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TOWN COUNCIL MEMO

DATE: August 13, 2024

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

RE: #24-24 - Miscellaneous Amendment to Code of the Town of Windham Chapter 120 Land Use Ordinance, Article 3 Definitions, Article 4 District Standards, Article 8 Site Plan Review, and Article 9 Subdivision Review.

Town Council Meeting – August 20, 2024

Overview

At their meeting on [August 1, 2024](#), the Town Council Ordinance Committee referred the attached Land Use Ordinance amendments be forwarded to the Board for review and recommendation as required by [§ 120-107](#) of the Land Use Ordinance. The proposed amendments to the Land Use Ordinance Article 3 Definitions, Article 4 District Standards, Article 8 Site Plan Review, and Article 9 Subdivision Review will be reviewed by the Town Attorney at staff's request to improve the interpretation and administration of various sections of the ordinance. Although, the Town Council Ordinance Committee unanimously recommended the following amendments.

Summary of the Proposed Chapter 120 Land Use Ordinance Changes

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:
 - Clarify the subdivision type and review with consistent definition and performance standards.
 - Assist staff by removing any conflicting or unclear ordinance language.

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

[Article 3 Definitions \(Proposed previous LUO amendments from the Council Ordinance Committee April 9, 2024 Meeting\):](#)

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

[Article 4 District Standards \(Proposed previous LUO amendments from the Council Ordinance Committee August 1, 2024 Meeting\):](#)

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

[Article 8 Site Plan \(Proposed previous LUO amendments from the Council Ordinance Committee August 1, 2024 Meeting\):](#)

- [§120-810](#) Fees. The proposed amendment to [§120-810H](#) will required site preparation to include the any land use activities, site preparation, or excavation on the site to be consistent with [§120-915E](#) and all fees assessed hereunder have been paid in full.

[Article 9 Site Plan \(Proposed previous LUO amendments from the Council Ordinance Committee August 1, 2024 Meeting\):](#)

- [§120-915](#) Violation and penalties. The proposed amendment to [§120-915E](#) will make commencement of construction, any land use activities, site preparation, or excavation for a subdivision plan in review consistent to Site Plan standards on a site prior to the Planning Board approval.

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](#).

Planning Board Review and Recommendation

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 review the Planning Board recommendation, conduct another public hearing, and vote on the proposed changes to the Land Use Ordinance for the changes to be officially approved. A Planning Board public hearing is scheduled for the August 26, 2024 meeting. After the public hearing and discussion by the Board, the Planning Board may vote on a recommendation to the Town Council

Next Steps: Requesting the Town Council to **direct** the Planning Board to hold a public hearing for the proposed miscellaneous amendments to the Land Use Ordinance Windham Chapter 120 Land Use Ordinance, Article 3 Definitions, Article 4 District Standards, Article 8 Site Plan Review, and Article 9 Subdivision Review **and provide a recommendation for Council consideration.**