Town of Windham
Planning Department
8 School Road
Windham, Maine 04062
Tel: (207) 894-5960 ext 2
Fax: (207) 892-1916
www.windhammaine.us

MEMO

DATE: September 10, 2021

TO: Windham Town Council
THROUGH: Barry Tibbetts, Town Manager
FROM: Amanda Lessard, Planning Director
Cc: Windham Planning Board
Long Range Planning Committee

RE: Planning Board Recommendation - Land Use Ordinance Amendments, Proposed Windham Center Growth Area Zoning

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At the Planning Board's meeting on August 23, 2021, a public hearing was held on the proposed amendments to the Land Use Ordinance, Sections 400 Zoning Districts, 500 Performance Standards and 800 Site Plan Review, to create two new zoning districts, Windham Center (WC) and Village Residential (VR), as well as proposed changes to curb cut, drive-through facility, medical office, and commercial district design performance standards related to the new districts.

Summary of attached proposed ordinance amendments:

Section 400 District Standards

- Section 401.B - Add Windham Center District and Village Residential District
- Add Section 406.K Windham Center District (WC)
- Add Section 406.L Village Residential District (VR)

Section 500 Performance Standards

- Section 522 Curb Cuts and Driveway Openings
  - Add VR, VC, and WC
  - Strike "in the C1 District" in Section 522.B as section is not applicable to C1
- Section 524 Drive-through Facility
  - Add prohibition to queuing vehicles on any public street.
- Section 538 Medical Office
  - Add VR to limit size of medical office in residential district

Section 800 Site Plan Review

- Section 813 Commercial District Design Standards
  - Add Windham Center District and specified Design Standards required in WC

Six (6) member of the public submitted written comments and fifteen (15) members of the public provided testimony on the amendments commenting that too many uses were being permitted without special exception in a rural and historic area that deserves to be protected, the change will cause property taxes to increase, developers should build sidewalks, bike lanes are needed, drive-throughs are a bad idea because of pollution, noise and congestion, new development will be too close to existing homes, Windham Center should not be turned into North Windham or Westbrook or Portland, the cost to the Town for increased growth is too much, lot sizes shouldn't be reduced, increased development will impact the Pleasant River, this is a quiet area do not want to see an increase in people, traffic, noise or light pollution, the area can not be walkable because the traffic speed is too high, the area proposed to be rezoned is too large and should be more targeted, people will just build duplexes because that is what is in demand and that could be an unintended consequence, pitched roofs should not be required for one and two-story homes because that flat roofs fits the character of the area and the Comp Plan does not have any requirements for building architecture.

Following the public hearing members of the Board discussed that the if the goal is to create a walkable area then sidewalks should be required, drive-throughs should not be allowed, some of the commercial uses may be too large or intense, growth is happening and the Town needs to determine where to put it, the Comprehensive Plan identifies Windham Center as a growth area but this seems like a large area that may be too much for one proposal.

Following discussion of the proposed changes, the Board made the following motion:

To recommend approval of the proposed amendments to the Land Use Ordinance and the Official Land Use Map for the creation of the Windham Center (WC) and Village Residential (VR) Districts with the following comments: Narrow the size of the districts, limit the size of businesses, a theater should only be a community theater not a cinema, sidewalks should be mandatory, and drive-throughs should not be allowed.
Motion: Rick Yost
Second: Marge Govoni
Vote: 4-0.

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MEMO

DATE: July 29, 2021

TO: Windham Planning Board
FROM: Amanda Lessard, Planning Director
Cc: Steve Puleo, Planner
Long Range Planning Committee

RE: Land Use Ordinance Amendments: Proposed Windham Center Growth Area Zoning
Planning Board Meeting & Public Hearing – August 9, 2021

At their meeting on June 22, 2021, the Town Council voted to forward the enclosed proposed ordinance changes related to the Windham Center Growth Area to the Board for review and recommendation. The proposed amendments to the Land Use Ordinance, Sections 400 Zoning Districts, 500 Performance Standards and 800 Site Plan Review, creates two new zoning districts, Windham Center (WC) and Village Residential (VR), and proposes changes to curb cut, drive-through facility, medical office, and commercial district design performance standards related to the new districts.

The recommendations were drafted by the Long Range Planning Committee to implement 2017 Comprehensive Plan Future Land Use Plan Strategy 2, "To support the locations, types, scales, and intensities of land uses the community desires as stated in its vision," and Goal 2.a, "Using the descriptions provided in the Future Land Use Plan narrative, maintain, enact or amend local ordinances as appropriate to clearly define the desired scale, intensity and location of future development".

The proposed Land Use Map Amendment affects 802 properties, an area of approximately 2,400 acres. More specifically the properties proposed to be rezoned are:

- 230 properties from Farm Residential (FR) to Windham Center (WC)
- 12 properties from Farm (F) to Windham Center (WC)
- 28 properties from Commercial III (C3) to Windham Center (WC)
- 408 properties from Farm Residential (FR) to Village Residential (VR)
- 66 properties from Farm (F) to Village Residential (VR)
- 59 properties from Farm (F) to Farm Residential (FR)
- 3 properties from Farm Residential (FR) to Farm (F)

In addition to the proposed recommended ordinances and map, also enclosed is a map of the zoning changes, and tables comparing the proposed WC and VR dimensional standards and land uses to Windham's existing zoning districts.

Summary of Proposed Ordinance Changes:

Section 400 District Standards

- Section 401.B - Add Windham Center District and Village Residential District
- Add Section 406.K Windham Center District (WC)
- Add Section 406.L Village Residential District (VR)

Section 500 Performance Standards

- Section 522 Curb Cuts and Driveway Openings
    - Add VR, VC, and WC
    - Strike "in the C1 District" in Section 522.B as section is not applicable to C1
- Section 524 Drive-through Facility
    - Add prohibition to queuing vehicles on any public street.
- Section 538 Medical Office
    - Add VR to limit size of medical office in residential district

Section 800 Site Plan Review

- Section 813 Commercial District Design Standards
    - Add Windham Center District and specified Design Standards required in WC

Zoning Amendment Process

The Planning Board must hold a public hearing prior to making a recommendation on this item to the Town Council. The Town Council will need to hold a public hearing and vote on the proposed changes to the Land Use Ordinance for the changes to be officially approved.

A public hearing is scheduled for the August 9, 2021 Planning Board meeting. After the public hearing and discussion by the Board, the Planning Board may vote on a recommendation to the Town Council similar to the following:

MOTION: To (**recommend/recommend with comments/not recommend**) approval of the proposed amendments to the Land Use Ordinance and the Official Land Use Map for the creation of the Windham Center (WC) and Village Residential (VR) Districts.

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MEMO

DATE: June 9, 2021

TO: Windham Town Council
THROUGH: Barry Tibbetts, Town Manager
FROM: Amanda Lessard, Planning Director
CC: Long Range Planning Committee

RE: Windham Center Growth Area
Attached: Proposed Windham Center Growth Area zoning, Proposed Affordable Housing standards

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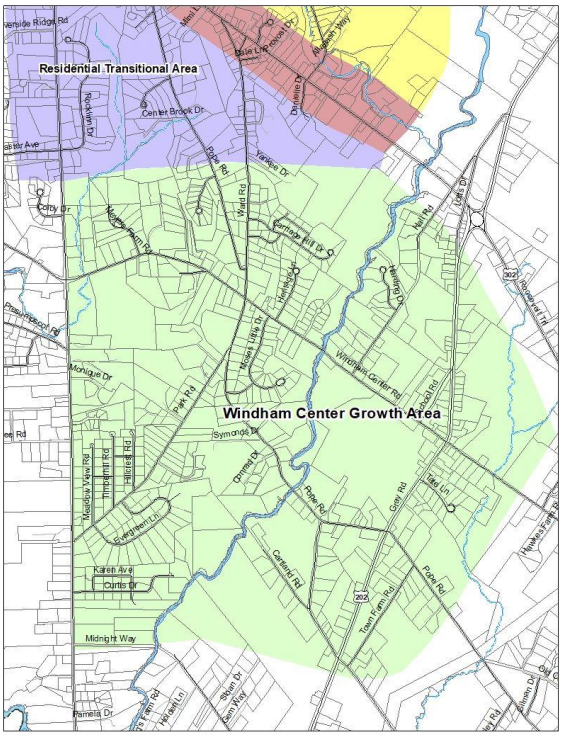
The primary responsibility of the Long Range Planning Committee (LRPC) is to implement the Comprehensive Plan Update, adopted in 2017. The Town Council directed the Long Range Planning Committee (LRPC) to review the zoning in growth areas. The Future Land Use Map included in the Plan shows the general areas of Windham that should be targeted for growth and those areas that are important to the community to keep at low development levels. The Comprehensive Plan species that the LRPC has responsibility to implement Future Land Use Plan Strategy 2, "To support the locations, types, scales, and intensities of land uses the community desires as stated in its vision," and Goal 2.a, "Using the descriptions provided in the Future Land Use Plan narrative, maintain, enact or amend local ordinances as appropriate to clearly define the desired scale, intensity and location of future development".

The Windham Center Growth Area is currently mostly zoned as Farm Residential (FR), the same as zoning in Rural Areas, where growth is not encouraged.



As described in the 2017 Comp Plan on page 30, the areas of town know as Windham Hill and Popeville are included in the Windham Center Growth Area, which is generally located between River Road and Route 202 (Gray Road), north of Swett Road and south of the Rotary at Routes 302/202 and south of Otterbrook Drive off River Road. This area serves as the civic core of the community and as such, more walkable, connected residential development should be encouraged.

The LRPC reviewed the existing land uses and lots sizes in the Windham Center Growth Area and zoning standards in other Growth Areas and determined that no other existing zoning district aligns with the Vision or the existing conditions in Windham Center. The LRPC recommends two (2) new zoning districts divided by the Pleasant River: Windham Center (WC) District and Village Residential (VR) District.

The Windham Center District is proposed to be a higher density walkable residential area complemented by public community and civic spaces with limited business services. The Village Residential District is proposed to be a

residential area with a mixture of limited small business uses that meet local neighborhood needs for services. District Performance Standards require pitched rooflines, provide limitations on uses, require all new streets to be public streets, and requires sidewalk construction when a connection is possible to an existing sidewalk (a sidewalk impact fee is recommended when no connection is possible).

Zoning District	Min Lot Size (sf)	Net Density (sf)	Max Height (ft)	Min Front Setback (ft)	Min Side/Rear Setback (ft)	Min Road Frontage (ft)
Farm (F)	80,000	60,000	35	40	10	200
Farm Residential (FR)	50,000	40,000	35	30	10	150
Village Residential (VR)	**40,000**	**20,000**	**35**	**30**	**15**	**100**
Windham Center (WC)	**30,000 w 20,000**	**15,000**	**45**	**20**	**10**	**100**
Medium Density Residential (RM)	30,000 w 20,000	15,000	35	30	10	100
Village Commercial (VC)	20,000 5,000 s	5,000 2,500 s	35	N/A	None/20	50

The LRPC also recommends new Affordable Housing standards that would be applicable in growth areas (C-1, C-2, RM, VC, and WC zoning district) on properties served by public water. This recommendation is intended to address Comp Plan Housing Goal 2.a to encourage the development of affordable/workforce housing. The proposed standards allow increases in density and height, and decreases in lot size, frontage and setback. All units must meet the federal median family income standard and maintain affordability for 10 years (ownership) or 30 years (rental units).

The LRPC held a public forum on March 3, 2021 to present their approach to rezoning the Windham Center Growth Area and the proposed Windham Center District and Village Residential District standards. The LRPC evaluated the public input and revised proposed zoning changes to reflect public feedback. The proposed recommended ordinances and map changes are enclosed.

401 Districts Enumerated

To implement the provisions of this Ordinance, the Town of Windham is hereby divided into the following Districts:

A. Shoreland Zoning (*See Chapter 199 from the Code of the Town of Windham*)
1. Resource Protection District (RP)
2. General Shoreland Development District (GD)
3. Limited Residential-Recreation District (LR)
4. Stream Protection District (SP)

B. Zoning Districts
1. Farm District (F)
2. Farm-Residential District (FR)
3. Light-Density Residential District (RL)
4. Medium Density Residential District (RM)
5. Commercial District I (C1)
6. Commercial District II (C2)
7. Commercial District III (C3)
8. Industrial District (I)
9. Enterprise Development District (ED)
10. Village Commercial District (VC)
11. Windham Center District (WC)
12. Village Residential District (VR)

C. Overlay Districts
1. Aquifer Protection Overlay District Zone A (APA)
2. Aquifer Protection Overlay District Zone B (APB)
3. Manufactured Housing Park Overlay District (MHPO)
4. Roosevelt Trail Business and Professional Office Overlay Zone
5. Retirement Community and Care Facility Overlay District (RCCFO)

D. Contract Zones
1. Village at Little Falls Contract Zone (VLF)
2. Windham Center Contract Zone (WCC)
3. Amendment to Windham Contract Zoning Agreement between RKR LLC, and the Town of Windham (WCC)
4. Mallison Falls Contract Zone (MF)

402 Location of districts; Zoning Map

A. District Location. The districts identified in Section 401 are located and bounded as shown on the Official Land Use District Map, entitled "Land Use Map of Windham, Maine", dated May 25, 1976, as amended from time to time, and on file in the office of the Municipal Clerk. Said map is hereby incorporated in and made part of this chapter.

K. Windham Center District (WC)

1. Intent

The intent of the Windham Center District is to serve as a primarily residential area with a walkable mixture of various uses that will support and promote business and community within the area. Uses are intended to complement one another and allow for different offerings such as art and cultural spaces, public community space, educational/institutional uses, residential, and other small business enterprise uses that meet local neighborhood needs for limited business services.

2. Permitted Uses

- Agriculture
- Artist Studio
- Assisted Living Facility
- Bank
- Bed & Breakfast Inn
- Boarding Home for Sheltered Care
- Building, Accessory
- Business & Professional Office
- Cemetery
- Child Care Facility
- Child Care, Family Home
- Dwelling, Mixed Use
- Dwelling, Single-Family Detached
- Dwelling, Two-Family
- Dwelling, Multifamily
- Fitness Center
- Forestry
- Home Occupation 1
- Home Occupation 2
- Housing for Older Persons
- Medical Marijuana Caregiver
- Medical Marijuana Caregiver (Home Occupation)
- Medical Office
- Nursing Home
- Park, Public
- Place of Worship
- Public Building
- Restaurant
- Retail Sales
- Retail Sales, Convenience
- Service Business, Commercial
- Service Business, Personal
- Theater
- Use, Accessory
- Wireless Telecommunications Facility

3. Conditional Uses

- Drive-through Facility
- Public Utility Facility
- Recreation Facility, Indoor
- Recreation Facility, Outdoor
- Riding Stable
- Rooming House
- Small Engine Repair

4. Prohibited Uses

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

5. Dimensional Standards

(a) Minimum Lot Size:	
(1) Standard	30,000 s.f
(2) Lots connected to public water	20,000 s.f.
(b) Net Residential Density	15,000 s.f.
(c) Minimum Frontage	100 ft.
(d) Minimum Front Setback	20 ft.
(1) The minimum front Setback of a lot may be reduced to the average setback distance of the existing buildings located on the lots to either side of said lot.	
(2) Multifamily Dwellings and Non-Residential Uses: Minimum Landscaped Buffer Strip	15 ft.
(e) Minimum Side Setback	10 ft.
(f) Minimum Rear Setback	10 ft.
(g) Maximum Building Height	45 ft.
(1) Public Buildings, Church Steeples	No Limit
(h) Maximum Building Coverage:	50%

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Windham Center District:

(a) Bank:
(1) Building footprint shall be limited to 3,000 s.f.
(2) Drive-through facilities must be in the rear of the building

(b) Buffer Requirement. New buildings or structures containing, or accessory to, commercial or multifamily dwelling uses constructed on properties in the Windham Center District that abut a residential zoning district shall provide a fifty (50) foot natural buffer from the zoning district boundary line.

(c) Building Architecture. All building rooflines must be pitched. The minimal pitch shall be at least 4/12.

Commented [ALL1]: This roof pitch with a 45' height limit could allow for a 4-story building

(d) Retail Sales, Minimart: The building footprint shall be limited to 3,000 s.f.

(e) Restaurant:
(1) Maximum seating shall be 40 seats.
(2) Restaurants shall not be permitted to include a drive-through facility.

(f) Retail Sales: The maximum area of a building dedicated to retail sales shall be 5,000 s.f.

(g) Sidewalks New, enlarged or rebuilt uses shall provide sidewalks along any public way that border the property when there is an existing sidewalk to which the proposed sidewalk can connect.
(1) Sidewalks shall be constructed in accordance with the standards in Tables 3 and 4 in Appendix B of this Ordinance.
(2) Sidewalk construction shall meet all applicable American with Disabilities Act (ADA) Standards.

Commented [ALL2]: LRPC instead recommends a Sidewalk Impact Fee when there is no existing sidewalk connection

(h) Streets. All new and reconstructed Streets must be built to Public Street standards. No new Private Roads are allowed.

(i) Street trees shall be planted along the street Frontage, at least one tree every fifty (50) feet.
(1) These trees must be evenly spaced and placed within the right-of-way as close to the property as possible. In the event the lot owner does not have the right to plant within the right-of-way, the street trees will be placed on the lot as close to the right-of-way as possible.
(2) Street trees shall be of a size and a variety specified on a Town of Windham recommended tree list available from the Public Works Department.

L. Village Residential District (VR)

1. Intent

The intent of the Village Residential District is to serve as a residential area with a walkable mixture of limited small business enterprise uses that meet local neighborhood needs for limited business services.

2. Permitted Uses

- Agriculture
- Artist Studio
- Building, Accessory
- Cemetery
- Child Care Facility
- Child Care, Family Home
- Dwelling, Single-Family Detached
- Dwelling, Two-Family
- Dwelling, Multifamily
- Forestry
- Home Occupation 1
- Home Occupation 2
- Kennel, Minor
- Housing for Older Persons
- Medical Marijuana Caregiver
- Medical Marijuana Caregiver (Home Occupation)
- Park, Public
- Place of Worship
- Public Building
- Service Business, Personal
- Use, Accessory
- Wireless Telecommunications Facility

3. Conditional Uses

- Assisted Living Facility
- Bed and Breakfast Inn
- Boarding Home for Sheltered Care
- Kennel, Major
- Medical Office
- Nursing Home
- Public Utility Facility
- Recreation Facility, Indoor
- Recreation Facility, Outdoor
- Riding Stable
- Retail Sales, Convenience
- Retail Sales, Nursery
- Rooming House

4. Prohibited Uses

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

5. Dimensional Standards

(a) Minimum Lot Size:	
(1) Standard	40,000 s.f
(b) Net Residential Density	20,000 s.f.
(c) Minimum Frontage	100 ft.
(d) Minimum Front Setback	30 ft.
(1) The minimum front Setback of a lot may be reduced to the average setback distance of the existing buildings located on the lots to either side of said lot.	
(2) Multifamily Dwelling and Non-Residential Uses: Minimum Landscaped Buffer Strip	15 ft.
(e) Minimum Side Setback	15 ft.
(f) Minimum Rear Setback	15 ft.
(g) Maximum Building Height	35 ft.
(1) Public Buildings, Church Steeples	No Limit
(h) Maximum Building Coverage:	20%

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Village Residential District:

(a) Multi-family Dwellings: No more than 4 dwelling units per building.

(b) Building Architecture. All building rooflines must be pitched. The minimal pitch shall be at least 4/12.

(c) Medical Office: See "Medical Office" in Section 500 Performance Standards for size limitations.

(d) Buffer Requirements for Specific Non-residential Uses. The following uses shall provide a buffer strip, as defined, from all abutting properties that are solely occupied by a residential dwelling(s):

Commented [ALL3]: This roof pitch with a 35' height limit could allow for a 3-story building

Commented [ALL4]: In F, FR, RL, RM, VR2: A medical office located on a lot in a residential district shall have a combined footprint of 2,000 gross square feet or less.

(1) Boarding Home for Sheltered Care
(2) Medical Office
(3) Nursing Home
(4) Retail Sales, Convenience
(5) Dwelling, Multifamily

(e) Childcare Facility.
(1) Outdoor play areas must be located to the rear of the building.
(2) Maximum capacity of 50 children.

(f) Design Guidelines: Designs for new and rehabilitated structures and building sites are encouraged to use the standards in Section 813 and in the objectives and guidelines contained Section in the Town of Windham's 2005 Design Guidelines.

(g) Streets. All new and reconstructed Streets must be built to Public Street standards. No new Private Roads are allowed.

(h) Street trees shall be planted along the street Frontage, at least one tree every fifty (50) feet
(1) These trees must be evenly spaced and placed within the right-of-way as close to the property as possible. In the event the lot owner does not have the right to plant within the right-of-way, the street trees will be placed on the lot as close to the right-of-way as possible.
(2) Street trees shall be of a size and a variety specified on a Town of Windham recommended tree list available from the Public Works Department.

B. All curb cuts on a controlled access street must be spaced at least three-hundred (300) linear feet from the nearest curb cut on said controlled access street.

(*See Sec. 300 Definition of "Street Classification"*)

522 Curb Cuts and Driveway Openings

A. These standards provide for the review of any entrance onto a public way for compliance with sound construction and design practices to ensure that traffic safety, drainage and public improvements are not adversely affected. In many cases, this section works in conjunction with the street design standards in Section 900 Subdivision Review.

B. Zoning District Standards

1. F, FR, RL, RM, VR Districts

(a) A parcel shall be limited to two (2) curb cuts on the same street.

(1) The Planning Board may waive this standard ~~in the C1 District~~ to allow a maximum of two (2) curb cuts on a non-Arterial street if the request is part of a Site Plan or Subdivision Application. The applicable waiver criteria of Section 800 Site Plan or Section 900 Subdivision shall apply.

(b) Each curb cut shall be limited to thirty (30) feet in width.

(1) The Planning Board may waive this standard if the request is part of a Site Plan or Subdivision Application. The applicable waiver criteria of Section 800 Site Plan or Section 900 Subdivision shall apply.

2. C1, C2, C3, I, VC, WC Districts

(a) A parcel shall be limited to one (1) curb cut on the same street.

(1) The Planning Board may waive this standard ~~in the C-1 District~~ to allow a maximum of two (2) curb cuts on a non-Arterial street if the request is part of a Site Plan or Subdivision Application. The applicable waiver criteria of Section 800 Site Plan or Section 900 Subdivision shall apply.

(b) Each curb cut shall be limited to forty (40) feet in width.

(1) The Planning Board may waive this standard if the request is part of a Site Plan or Subdivision Application. The applicable waiver criteria of Section 800 Site Plan or Section 900 Subdivision shall apply.

523 Developable Land

A. Land proposed for development shall meet the following standards:

1. A parcel of land that meets the standards of the zoning district in which it is located, or

2. If located in an approved subdivision, a parcel of land that meets the standards for "Net Residential Area or Acreage" in section 500 Performance Standards.

524 Drive-through Facility

A. ~~A.~~ A drive-through facility shall only be allowed as part of a principle use that is allowed as either a permitted use or conditional use in the applicable zoning district. (*See Sec. 400 Zoning Districts*)

~~A.~~B. Drive-through facilities shall be designed and have sufficient stacking capacity to avoid the queuing of vehicles on any public street.

525 Dwelling, Mixed Use

A. The following standards shall apply to mixed use dwellings:
1. These uses shall not be permitted in the basement or first story of a building.

2. The entire building in which the uses are located shall be equipped with a sprinkler system approved by the Windham Fire Department or State Fire Marshall's Office.

526 Farm Enterprise

A. Approval Required. The Board of Appeals must approve all applications for a Farm Enterprise.
1. The granting of a Farm Enterprise shall apply to the applicant and shall not be transferable to a subsequent owner of the property.

B. Public Notification. Notice shall be sent to all owners of abutting property at least seven (7) days prior to the Board's initial consideration of an application.

C. Public Hearing. The Board of Appeals shall hold a public hearing on any application. Notice of the public hearing shall be:
1. Mailed to the owners of all abutting property at least seven (7) days prior to the hearing,

2. Advertised in a newspaper of general circulation at least seven (7) days prior to the hearing.

manufacture medical marijuana products in zoning districts where Marijuana Manufacturing Facilities are permitted.

E. Medical Marijuana Registered Caregiver (Home Occupation) shall at all times meet all permit and operational requirements for a home occupation and the additional license requirements for a Medical Marijuana Registered Caregiver (Home Occupation). See Section 527 Home Occupation 1 for limitations of Medical Marijuana Caregiver (Home Occupation). Medical Marijuana grown by Medical Marijuana Caregiver (Home Occupation) in basements and accessory structures shall be limited to less than one thousand (1,000) square feet floor area measured cumulatively per lot for all caregivers cultivating on the lot.

538 Medical Office

A. Residential Districts – F, FR, RL, RM, VR.

1. A medical office located on a lot in a residential district shall have a combined footprint of 2,000 gross square feet or less. (*See definition of "Building Footprint")*

2. A medical office located in a residential district shall be limited to the first story of the building. The additional height of the building's roof shall meet the height standard of the applicable zoning district.

539 Mobile Home Park

A. Mobile home parks shall located according to the Mobile Home Park Overlay District.

540 Motel

A. Rental for more than 30 cumulative days in a calendar year to the same guest, or guests, is prohibited.

541 Net Residential Area or Acreage

A. Non Subdivision. The net residential area or acreage of a lot shall be calculated by dividing the area of the parcel by the net residential density standard of the appropriate zoning district.

B. Subdivisions. The net residential area or acreage of a lot proposed for subdivision, as defined, shall be calculated by, 1) subtracting the items listed below from the gross acreage of a lot, and 2) dividing the resulting net residential area of the parcel by the net

813 Commercial District Design Standards

The following Design Standards are hereby established for development within Windham's Commercial 1, Commercial 2, Commercial 3, ~~and~~ Village Commercial and Windham Center districts. Where there is a conflict between a provision of the Design Standards and any other provision of this Ordinance, the more restrictive provision shall apply. In addition to meeting all Design Standards required in the applicable zoning district, development must comply with a minimum of eight (8) other Design Standards. For purposes of this section, "development" shall mean that portion of the project that:

a. is subject to site plan review under Section 800; or

b. will renovate twenty percent or more of the entire wall area of a structure on the site. For this type of renovation, the renovation will be subject to the required Design Standards in Section A below, but will not be subject to other required Design Standards.

Design Standards Framework

			C-1	C-2	C-3	VC	WC
A.	Architecture/Building						
	1	Building Style	R[1]	R	R	R	R
	2	Materials	R	R	R	R	R
	3	Color	R	R	R	R	R
	4	Roofline	R	R	R	R	R
	5	Façade	R	R	R	R	R
	6	Building style coordination (multi-building)	R	R	R	R	R
	7	Entrance	R	R	R	R	R
	8	Architectural Details	R	R	R	R	R
	9	LEED certification					
B.	Site/Parking						
	1	Parking location					
	2	Internal traffic flow					
	3	Interconnected Parking Lots					
	4	Orientation of Building					
	5	Screening - parking		R			R
	6	Screening - utilities & service areas/structures	R	R		R	R
	7	Parking Lot Landscaping					
	8	Low-Impact Design Stormwater					
	9	Shared Stormwater Treatment					
C.	Landscaping/Lighting						
	1	Lighting/Photometric plan	R			R	
	2	Lighting coordinated with architecture	R			R	

	3	Lighting coordinated with landscaping	R			R	
	4	Existing trees preserved			R		R
	5	Snow storage areas designated	R	R	R	R	R
	6	Planting variety					
	7	Planting suitability					
	8	Mass plantings					
	9	Illumination levels					
D.	Bike/Ped						
	1	Internal walkways	R				
	2	Links to community	R	R		R	R
	3	Outdoor activity area					
	4	Sidewalks	R				R
	5	Crosswalks	R				
	6	Bike parking/racks	R	R		R	R

1. Any item listed with an R in the Table is a required Design Standard in that zoning district.

The following Standards are taken from the booklet Town of Windham Design Guidelines, adopted by the Town Council on July 26, 2005, a copy of which is on file in the Windham Planning Office.

A. Architecture/Building

1. Building Style. Required in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

   a. National franchise prototypes are permitted provided they meet the Design Standards for architectural principles, scale, color, rooflines, and materials. Buildings that are stylized to the point where the structure is a form of advertising are not acceptable.

2. Materials. Required in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

   a. Traditional, high-quality building materials common to northern New England (e.g., brick, clapboard, shingles or other similar products) shall be used as the primary siding material. Contemporary materials that have the same visual characteristics as traditional materials (e.g., cement plank clapboards or vinyl siding) are acceptable if attention is paid to detailing (e.g., corners, trim at openings, changes in material). Painted MDO plywood is acceptable when used in combination with traditional materials.

   b. Awnings and canopies shall be made of canvas or similar material.

3. Color. Required in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

a. Facade colors shall be low reflectance. The use of high intensity, high reflectance, chrome, metallic, or fluorescent colors are prohibited on the primary building face.

4. Roofline. Required in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

a. Where pitched roofs are used, the minimal pitch shall be at least 5/12. Buildings with projecting rooflines shall be designed to create strong patterns of shade and shadow.

b. Non-traditional roof forms shall not be used as the primary roofline. Examples of non-traditional roof forms include, but are not limited to, false mansard, a-frames, and others.

c. Flat roofs are allowed provided that the design creates no horizontal line greater than 50 feet.

d. Where parapets are used to break up a flat roofline, the height of the parapet shall be at least five percent of the total length of the wall.

e. Composite asphalt shingles and standing-seam non-glare metal are acceptable for visible roofing. High gloss roofing materials shall not be used.

f. Mechanical and other equipment mounted on rooftops must be screened from public view or grouped at the rear of the structure where visibility is limited. Rooftop screening shall be designed as an integral part of the architecture to complement the building's mass and appearance.

5. Façade. Required in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

a. Facades that face public streets shall have transparent openings, such as display windows or entry areas, a minimum of 40% of the horizontal length on the ground floor in total. Uses not subject to this standard are:

- Agriculture
- Convention Center
- Industry, Light
- Industry, Heavy
- Warehousing, Private
- Warehousing, Public

b. Retail and food service facades that are visible or potentially visible from adjacent properties shall be designed to match or complement the architectural

treatment of the front facade. Blank or unadorned walls facing public roads or abutting properties are prohibited except when such wall faces a service area.

c. The site plan and architectural elevations shall show the locations reserved for vending machines. Machines will be located within the footprint of the primary structure of the site. (Drive-up ATMS are not considered vending machines.)

d. When in public view, windows, doors, ventilation fixtures, and other openings in frame construction shall be trimmed to create a frame around the opening. Materials used for trim shall match those used on the facade of the building.

e. Horizontal facades greater than 50 feet in length shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. No uninterrupted facade shall exceed 50 horizontal feet.

6. Building Style Coordination (Multi-building Developments). Required in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

a. As part of the Site Plan application, the applicant shall provide a phasing plan that will illustrate the sequence that development will occur, and what steps will be taken to ensure compatibility between current and future activities.

b. Non-habitable freestanding structures, such as freestanding ATMs, garages, storage units, recycling sheds, cart corrals, and utility buildings shall be treated as architectural elements and meet the same design guidelines as larger buildings.

7. Entrance. Required in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

a. New or renovated buildings over 20,000 square feet shall have clearly defined and highly visible customer entrances, incorporating at least three of the following elements:

i. significant variations in roof lines
ii. distinctive lighting and landscaping,
iii. canopies or porticos
iv. overhangs, recesses, or projections
v. pedestrian arcades
vi. raised corniced parapets over the door
vii. peaked roof forms in scale with building

viii. outdoor patios
ix. display windows
x. architectural details such as tile work and moldings which are integrated into the building structure and design.

c. Linear commercial buildings shall have clearly defined and highly visible customer entrances that are designed as integral architectural elements.

8. Architectural Details. Required in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

a. Architectural detailing and trim shall be proportional to the scale and design of the entire building.

9. LEED certification. Optional in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts. The project shall obtain any level of Leadership in Energy and Environmental Design (LEED) Certification from the United States Green Building Council (USGBC), for any of the USGBC rating systems.

B. Site/Parking

1. Parking Location. Optional in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.
a. Wherever possible, parking lots shall be located at the rear or sides of commercial buildings. Where land use conflicts occur, (e.g., unavoidable siting of a parking lot next to a home) the lot shall be screened with evergreen trees, earth berms, solid walls, or shrubs.

2. Internal Traffic Flow. Optional in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

a. To ensure the safety of motorists, delivery trucks, and pedestrians, the site plan shall clearly delineate internal traffic patterns. Parking space, directional arrows, crosswalks, and other markings on the ground shall be delineated with pavement paint or other suitable material to ensure safe circulation.

b. Circulation patterns for parking lots with more than 40 spaces shall be designed by a traffic engineer to meet the Zoning and Site Plan Review Ordinances. The Planning Board may require a traffic engineer for smaller lots where there are particular public safety issues.

3. Interconnected Parking Lots. Optional in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

a. If feasible, connections between abutting properties shall be provided to facilitate deliveries and minimize turning movements onto the highway. As required by the Planning Board during site plan review, internal connections shall be designed by a traffic engineer to provide safe, direct access between adjacent lots. Cross easements shall be provided as required. Traffic calming measures – such as speed tables, well-marked crosswalks, raised crosswalks, vertical curbing, curvilinear road alignment, neckdowns, curbed islands, and signage – are encouraged to reduce speeding on internal vehicular connections.

4. Orientation of Building. Optional in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

a. Buildings along the roadways shall be located as close to the front property lines as established under the Land Use Ordinances to establish a visual edge to the street and give scale and interest to the pedestrian environment. In cases where new structures are being proposed, parking shall be located at the rear or side of the building.

b. Service stations, convenience stores, and similar uses shall be sited to face the street. On corner lots, said uses may face both streets.

5. Screening, Parking. Required in C-2 and WC. Optional in C-1, C-3, and VC zoning districts.

a. Plant materials and other landscape elements shall be used to create suitable buffers between residential and commercial properties. The design of buffers shall consider the appearance from both commercial and residential viewpoints. Evergreen plantings are particularly effective for year-round buffering.

6. Screening, Utilities and Service Areas/Structures. Required in C-1, C-2, ~~and~~ VC, and WC zoning districts. Optional in C-3.

a. Service areas, loading docks, delivery areas, trash receptacles, and mechanical equipment shall be screened to minimize visibility from sensitive viewpoints such as public and private roadways, main entrances, abutting neighborhoods, public open spaces, and pathways. Service areas shall be screened with architectural elements such as walls or fences. Screening may be further enhanced with evergreen trees, shrubs, and earth berms. Gates on utility enclosures shall be designed to prevent sagging.

7. Parking Lot Landscaping. Optional in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

a. A minimum of 10% of the parking lot shall be landscaped for sites with 40 parking stalls or less. Parking areas with greater than 40 parking stalls shall landscape a minimum of 15% of the total area. Planting islands shall be a minimum of 9' in width. All parking lot landscaping shall be able to tolerate parking lot growing conditions.

b. Trees in parking lots may be planted in informal groups, straight rows, or irregular groupings as space permits, or they may be concentrated in certain areas. Trees should be planted a minimum of five feet from the end of parking lot islands.

c. Where trees abut pedestrian walkways or places where people will be walking in parking lots, their lower branches shall be pruned to at least eight feet above the paved surface to avoid becoming an obstacle. Shrubs used in parking lot islands shall not exceed three feet in height to avoid blocking visibility.

d. Landscaped areas used for separation between banks of parking stalls shall contain 50% vegetative cover.

e. Landscape materials surrounding parking lots and in islands shall be able to tolerate large quantities of snow stored during winter months. Delicate plant material shall not be used in areas where they are likely to be buried under snow.

8. Low-Impact Design Stormwater. Optional in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.
   a. The project shall incorporate Low Impact Development (LID) systems as identified in the September 21, 2007 report, "LID Guidance Manual for Maine Communities," as amended.

9. Shared Stormwater Treatment. Optional in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.
   a. Wherever appropriate, treatment basins shall be designed to be shared by abutting properties to minimize the amount of land area dedicated to stormwater management.

C. Landscaping/Lighting

1. Lighting/Photometric Plan. Required in C-1 and VC zoning districts. Optional in C-2 ~~and~~, C-3, and WC zoning districts.

   a. A Lighting Plan shall be presented to the Planning Board during Site Plan review or the CEO during the building permitting process. It shall contain:

i. The lighting fixtures proposed to illuminate all buildings, roadways, service areas, landscaping, parking areas, and pedestrian areas.
ii. Specifications and illustrations of all proposed lighting fixtures including pole heights, height of luminaire, photometric data, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information.

b. For site plans with >20 parking spaces or high traffic volumes, the Town may require additional information, including:
i. A narrative that describes the site lighting, how lighting will be used to provide safety and security, and aesthetic effects.
ii. A photometric diagram that shows illumination levels from all externally and internally visible lighting sources, including existing sources, to show how the minimum amount of illumination will be provided and the maximum amounts will not be exceeded.

2. Lighting Coordinates with Architecture. Required in C-1 and VC zoning districts. Optional in C-2 ~~and~~, C-3, and WC zoning districts.

a. If done properly, unique building or landscape features may be highlighted, if the lighting does not create glare or distraction. Neon bulbs used as lighting features are not allowed on the exterior of buildings.

3. Lighting Coordinates with Landscaping. Required in C-1 and VC zoning districts. Optional in C-2 ~~and~~, C-3, and WC zoning districts.

a. The lighting plan shall consider the ultimate size of trees that could eventually obscure the lighting or create dark spots in parking lots.

4. Existing Trees Preserved. Required in C-3 and WC. Optional in C-1, C-2, and VC zoning districts.

a. To maintain the character of the landscape, existing healthy trees and shrubs shall be preserved or be transplanted to another area of the site wherever practical. Where it is not possible to maintain existing trees, the reason for removal shall be given in writing.

5. Snow Storage Areas designated. Required in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

a. Provisions shall be made for snow storage in the design of all parking areas. The areas used for snow shall not conflict with proposed

landscaping. The areas shall be sited to avoid problems with visibility, drainage, or icing during winter months.

6. Planting Variety. Optional in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

   a. The use of a variety of plant materials that exhibit seasonal color and interesting texture is encouraged to create a distinctive, yet low maintenance environment. Plantings plans should strike a balance between monoculture (the use of a single species) and too much variety.

7. Planting Suitability. Optional in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

   a. The use of plant materials and landscape elements that require a low degree of maintenance is strongly encouraged. All plantings shall be resistant to insect infestation, drought, disease, roadside salt, and auto emissions, and hardy to Maine winters.

8. Mass Plantings. Optional in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

   a. Shrubs and perennials should generally be planted in large masses or drifts,' rather than as individual specimens, to provide a pleasing effect for both motorists and pedestrians.

9. Illumination Levels. Optional in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

   a. Light fixtures used in driveways and parking lots shall be in scale with buildings on site. Maximum pole height along driveways shall not exceed 25 feet.

   b. Fixture heights shall vary with the size and position of the lot. Small Parking Areas (less than 150 cars) shall have a maximum pole height of 20 feet. In Large Parking Areas (greater than 150 cars) 30' poles may be allowable to reduce the number of poles. Poles within 200' of residential property lines shall not exceed 20' in height.

   c. Pole heights for pedestrian lighting shall be appropriate for the project and the setting. Bollard fixtures, 3-4 feet in height, and ornamental fixtures, up to 12 feet in height, are encouraged as pedestrian area lighting. When decorative or special lighting is used, pole height shall be a maximum of 16 feet above the ground.

D. Bicycle/Pedestrian

1. Internal Walkways. Required in C-1, optional in C-2, C-3, ~~and~~ VC, and WC zoning districts.

    a. Continuous internal walkways shall be provided from the public sidewalk to the principal customer entrance of all principal buildings on the site. Walkways shall also connect other buildings on multi-building developments, transit stops, and other focal points of pedestrian activity.

2. Links to Community. Required in C-1, C-2, ~~and~~ VC, and WC zoning districts, optional in C-3.

    a. Site plans shall preserve or create linkages with surrounding buildings, neighborhoods, and other parts of the community. The design of these links shall consider views, noise, traffic, security, lighting, the privacy of abutting commercial or residential neighbors, and other factors relating to the safety and welfare of the user.

    b. Internal pedestrian connections between abutting properties shall be provided to encourage walking and discourage additional auto trips onto major roadways. Connections shall avoid crossing parking lots, major interior roadways, service areas, drive-throughs, and other potential points of conflicts.
    Where such crossings are unavoidable, they shall be well-marked and as direct as possible.

3. Outdoor Activity Area. Optional in C-1, C-2, C-3, ~~and~~ VC, and WC zoning districts.

    a. Commercial buildings with footprints in excess of 15,000 SF shall provide inviting open spaces where people can sit, relax, and socialize. Open spaces shall be designed as outdoor rooms, with consideration to ground surfaces, landscaping, lighting, site furnishings, and other physical elements. The outdoor activity area(s) shall cumulatively total 10% of the building size, but will not be required to exceed 1,000 square feet.

4. Sidewalks. Required in C-1, and WC, optional in C-2, C-3, and VC zoning districts.

    a. Sidewalks and planted esplanades shall be provided by the developer within or near the right-of-way, or the North Windham Sidewalk Impact Fee paid in accordance with Section 1200 of this Ordinance. In cases where new development calls for the construction of a new street, both

sides of the street shall be developed where practical to encourage safe pedestrian and bicycle movement. Facilities shall be coordinated with abutting land uses to create interconnections throughout the commercial district and linkages to surrounding residential neighborhoods where appropriate.

5. Crosswalks. Required in C-1, optional in C-2, C-3, ~~and~~ VC, and WC zoning districts.

   a. Where sidewalks intersect with commercial driveways or roads, crosswalks shall be installed to emphasize the conflict point and improve its visibility. Materials for crosswalks shall be highly durable and slip resistant. Raised crosswalks may be used as a traffic calming device to make crosswalks more visible. They shall be designed by a traffic engineer as part of the site circulation plan. Signs may be warranted at the discretion of the Town in certain situations as recommended by the Institute for Traffic Engineers (ITE). Materials selected for crosswalks shall allow safe bicycle movement across the surface.

6. Bicycle Parking/Racks
   a. The applicant shall provide facilities for the parking of 2 bicycles, or 1 space per 10,000 square feet of building area, whichever is greater.

814 Post Approval Activities

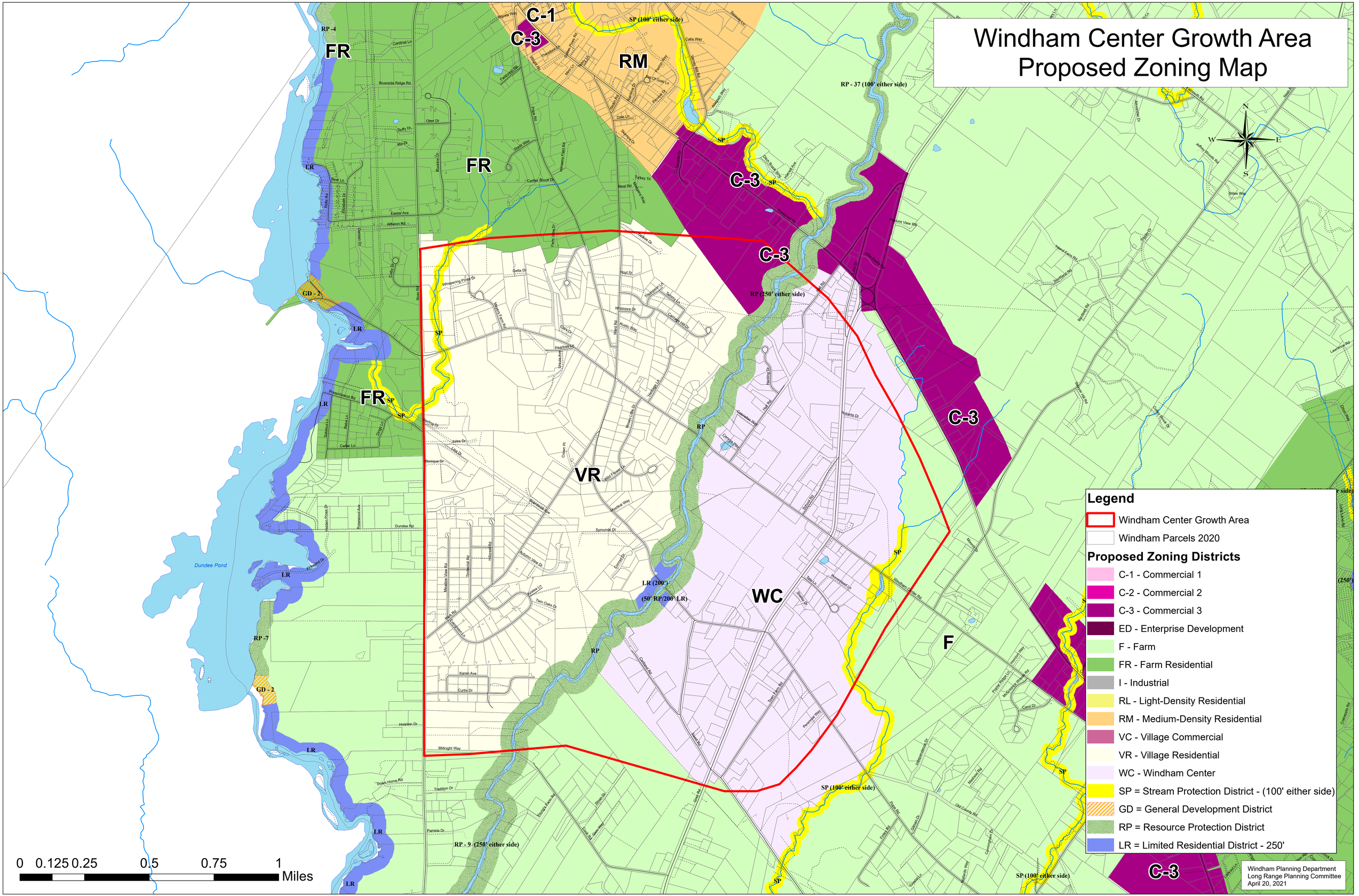
A. Limitation of Approval. Construction of the improvements covered by any site plan approval shall commence within two (2) years of the date upon which the approval was granted. If construction has not commenced, as determined by the Code Enforcement Officer, within the specified period, the approval shall be null and void. The time period does not run during any appeal of the project approval.

1. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planning Board or Staff Review Committee.

2. The Planning Board or Staff Review Committee may grant up to two (2), one-year extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

B. Incorporation of Approved Plan. One copy of the approved and signed site plan shall be included with the application for the building permit for the project and all construction

Windham Center Growth Area
Proposed Zoning Map



Legend

- Windham Center Growth Area
- Windham Parcels 2020

Proposed Zoning Districts

- C-1 - Commercial 1
- C-2 - Commercial 2
- C-3 - Commercial 3
- ED - Enterprise Development
- F - Farm
- FR - Farm Residential
- I - Industrial
- RL - Light-Density Residential
- RM - Medium-Density Residential
- VC - Village Commercial
- VR - Village Residential
- WC - Windham Center
- SP = Stream Protection District - (100' either side)
- GD = General Development District
- RP = Resource Protection District
- LR = Limited Residential District - 250'

Windham Planning Department
Long Range Planning Committee
April 20, 2021