved in accordance with Article 8 of this chapter, the following commercial development activities shall pay the North Windham sidewalk impact fee in § 120-1202 to provide safe pedestrian conditions in the Commercial 1N District:
 - [1] The construction or placement of new building(s) with a cumulative area that

is greater than, or equal to, 500 square feet; or

[2] The enlargement of existing buildings by more than 500 square feet.

- (8) Affordable housing. Affordable housing developments are eligible for increases in residential density and building height and reductions in lot size, frontage and parking requirements identified in Article 5, Performance Standards, if the development meets the applicable criteria in § 120-502.
- (9) Solar energy system – ground-mounted, large scale. This use shall only be allowed when co-located with parking lots or to supply the electrical or thermal power to reduce the on-site consumption of utility power or fuels by a principal commercial or residential use on the same parcel. When not co-located with a parking lot, a system shall not be designed to create additional power, but additional power may result from on-site use that is less than the designed capacity.
- (10) Marijuana registered dispensary. In the C-1N District, this use shall not involve any cultivation or manufacturing of marijuana on site, notwithstanding the definition of "marijuana registered dispensary" in Article 3. (See Article 3, Definitions.) **[Added 3-12-2024 by Order No. 24-033]**

§ 120-411.1. Commercial District IV (C-4). [Added 8-15-2023 by Order No. 23-151]

- A. Intent. The intent of this district is to provide for a mixed commercial and residential zone as a buffer zone between the Commercial District I North and the abutting residential areas.
- B. Permitted uses. The following uses, as they are defined in Article 3, shall be permitted in the Commercial IV District as a matter of right. Refer to Article 5, Performance Standards, or Subsection F, District standards, for additional use information.

Adult business establishment

Agriculture

Bank

Bed-and-breakfast inn

Building, accessory

Business and professional office

Child-care facility

Child-care, family home

Club

Convention center

Drive-through facility

Dwelling, single-family detached

Dwelling, two-family

Dwelling, multifamily

Dwelling, mixed-use

Fitness center
Forestry
Funeral home
Home occupation 1
Home occupation 2
Hotel
Housing for older persons
Medical marijuana registered caregiver
Medical marijuana registered caregiver (home occupation)
Medical office
Motel
Public building
Public utility facility
Recreation facility, indoor
Recreation facility, outdoor
Research laboratory
Restaurant
Retail sales
Retail sales, convenience
Retail sales, nursery
Retail sales, outdoor
Service business, personal
Solar energy system - roof-mounted, small, medium, and large scale
Solar energy system - ground-mounted, small scale
Solar energy system - ground-mounted, medium scale
Solar energy system - ground-mounted, large scale
Theater
Use, accessory
Wireless telecommunications tower and facility

- C. Conditional uses. The following uses, as defined in Article 3, shall be allowed as a conditional use in accordance with § 120-516. Refer to Article 5, Performance Standards or Subsection F, District standards, for additional use information.
 - (1) Other.
- D. Prohibited uses. Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.
- E. Dimensional standards. The following dimensional standards shall apply in the Commercial

District IV:

- (1) Minimum lot size: none.
 - (a) Dwelling, single-family; two-family; multifamily: 40,000 square feet.
- (2) Net residential density: 5,000 square feet.
- (3) Minimum frontage: 150 feet.
- (4) Minimum front setback: 40 feet
 - (a) Minimum buffer along streets: See § 120-511, Buffer yard.
- (5) Minimum side setback: 10 feet.
- (6) Minimum rear setback: 10 feet.
- (7) Maximum building height: 45 feet.

F. District standards. In addition to Article 5, Performance Standards, these standards shall apply to the following uses in the Commercial District IV:

- (1) Curb cuts. See § 120-522, Curb cuts and driveway openings, in Article 5, Performance Standards, for standards applicable to the C-4 District.
- (2) Minimum lot size. The State of Maine minimum lot size, and minimum lot size waiver, standards apply in the C-4 District when the Town's minimum lot size requirements are less restrictive than those of the State of Maine.
- (3) Minimum side setback reduction. The required minimum side setback shall be permitted to be reduced to zero where a common wall is proposed between buildings.
- (4) Retail sales, outdoor. The display or sale of products outside of a building shall meet the standards of Article 5 (see Article 5, Performance Standards).
- (5) Zoning district boundary buffer. See § 120-511, Buffer yard, in Article 5, Performance Standards, for requirements.
- (6) Affordable housing. Affordable housing developments are eligible for increases in residential density and building height and reductions in lot size, frontage and parking requirements identified in Article 5, Performance Standards, if the development meets the applicable criteria in § 120-501.1.

ARTICLE 5
Performance Standards

§ 120-521. Controlled access street. [Amended 1-22-2013 by Order 13-002]

- A. For the purposes of this chapter, only the following streets shall be classified as controlled access streets: Manchester Drive and Veteran's Memorial Drive (the Eastern Connector).
- B. All curb cuts on a controlled access street must be spaced at least 300 linear feet from the nearest curb cut on said controlled access street. (See Article 3, definition of "street classification.")