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PLANNING BOARD MEMO

DATE: December 24, 2024

TO: Windham Planning Board
FROM: Steve Puleo, Planning Director
Cc: Barry Tibbitts, Town Manager,
Bob Burns, Assistant Town Manager

RE: #24-34 - Amendment to Code of the Town of Windham Chapter 120 Land Use Ordinance, Article 3 Definitions, and Article 4 District Standards

Planning Board Meeting – January 13, 2025

Overview

At the Council Ordinance Committee meeting held on [December 17, 2024](#), the Committee reviewed proposed amendments that will add definitions for principal building location on the premise that involves Hotel development in the Commercial I (C-1) zoning district. The Committee unanimously voted for the Planning Board to hold a public hearing at the January 13, 2025, meeting. The proposed amendments to the Land Use Ordinance Article 3 Definitions and Article 4 District Standards will be presented to the Planning Board for review and recommendation as required by [§ 120-107](#) of the Land Use Ordinance. The Council Ordinance Committee recommended the Town Council schedule a public hearing for public comments and Council cognization for adoption at the January 14, 2025, meeting. Through the Planning Director, any public comments and the Board's vote, including any recommendations, will be provided to the Council during the public hearing portion of the Council's review.

Summary of the Proposed Chapter 120 Land Use Ordinance Changes

The staff is developing a proposal to amend the land use ordinances in Chapter 120 by adding definitions for principal building location on a premise that involves Hotel development in the Commercial I (C-1) zoning district. The amendments include five (5) new definitions in Article 3 Definitions, as well as amending Article 4 Commercial I (C-1) zoning district by increasing the maximum front setback from 20 feet to 75 feet for Hotel uses and eliminating parcel restrictions using clean energy by including an "adjacent parcel" found in C-1 District Standards.

- Amending the following definitions, dimensional, and district standards will help to:
 - **Provide safe access** for the public and the Town's emergency services.
 - **Allow corner lot premises** to determine the frontage based on primary street definition.
 - **Buffer the new Veteran's Memorial Drive**, connecting Tandberg Trail to Franklin Drive.

- **Allow large commercial buildings** a separation from the street to balance building scale with the primary street.
- The **Town Attorney has reviewed** the proposed amendments and made language changes to ensure clarity and consistency with the Land Use Ordinance.

Article 3 Definitions:

- To add definitions for Front setback, Primary Street setback, Secondary Street setback, Primary Street, and Secondary Street.

Article 4 District Standards:

- **§120-410B:** Reference to new District Standards for Hotels.
- **§120-410E:** Added front setback for a Hotel use between 10 feet to 75 feet along a primary street.
- **§120-410F(16):** Added or abutting premise or lot is a subdivision and to strike out the follow sentence: "~~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.~~" This would allow solar power systems to generate additional power than is required on the premise or lot of solar energy systems.
- **§120-410F(18):** Add a new district standard to allow a Hotel use to determine the frontage of the premise as a primary street allowing for a maximum front setback between 10 feet to 75 feet.

Zoning Amendment Process

There are no specific standards in the Town ordinance by which to judge the proposed zoning change, but State statute requires all proposed zoning to be consistent with the goals and objectives of the [Comprehensive Plan](#). The Ordinance can refer the proposed LUO amendment to the Planning Board in which the Board will hold a public hearing and make land use recommendations to the Town Council.

This review of the Planning Board is a public hearing to making a land recommendation on this item to the Town Council. The Town Council will need to vote on the proposed changes to the Land Use Ordinance for the changes to be officially approved. The Planning Board public hearing is scheduled this meeting, January 13, 2025 and the Town Council public hearing scheduled for January 14, 2025. 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 Code of the Town of Windham Chapter 120 Land Use Ordinance modifies Article 3 Definitions of Front setback, Primary Street setback, Secondary Street setback, Primary Street, and Secondary Street. The proposal will also amend Article 4 Permitted Uses, Dimensional Standards, and District Standards allowing Hotel uses in C-1 zoning district.

