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DATE: July 29, 2024

TO: Windham Town Council Ordinance Committee
FROM: Steve Puleo, Planning Director
Cc: Bob Burns, Assistant Town Manager

RE: Land Use Ordinance Amendments to reduce conflicts, streamline performance standards, and address related land use issues in other ordinance chapters.

The staff is developing a proposal for various land use ordinances in Chapter 120. However, these ordinances conflict with other provisions of the land ordinance, making it difficult for staff to determine which to apply and which is more restrictive.

- Amending the following performance standards will help to:
 - Simplify the application review and approval processes.
 - Reduce the need for applicants to seek board waivers.
 - Assist staff by removing any conflicting or unclear ordinance language.
- Additionally, several ordinances in other town chapters that staff is recommending consideration, such as:
 - Chapter 101: Growth Management proposes revising the allocation of reserve growth management permits for multifamily buildings.
 - Chapter 185: Shoreland Zoning will include specific Article 8 Site Plan Performance Standards to establish consistency for the Planning Board's review and approval authority for nonresidential uses.
 - Finally, an update on the progress of implementing the South Windham/Little Falls Marter Plan and the proposed rezoning of South Windham.

1. Summary of the Proposed Chapter 120 Land Use Ordinance Amendment and related Chapters

Article 3 Definitions (Proposed previous LUO amendments from the April 9, 2024 Meeting):

- Correct errors/omission from previous amendments. Change [Cluster Subdivision](#) definition to Conservation Subdivision.
- Correct [Open Space](#) definition.

Article 4 District Standards

- [§120-414B](#). Enterprise Development (ED) District. Amending zoning district by adding recreational uses as permitted uses.

Article 8 Site Plan

- [§120-812C](#) Parking and loading requirements. To reduce the oversized parking spaces for 30% to 10%.
- [§120-810](#) Fees. The proposed amendment to [§120-810H](#) will required site preparation to include the any land use activity to be consistent with [§120-915E](#) and all fees assessed hereunder have been paid in full.
- [§120-915](#) Violation and penalties. The proposed amendment to [§120-915E](#) will make commencement of construction or site preparation for a subdivision consistent to Site Plan standards and elimination tree clearing on a site prior to the Planning Board approval.

2. Chapter 101 Growth Management

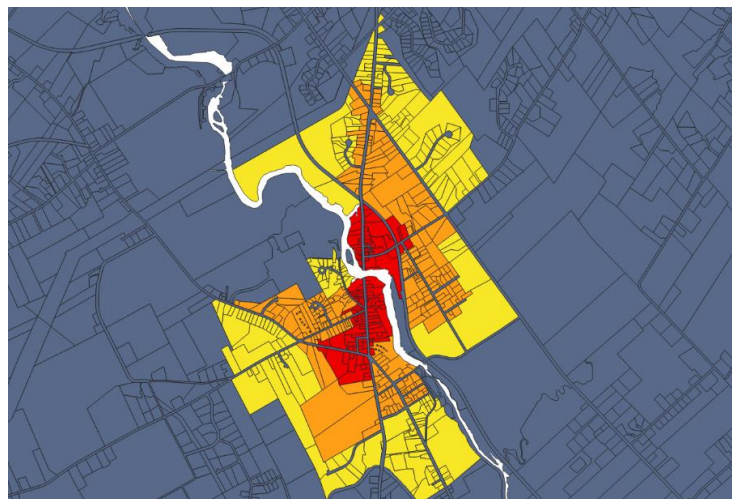
- [§101-7](#) Administration.
 - The Town Manager is proposing changes to the Town Growth Management ordinance in response to concerns raised by several Council members.
 - The Town Attorney will be providing draft language for the amendments.
 - Mark Bower has provide an outline of the correction s that are proposed.

3. Chapter 185 Shoreland Zoning: Moratorium extension

- The Town Manager is proposing an extension of the moratorium due to:
 - In addition to Ordinance Committee's work,
 - The Planning Board's public hearing process,
 - Finally, Council discussion and a public hearing and vote.
 - The timeline below outlines the required steps to complete the amendment process and explains the reasons for extending the moratorium.

4. CD 23-029 South Windham/Little Fall Master Plan Update.

- The Town Manager has scheduled a discussion item with the Town Council on the August 20th meeting agenda I to allow the Director of Planning to provide an update on the implementation process of the Master Plan.
- NorthStar Planning has provided mapping showing the Village Core (in red), Village Core Extension (in orange), and the Village Supporting Residential (in yellow).



5. Previously proposed LUO amendments for Amanda Lessard’s April 5, 2024 Council Ordinance Committee memo (except for the Definition amendments above).

Article 4 District Standards

- [§ 120-406E\(2\)](#). Farm (F) District Country subdivision net density. Corrects omission from amendment that reduced the minimum lot size from the initial proposal.
- [§ 120-406F\(2\)](#). Farm (F) District conservation subdivisions required on lots greater than 8 acres of gross land area.
- [§ 120-407E\(2\)](#). Farm Residential (FR) District Country subdivision net density. Corrects omission from amendment that reduced the minimum lot size from the initial proposal.
- [§ 120-407F\(3\)v](#). Farm Residential (FR) District Country conservation subdivisions required on lots greater than 5 acres of gross land area.

Article 9 Subdivision Review

- [§ 120-911K](#). Conservation Subdivisions.
 - Removes references to single-family subdivisions as two-family dwelling are now permitted in all zoning districts.
 - Clarifies the process of including priority and secondary conservation areas in the proposed open space.
 - Specifies a buffer yard meeting the standards of § 120-511 along the subdivision adjacent to streets and the exterior perimeter of the subdivision.
 - Allows for alternation of natural resources for the construction of certain improvements where the Board makes certain findings.
 - Changes the minimum amount of open space required by eliminating road rights-of-way from the calculation and basing the amount in part on the zoning district.
 - Clarifies the size and function of wetlands identified as primary and secondary conservation areas.

6. Street Connection Requirements

Article 8 Site Plan Review

- [§ 120-814B\(6\)](#). Multifamily Development Access drive standards.
 - Adds street connection requirements:
 - Single and Two-Family Dwellings that are more than 30 units require 2 street connections except where development is served by public water and all units are equipped with an approved automatic sprinkler system.
 - The Fire Chief may require additional connections.
 - Multifamily Dwellings that are more than 100 units require 2 street connections.
 - Specifies distance between street connections.

Article 9 Subdivision Review

- [§ 120-911M\(5\)\(b\)\[7\]](#). Subdivision street connection requirements.
 - Specifies that number of lots or dwellings are applicable only in single-family or two-family dwellings. Multifamily dwellings will be subject to Article 8 standards.

7. Retirement Communities

Article 4 District Standards

- [§120-420](#). Retirement Community and Care Facility Overlay District (RCCFO).
 - Street connection requirements subject to multifamily development requirements.
 - Limits number of bedrooms to three or fewer in overlay, regardless of underlying zoning.
 - Standards in underlying residential zoning districts
 - Adds Village Residential (VR) to residential district specific standards.
 - Multifamily dwelling setbacks:
 - Reduces external perimeter setbacks from 100 feet to 40 feet. Remove required increase setback to 150 feet based on height of building.
 - Specifies a buffer yard meeting the standards of § 120-511 along the street (30 feet) and other perimeter property lines (15 feet).
 - Standards in underlying commercial zoning districts
 - Adds Commercial 1 North (C1-N), Commercial IV (C-4), and Windham Center (WC) to commercial district specific standards.
 - Multifamily dwelling setbacks:
 - Reduces setback from 100 feet to 40 feet for lots that abut a residential zoning district.
 - Removes the 100 feet setback from lots that abut a property occupied by an existing dwelling. Setbacks of the underlying zoning will apply.
 - Specifies a buffer yard meeting the standards of § 120-511 along the street (15 feet) and other perimeter property lines (10 feet). The same as for nonresidential uses allowed in the underlying zoning.

8. Site Plan Review Classification

Article 8 Site Plan Review

- [§ 120-805](#). Minor developments. Allows Staff Review for the construction or conversion to a mixed-use or multifamily dwelling containing 5 or fewer dwelling units.