

ARTICLE 3  
Definitions

§ 120-301. Definitions.

In this chapter, the following terms shall have the following meaning unless a contrary meaning is required by the text or is specifically prescribed. In addition to the following definitions, performance standards regulating specified land uses should be reviewed in the district standards for each zoning district (Article 4) and the performance standards (Article 5) that apply to all zoning districts in the Town.

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SETBACK — The distance between any structure and the nearest lot line or street.

~~SETBACK, FRONT — The distance that a structure must setback from the property line. The distance between any structure and the front lot line or street and measured perpendicular to the structure to the closest point of the front lot line or street.~~

SETBACK LINE — That line that is the required minimum distance from any lot line and that establishes the area within which any structure may be erected or placed.

~~SETBACK, PRIMARY STREET — The distance that between any principal structure is setback from and the property lot line abutting a primary street of a premise with two or more street frontages in which the primary street is the street abutting a premise as determined by higher traffic volume.~~

SETBACK, REAR — The distance between any structure and the rear lot line or street and measured perpendicular to the structure to the closest point of the rear lot line or street.

SETBACK, REQUIRED — The minimum distance between any structure and a lot line or street within which no structure is permitted to be located except as provided in this chapter.

~~SETBACK, SECONDARY STREET — The distance between that any principal structure and the lot line abutting a secondary street is setback between the building and/or development and the street upon which the structure does not front.~~

SETBACK, SIDE — The distance between any structure and the side lot line or street and measured perpendicular from the side lot line or street to the closest point of the structure.

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~~STREET, PRIMARY — Means the street abutting a corner lot where the highest traffic volume exists or is anticipated, as determined by the Director of Public Works.~~

~~STREET, SECONDARY — The street abutting a corner lot that is not the primary street. Means in relation to corner lot, means the street that is not the primary street.~~

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**§ 120-410. Commercial District I (C-1). [Amended 9-14-2010 by Order 10-164; 12-14-2010 by Order 10-230; 5-14-2013 by Order 13-072; 6-28-2016 by Order 16-111; 6-12-2018 by Order 18-099]**

- A. Intent. To provide 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 as a matter of right. Refer to Article 5, Performance Standards, or Subsection F, District standards, for additional use information. **[Amended 5-26-2020 by Order 20-048; 4-12-2022 by Order No. 22-062; 11-10-2022 by Order No. 22-205; 8-15-2023 by Order No. 23-150]**

Adult business establishment  
Adult use marijuana store  
Agriculture  
Assisted living facility  
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 (see Subsection F, District standards, below) See § 102-410F(18) – District Standards  
Housing for older persons  
Industry, light  
Industry, heavy  
Marijuana cultivation facility  
Marijuana manufacturing facility  
Marijuana registered dispensary  
Marijuana testing facility  
Medical marijuana registered caregiver  
Medical marijuana registered 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:

(1) Minimum lot size: none.

(2) Net residential density: none.

(3) Minimum frontage: 100 feet.

(4) Front setback:

(a) Building, principal.

[1] On Route 302: 10 feet to 20 feet.

[2] All other streets: 0 feet to 20 feet.

(b) Building, accessory: principal building setback, plus 20 feet minimum. **[Amended 7-9-2019 by Order 19-121]**

(c) Dwelling, two-family minimum setback on Routes 35, 115, and 302: 300 feet. **[Added 7-12-2022 by Order No. 22-126]**

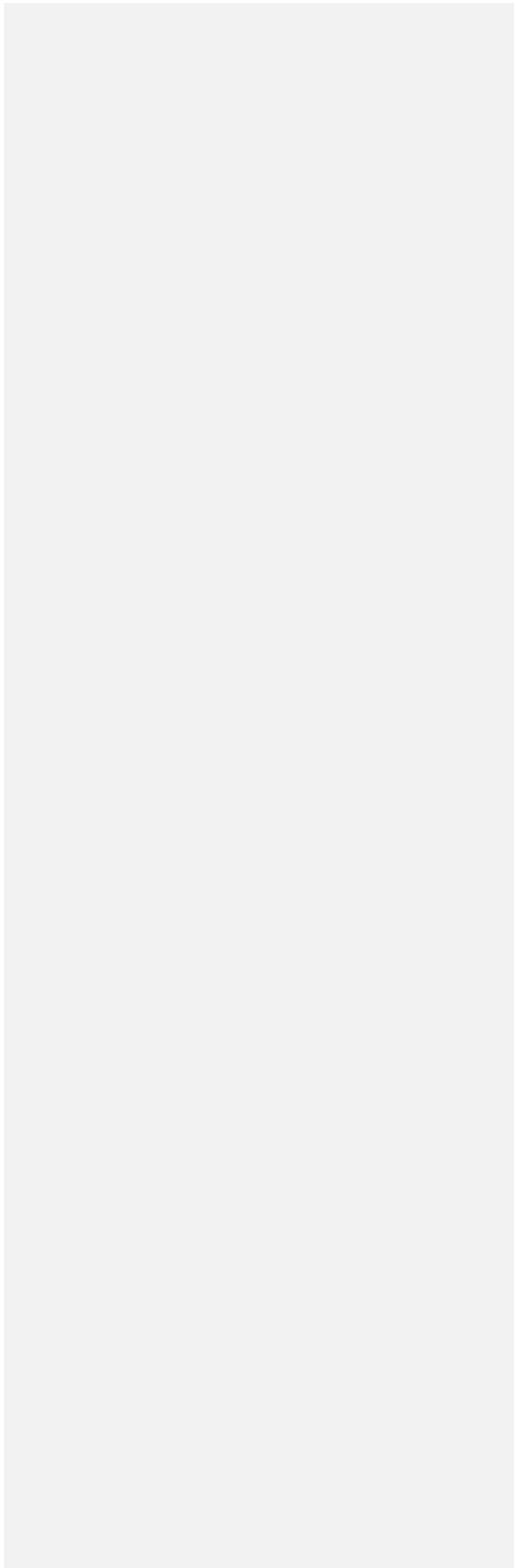
(d) Hotel use: primary street setback for principal building, 10 feet to 75 feet; secondary street setback for principal building, 20 feet minimum.

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(5) Minimum side setback: six feet.

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- (6) Minimum rear setback: six feet.
  - (7) Maximum building height: 75 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:
- (1) Parking. No parking shall be located within a structure's front setback area. When parking is located at the side of a building, the parking area shall not extend closer to the street than the front facade of the building. The space between the parking lot and the street shall be landscaped according to an overall plan for the property.
  - (2) Aquifer Protection Overlay District. See § 120-416 or 120-417, Aquifer Protection Overlay Districts, and the Town's Official Map.
  - (3) Building orientation. The facade of all buildings must be oriented parallel to a front lot line. In cases where a property has more than one front lot line, a single building development will orient to the front lot line on the street with the higher traffic volume. Multibuilding development may orient individual buildings to different front lot lines.
  - (4) Pedestrian access. At least one primary entrance must be located on the building's front facade. Primary entrances must provide ingress and egress and be operable at all times the building is occupied.
  - (5) Zoning district boundary buffer. See § 120-511, Buffer yard, in Article 5, Performance Standards, for requirements. **[Amended 8-15-2023 by Order No. 23-149]**
  - (6) Controlled access street. For standards pertaining to controlled access streets in the C-1 District see Article 3, Definitions, and Article 5, Performance Standards.
  - (7) Curb cuts. See § 120-522, Curb cuts and driveway openings, in Article 5, Performance Standards, for additional standards applicable to the C-1 District. 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:
    - (a) A minimum center-line turning radius of 25 feet must be provided.
    - (b) 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.
  - (8) Industry, heavy. In the C-1 District, this use shall not involve any activity defined in Article 3 as "manufacturing, hazardous." (See Article 3, Definitions.)
  - (9) Minimum lot size. The State of Maine minimum lot size, and minimum lot size waiver, standards apply in the C-1 District when the Town's minimum lot size requirements are less restrictive than those of the State of Maine.
  - (10) 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.)

- (11) All new and reconstructed streets must be built to public street, commercial street, curbed lane or residential street standards. No new private streets are allowed.
- (12) Block standards.
- (a) Land must be divided with streets to create blocks conforming with block perimeter, below.
  - (b) Blocks should be generally rectangular in shape, but are expected to respond to natural features and the block pattern of the surrounding street network.
  - (c) Blocks should be a minimum width so as to provide two rows of developable lots.
  - (d) Portions of development sites abutting areas of undeveloped land, areas unsuitable for development, or preexisting incomplete blocks may be granted a waiver from the block size requirements in accordance with the provisions of Article 8 if part of a site plan or Article 9 if part of a subdivision plan.
  - (e) Block perimeter. No block shall have a perimeter of more than 1,600 feet.
- (13) Sidewalks. **[Amended 7-12-2022 by Order No. 22-126]**
- (a) The Planning Board may require the construction of public sidewalks on Roosevelt Trail (Route 302), Tandberg Trail (Route 35 and 115), River Road, and Manchester Drive 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 1 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.
- (14) Marijuana cultivation facility. Cultivation facilities may be of the following types: Tier 1 and Tier 2. (See Article 3, Definitions.) These uses shall only be allowed on a lot where marijuana businesses were in existence prior to September 14, 2022. **[Added 11-10-2022 by Order No. 22-205]**
- (15) 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. **[Added 4-25-2023 by Order No. 23-060]**
- (16) 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 or adjacent lot~~ consumption of utility power or fuels by a principal commercial or residential use on the same parcel ~~or adjacent lot. When not co-located with a parking lot, a system~~

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~~shall not be designed to create additional power, but additional power may result from on-site use that is less than the designed capacity. [Added 8-15-2023 by Order No. 23-150]~~

- (17) Marijuana registered dispensary. In the C-1 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]**
- (18) Hotels. Notwithstanding § 120-534, hotels on corner lots in the C-1 District ~~This use shall have~~ ~~allow a primary street setback of the principal structure a maximum of 75'~~ ~~primary street setback and a minimum 20' secondary street setback from the front property boundary/lot line as determined by the location of measured from the hotel porties.~~ All parking areas shall be located along the side setback or at the rear of the principal structure. ~~Within the front setback, one~~ One curb cut is permitted in the front setback. ~~A~~ A two-way travel lane for access, as well as a ~~and~~ fire lane around the principal structure, are also required. ~~and use of Buffer Yard G along streets~~ See § 120-511, Buffer yard, in Article 5, Performance Standards, for additional Buffer ~~requirements~~ yard requirements.