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COUNCIL ORDINANCE COMMITTEE MEMO

DATE: August 28, 2024

TO: Council Ordinance Committee
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

Town Council Meeting – TBD

Overview

The proposed amendments to the Land Use Ordinance Article 3 Definitions, and Article 4 District Standards are to be forwarded to the Planning Board for review and recommendation as required by [§ 120-107](#) of the Land Use Ordinance.

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.

- 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 will review** the amendments and make language changes to ensure clarity and consistency with the Land Use Ordinance.

Summary of the Proposed Chapter 120 Land Use Ordinance Amendments

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 struck out “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 a maximum of 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.