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TOWN COUNCIL MEMO

DATE: December 24, 2024

TO: Windham Town Council
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 – Hotel Use

Town Council Meeting – January 14, 2025

Overview

At the Council Ordinance Committee meeting held on [December 17, 2024](#), the Committee reviewed proposed amendments that will add definitions for principal building location on the premise that involves Hotel development in the Commercial I (C-1) zoning district. The Committee unanimously voted for the Planning Board to hold a public hearing at the January 13, 2025, meeting. During the public hearing, the Board reviewed the proposed amendments to the Land Use Ordinance Article 3 Definitions and Article 4 District in accordance with [§ 120-107](#) of the Land Use Ordinance. The Ordinance Committee recommended to the Town Council to schedule a public hearing to review the Planning Board recommendation, public comments, and the cognization for adoption in tonight's, meeting.

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. The amendments include five (5) new definitions in Article 3 Definitions, as well as amending Article 4 Commercial I (C-1) zoning district by increasing the maximum front setback from 20 feet to 75 feet for Hotel uses and eliminating parcel restrictions using clean energy by including an “adjacent parcel” found in C-1 District Standards.

- 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 has reviewed** the proposed amendments and made language changes to ensure clarity and consistency with the Land Use Ordinance.

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 to strike out the follow sentence: “~~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 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.

Planning Board Review and Recommendation

Planning Director will present the any public comments and the Planning Board’s vote, along with any recommendations. The Board’s public hearing held on January 13, 2025, after the hearing the Board discussed the ordinance changes:

To recommend approval of the proposed amendments to the Land Use Ordinance Article 3 Definitions, Article 4 District Standards, allowing modification in C-1 zoning district for Hotel uses.

Motion: N/A

2nd: N/A

Vote: N/A