

# LD 2003 Comp Plan & Ordinance Amendments

March 2024

APPROVED  
APRIL 27, 2022  
BY GOVERNOR

CHAPTER  
672  
PUBLIC LAW

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-TWO

—  
H.P. 1489 - L.D. 2003

**An Act To Implement the Recommendations of the Commission To Increase  
Housing Opportunities in Maine by Studying Zoning and Land Use  
Restrictions**

**Be it enacted by the People of the State of Maine as follows:**



# Overview

- What is the LD 2003 Housing Bill?
- LD 2003 Bill Components to address
  - Amendment Process
    - Comprehensive Plan Amendment
    - Ordinance & Map Amendment



# Why LD 2003?

- ▶ December 2021: Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions
  - ▶ Nine (9) Recommendations
- ▶ Identified Regulations/Barriers to Residential Growth that include:
  - ▶ Prohibit Accessory Dwelling Units (ADUs)
  - ▶ Prohibit multiple Primary Structures on a lot
  - ▶ Increase setback for denser development
  - ▶ Prohibit multifamily or duplexes in residential growth districts
  - ▶ Increase land requirements for more than 1 unit per lot
  - ▶ Create Low Density (Units/Acre) Allowances in Sewered Areas
  - ▶ Municipal growth caps on the production of housing

# What is LD 2003?

- Passed by Legislature and approved by Governor on April 27, 2022
- Purpose is to “increase housing opportunities in Maine.”
- Components included in the Bill:
  - ✓ Accessory Dwelling Units (ADUs) must be permitted where Single-Family homes are permitted.
  - ✓ Prohibiting Single-Family (SF) ONLY Districts.
  - ✓ Allowance for more than one principal structure/unit on a lot without requiring more land than for the first unit – Up to 4 units in Growth Areas, 2 units in other areas.
  - ✓ Affordable Housing Density Bonus in Comp Plan Growth Areas.



# Windham's Status @ LD 2003 enactment

- 2016 Comprehensive Plan Update Implementation
  - Windham Center Growth Area rezoning
  - Developing Affordable Housing Standards
  - South Windham Master Planning
  - Implementation of 21<sup>st</sup> Century Downtown Plan
- Various Existing Land Use regulations
  - Multifamily Dwellings allowed in Growth Area zoning districts
  - More than one principal dwelling allowed on a lot – Net Density required less than for the first dwelling
  - ADU allowance (Accessory Apartments)

# Windham's Journey - LD 2003

- ▶ Land Use Ordinance Amendments adopted in 2023:
  - ▶ 4/25 – Section 120-501.1 Affordable Housing Developments
  - ▶ 5/23 – Windham Center (WC) and Village Residential (VR) Districts
  - ▶ 11/14 – Permitted two-family dwellings in F, FR, RL & C-3  
Amended Accessory Apartment standards
  
- ▶ Only 2 Components still need to be addressed:
  1. Alignment of Growth Area & Zoning boundaries
    - Need to change the Comp Plan & Zoning Map so housing types and densities are permitted
  
  2. Affordable Housing Developments
    - Need to allow in Windham Center (WC) and Village Residential (VR) Districts
    - Need to amend definition to match revision to statute definition

# Comprehensive Plan Amendment

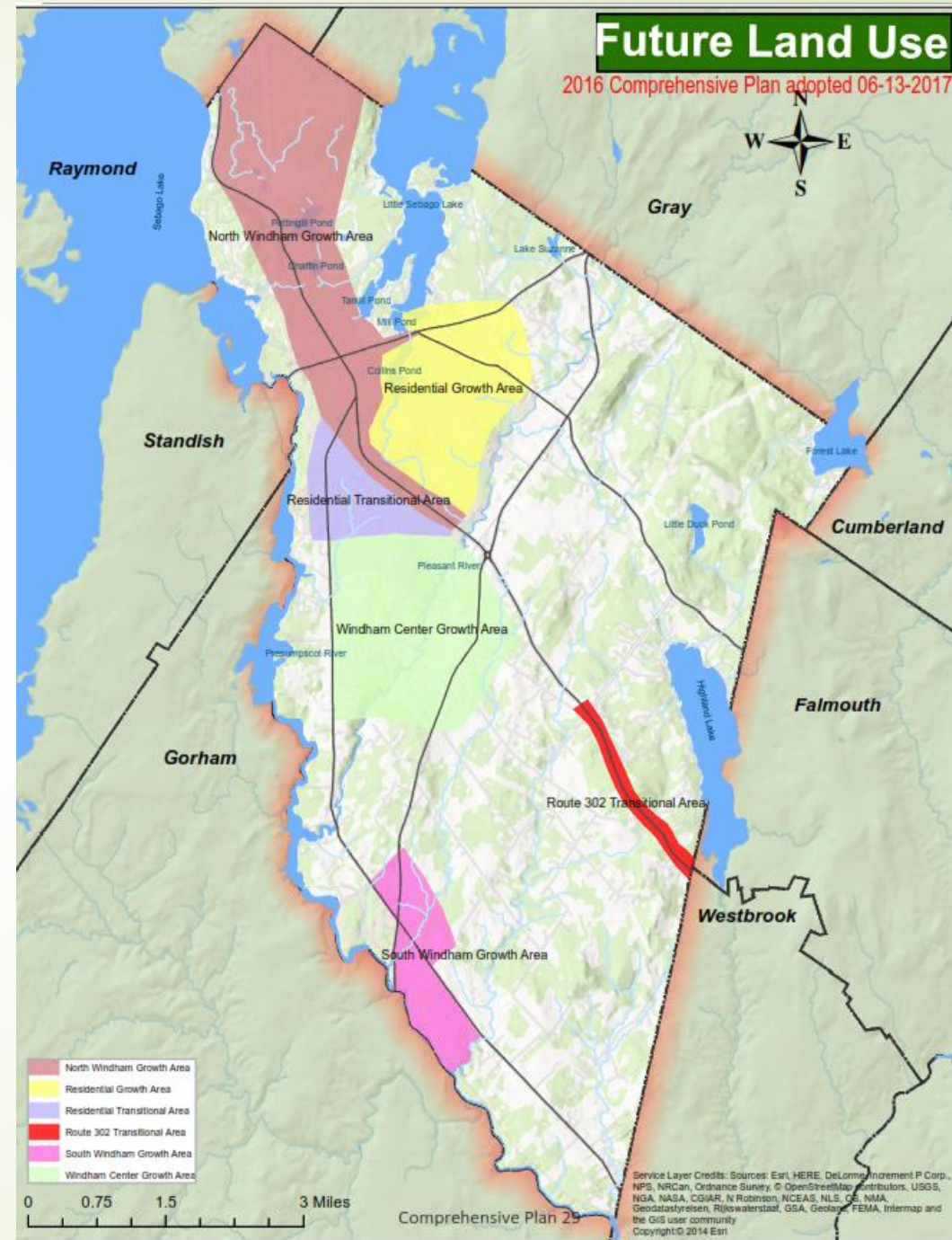
- What is the Comp Plan Amendment connection with LD 2003?
  - Affordable Housing Development Bonus is to be placed in Designated Growth Areas
  - Up to 4 units allowed on a lot in Designated Growth Areas
- Why amend the Future Land Use Map?
  - Growth Area shown is too broad.
    - Covers areas that do not have public infrastructure (roads and utilities).
    - Area where Growth is “desired & expected”
    - Expand “Transitional” area - used for established neighborhoods & areas outside the core
- Why amend the Growth & Transitional Area Definitions?
  - Description changed to reflect the areas shown on the Map

**2016 Future Land Use Map was not laid out with the intent as is now required by LD 2003**

# Comprehensive Plan

## Per State Criteria for Growth Area:

- Lands in proximity to existing municipal services, infrastructure, schools, and major transportation networks;
- Areas in which developable lands are readily available to accommodate future growth; and
- Areas devoid of critical natural resources and visual/cultural resources that should be preserved







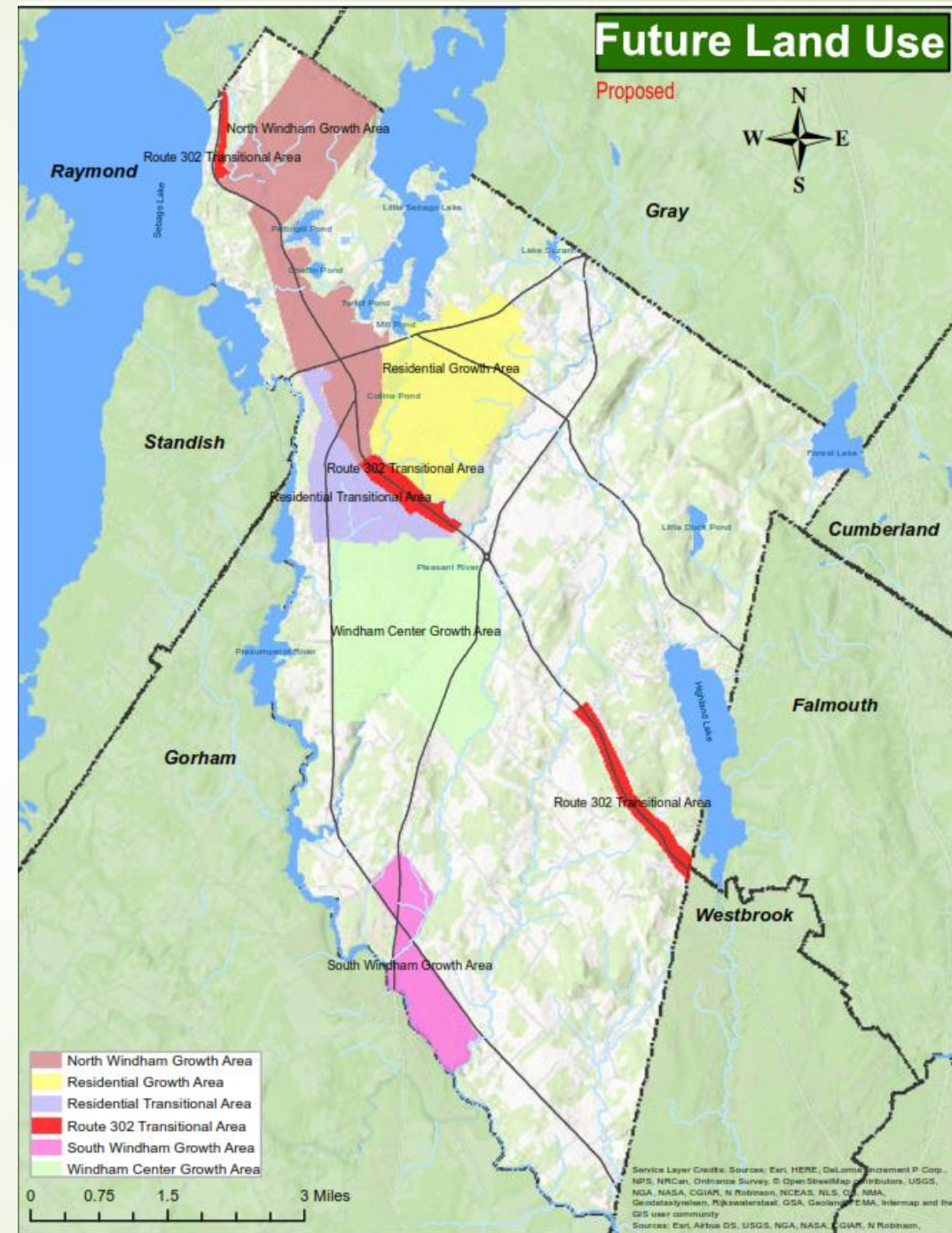
# Comprehensive Plan

## Future Land Use Categories

- ▶ Per the State Statute for Comprehensive Plans, there are 3 Growth Categories a community can use on their Growth Areas Maps.
  - ▶ Growth Area – Where you will expect substantive Growth in your community in the next 10-15 years - “Desired & Expected”
  - ▶ Transitional Area – Areas of established neighborhoods & where further development will not necessarily be encouraged or discouraged.
  - ▶ Rural Area– Area where a community does not want to encourage Growth, but development can occur.

# Comprehensive Plan

- Proposed Future Land Use Plan
  - Reduced North Windham Growth Area
  - Reduced South Windham Growth Area
  - Expanded Route 302 Transitional Area
  - Minor changes to other growth & transitional areas
- Considered
  - Existing Zoning Boundaries
  - Property Boundaries
  - Public Infrastructure (Roads, Utilities)
  - Existing Conditions
  - Future Development Potential



# Comprehensive Plan

## Future Land Use Map Changes

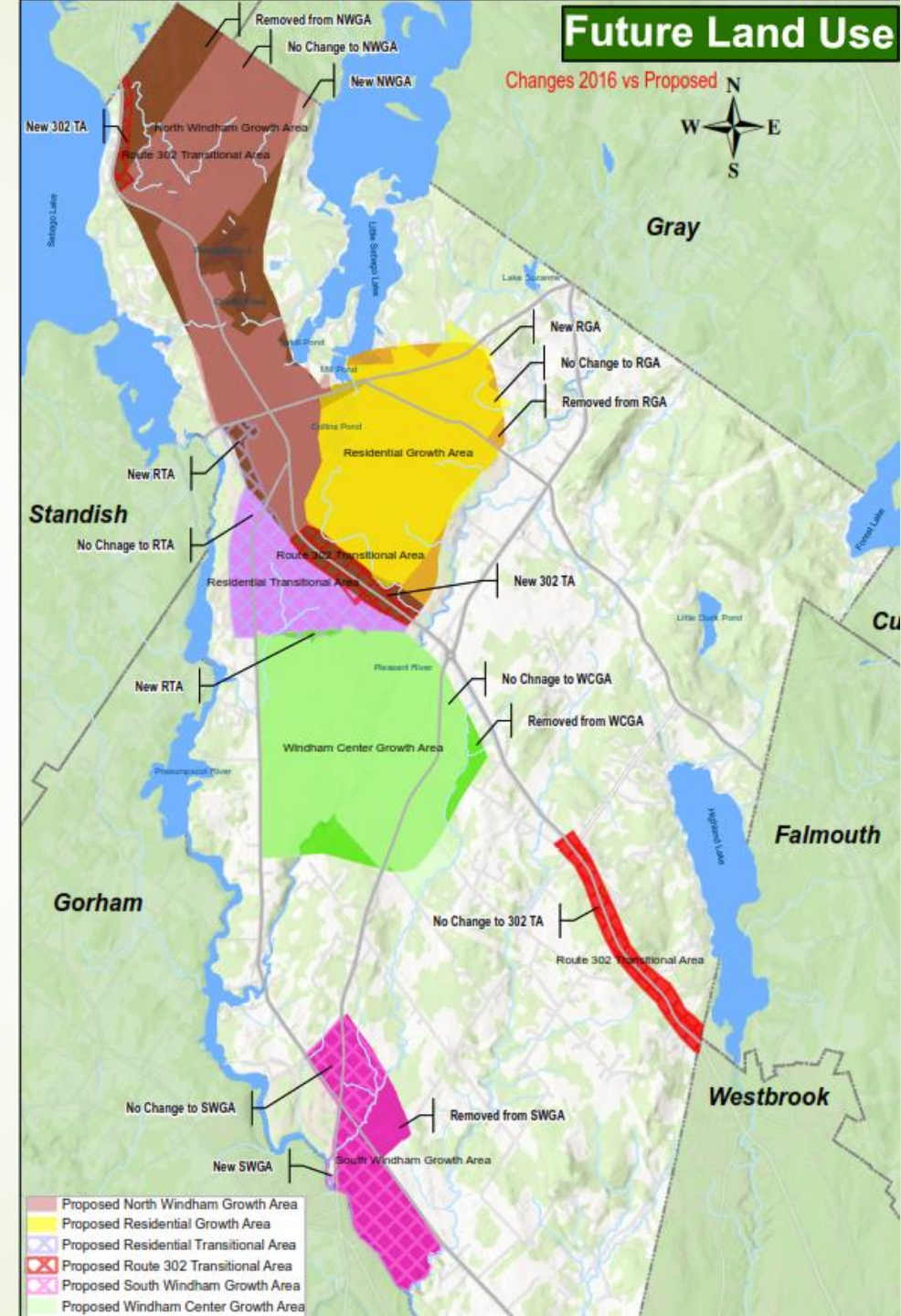
- Reduced North Windham Growth Area
- Reduced South Windham Growth Area
- Expanded Route 302 Transitional Area
- Minor changes to other growth & transitional areas boundaries

## Growth Area Descriptions Changes

**North Windham Growth Area.** This area is envisioned to be the active mixed use district described in the Tour through Windham section above. It includes the commercial center of Windham, which is what most people think of when they think of North Windham, **but it also includes the area along Route 302 from north of the Pleasant River and the relatively undeveloped areas behind Enterprise Drive and the Sebago Heights Subdivision near the town line with Raymond.**

**South Windham Growth Area.** The South Windham Growth Area includes the area that most people think of as “the Village” between the Presumpscot River and the properties on both sides of the Mountain Division Trail, and down High Street to about Androscoggin Street. In addition, the Growth Area includes the additional areas between Route 202 (Gray Road) to Mallison Falls Road and the Correctional Center property on the west side of River Road and the areas between Newhall Road and **Chute Road/Black Brook** on the east side of River Road. Additional higher density residential development is appropriate in this area of Windham, especially in the areas in the vicinity of the existing sewer system. Local and village-scale commercial development should also be encouraged in this area.

**Route 302 Transition Area.** This area is characterized by a mix of residential and commercial development lining Route 302 **in three (3) areas: 1) from the town line with Westbrook to about the Albion Road intersection; 2) from just west of the Rotary to about the Brookhaven Drive and Pope Road intersections; and 3) from about the Claman Drive intersection to the town line with Raymond.** Maintaining traffic flow on Route 302 **south of the Rotary** is important, so this area is not an appropriate location to encourage or incentivize additional non-residential development or high-impact commercial businesses. Development at the current pace and intensity levels are appropriate for this planning period, but design standards should apply to all new development in this highly visible and highly traveled section of Route 302.



# Land Use Map Amendment

- Proposed Rezoning – 104 Parcel, 823 acres

Proposed Rezoning	Acres	Sq Mi
FR to C-1	2.31	0.0036
F to ED	201.42	0.3147
C-1 to FR	1.01	0.0016
F to RM	66.17	0.1034
F to VR	551.99	0.8625
<b>Total</b>	<b>822.9</b>	<b>1.2858</b>

## Percent of Land Use Zones - Current vs. Proposed

1/18/2023

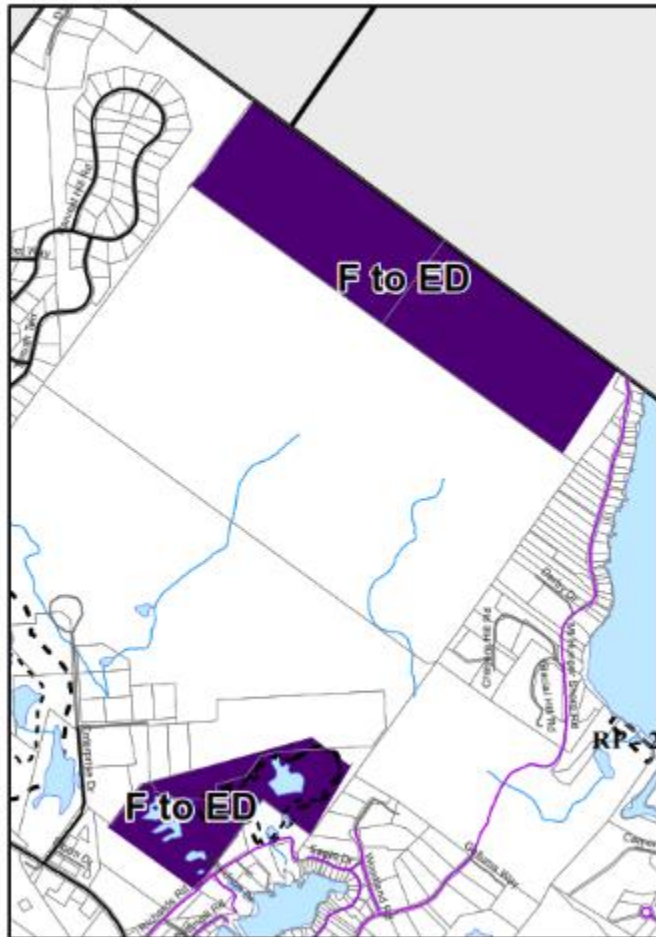
### Current Zoning

### Proposed LD 2003 Zoning

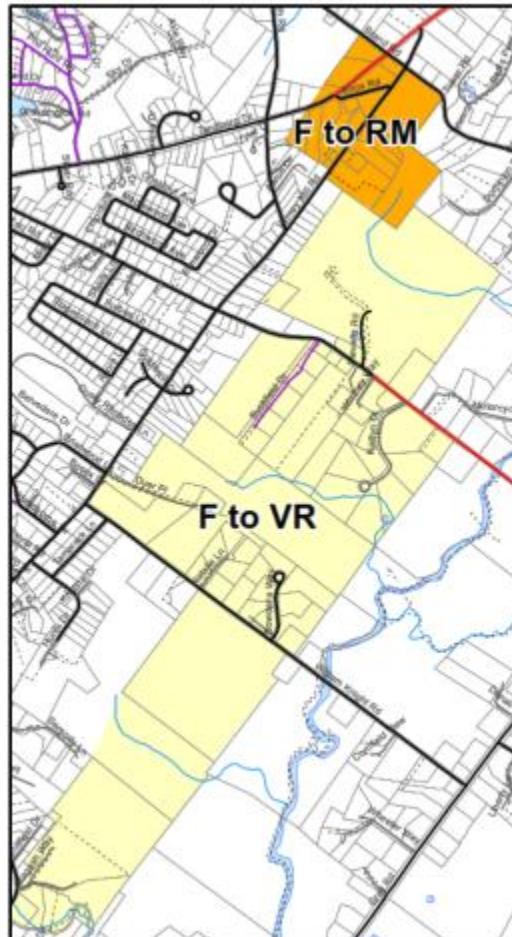
Zone	Square_Miles	Percent	Breakouts	Zone	Square_Miles	Percent	Breakouts
C-1	1.19	2.38%		C-1	1.1936	2.38%	
C-1N	0.24	0.48%		C-1N	0.24	0.48%	
C-2	0.19	0.38%		C-2	0.19	0.38%	
C-3	1.31	2.62%		C-3	1.31	2.62%	
C-4	0.15	0.30%		C-4	0.15	0.30%	
ED	1.2	2.40%		ED	1.5147	3.03%	
F	28.11	56.16%	F & FR %	F	26.8294	53.60%	F & FR %
FR	5.85	11.69%	67.85%	FR	5.8480	11.68%	59.58%
I	0.72	1.44%		I	0.72	1.44%	
RL	1.11	2.22%		RL	1.11	2.22%	
RM	2.89	5.77%		RM	2.9934	5.98%	
VC	0.15	0.30%		VC	0.15	0.30%	
VR	1.84	3.68%		VR	2.7025	5.40%	
WC	1.58	3.16%		WC	1.58	3.16%	
H20	3.52	7.03%		H20	3.52	7.03%	
<b>Total</b>	<b>50.05</b>	<b>100.00%</b>		<b>Total</b>	<b>50.05</b>	<b>100.00%</b>	

# Land Use Map Amendment

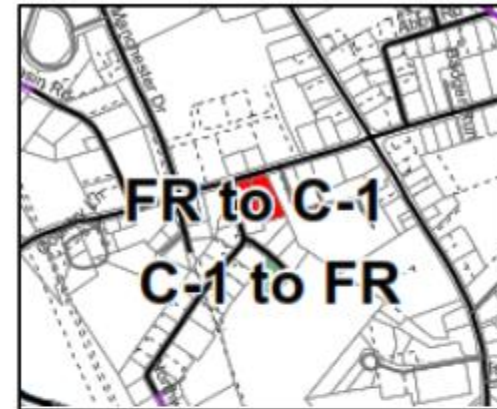
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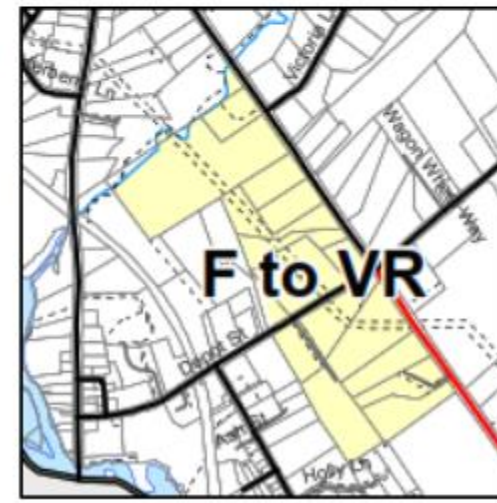
North Windham Growth Area



Residential Growth Area



North Windham Growth Area



South Windham Growth Area

# Land Use Map Amendment

## ► Dimensional Standards

District	Min Lot Size	Net Density	Max Height	Min Front Setback	Min Side/Rear Setback	Min Road Frontage
Farm (F)	80,000	60,000	35	40	10	200
Farm Residential (FR)	50,000	40,000	35	30	10	150
<b>Village Residential (VR)</b>	<b>40,000</b>	<b>30,000</b>	<b>35</b>	<b>30</b>	<b>15</b>	<b>100</b>
Windham Center (WC)	30,000 w 20,000	15,000	45	20	10 x1.5 H> 35ft	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

# Land Use Map Amendment

## What's Allowed

- Village Residential (VR) – New Uses
  - Multi-Family\* (max 4)
  - Artist Studio, Childcare Facility\*, Park, Personal Business Services
- VR – Prohibited (Allowed in F/FR)
  - Assisted Living Facility, Nursing Homes, Piggery, Poultry Facility, Campgrounds, Farm Enterprise, Golf Course, Mineral Extraction, Sawmills, Shipping Containers

\*Limited size

Full Table of Zoning District Requirements:  
[https://ecode360.com/WI1257/documents/Zoning\\_District\\_Requirements](https://ecode360.com/WI1257/documents/Zoning_District_Requirements)

	Existing		Proposed		COMMENTS
	Farm	Farm Residential	Village Residential	Windham Center	
Agriculture	P	P	P	P	
Agriculture, Piggery	P	C	X	X	
Agriculture, Poultry Facility	P	C	X	X	
Artist Studio	X	X	P	P	
Assisted Living Facility	C	C	X	X	Council Revision 1/24/20
Bank	X	X	X	P <sup>1</sup>	<sup>1</sup> max 3,000sf
Bed and Breakfast Inn	C	C	C	P	
Boarding Home for Sheltered Care	C	C	C	P	
Building, Accessory	P	P	P	P	
Campground, Commercial	P	P	X	X	
Campground, Personal	P	P	X	X	
Cemetery	P	P	P	P	
Child Care, Facility	X	X	P <sup>1</sup>	P	<sup>1</sup> max 50 children
Child Care, Family Home	P	P	P	P	
Contractor Services, Landscaping	P	X	X	X	
Contractor Storage Yard	P	X	X	X	
Drive-through Facility	X	X	X	C <sup>2</sup>	<sup>2</sup> no restaurants, bank in
Dwelling, Multifamily	P*	P*	P <sup>3</sup>	P	<sup>3</sup> max 4 unit
Dwelling, Single-Family Detached	P	P	P	P	
Dwelling, Two-Family	P*	P*	P	P	
Farm Enterprise	P	P	X	X	
Fitness Center	X	X	X	P <sup>4</sup>	<sup>4</sup> max 3,000 sf
Forestry	P	P	P	P	
Golf Course	P	P	X	X	
Home Occupation 1	P	P	P	P	
Home Occupation 2	P	P	P	P	
Kennel, Major	C	C	C	X	
Kennel, Minor	P	P	P	X	
Medical Marijuana Caregiver	P	P	P	P	
Med Marijuana Caregiver (Home Occ)	P	P	P	P	
Medical Office	C**	C**	C**	P	**by Art 5, max 2,000 sf
Mineral Extraction	P	P	X	X	
Nursing Home	C	C	X	X	Council Revision 1/24/20
Park, Public	X	X	P	P	
Place of Worship	P	P	P	P	
Public Building	P	P	P	P	
Public Utility Facility	C	C	C	C	
Recreation Facility, Indoor	C	C	C	C	
Recreation Facility, Outdoor	C	C	C	C	
Research Laboratory	P	X	X	X	
Restaurant	X	X	X	P <sup>5</sup>	<sup>5</sup> max 40 seats
Retail Sales	X	X	X	P <sup>6</sup>	<sup>6</sup> max #3,000sf
Retail Sales, Convenience	C	C	C	P	by definition, max 1,500
Retail Sales, Nursery	P	C	C	X	
Riding Stable	P	C	C	C	
Rooming House	C	X	C	C	by Art 5, only by conversi
Sawmill, Permanent	P	C	X	X	
Sawmill, Temporary	P	P	X	X	
Service Business, Commercial	X	X	X	P	
Service Business, Personal	X	X	P	P	
Shipping Container	P	P	X	X	
Small Engine Repair	X	X	X	C	
Theater	X	X	X	P <sup>7</sup>	<sup>7</sup> max 90 seats
Use, Accessory	P	P	P	P	
Wireless Telecomm Facility	P	P	P	P	

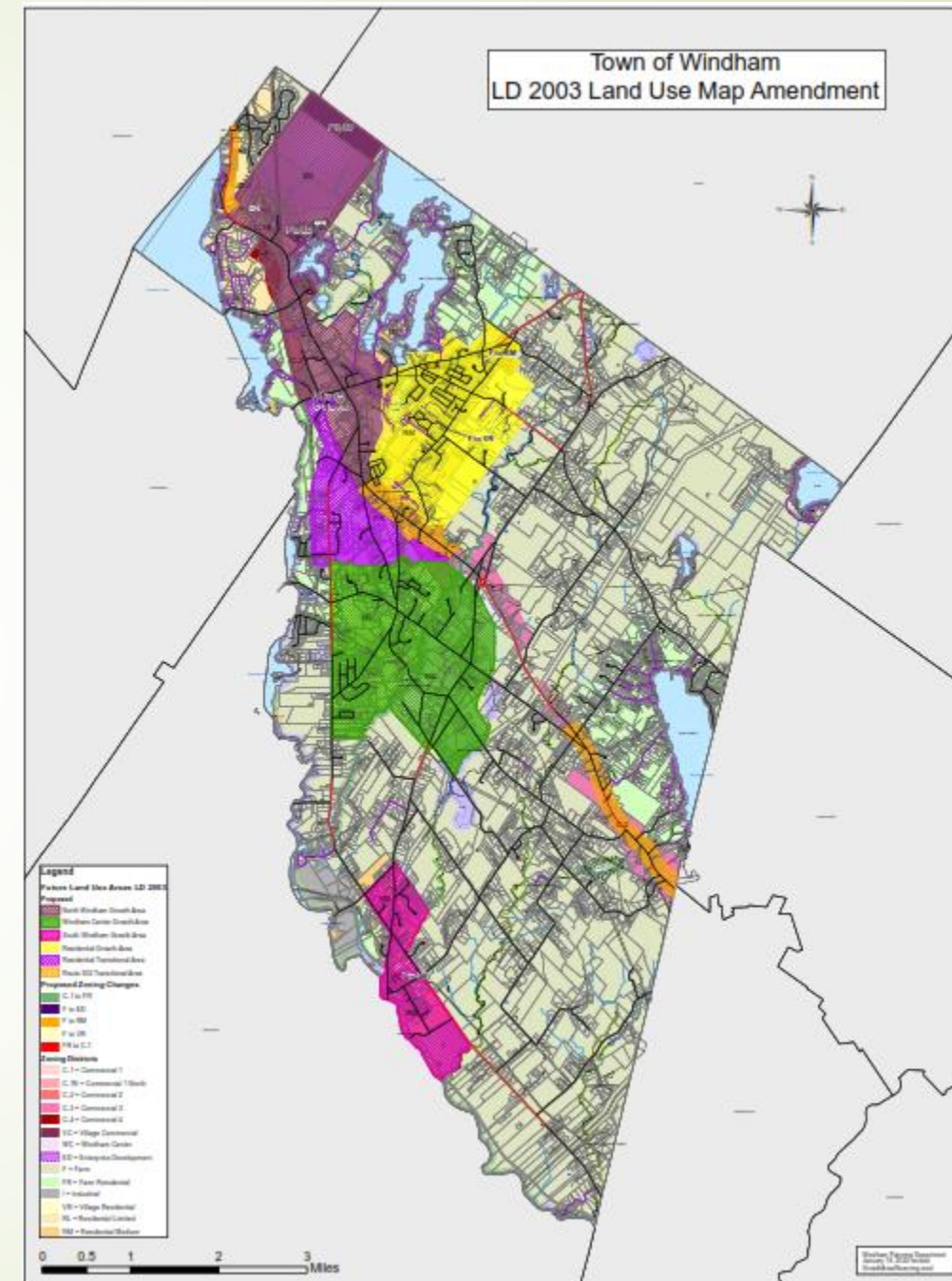
# Amendment Process

## Process:

- Long Range Planning Committee Review – Dec
- Council Ordinance Committee Review - January
- Planning Board Discussion – February 26
- Planning Board Public Hearing –
  - Comp Plan & Ordinances/Map – March 11
- **Town Council Public Hearing** –
  - Comp Plan & Ordinances/Map – March 26
- State of Maine Review of Comp Plan minor change

## To Recap

- Comp Plan Map Amendment does not change underlying zoning standards.
- Land Use ordinance/map amendments are needed to implement the LD 2003 required multifamily and affordable housing requirements.





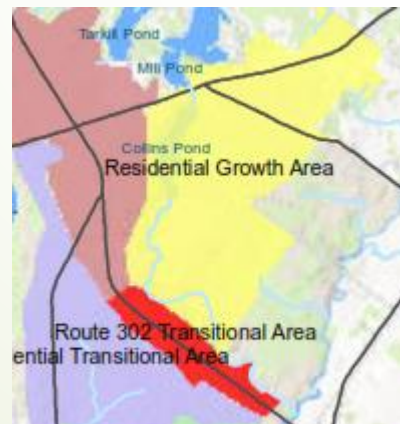
# Planning Board Recommendation

Following Public Hearing March 11, 2023

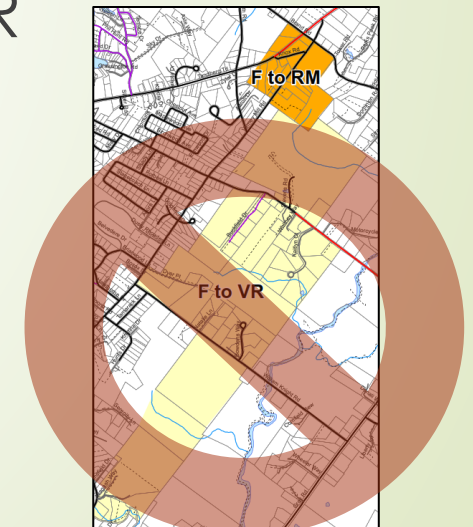
- 3 member of public commented
  - Concerns about zoning changing uses, increasing setback, impacts on existing farms
- Unanimous Recommendation
  - Recommend all amendments with the following change: shrink the Residential Growth Area & do not rezone F to VR



*Proposed Residential Growth Area*



*Planning Board Recommended Residential Growth Area*



Further Amendments require additional Planning Board public hearing