

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

voice 207.894.5960

fax 207.892.1916

MEMO

DATE: May 8, 2014

TO: Windham Town Council
THROUGH: Tony Plante, Town Manager
FROM: Ben Smith, Planning Director *BWS*
Cc: Heather McNally, Director of Code Enforcement
Tom Bartell, Director of Economic Development
Windham Planning Board
Land Use Ordinance Committee

RE: Planning Board and LUOC Recommendations, Ordinance Amendment –
Standards for Automobile Repair Services, Automobile Storage Lots

At the Town Council meeting on April 22, 2014, the Town Council discussed the differences between the LUOC recommendations presented to the Town Council in the memo from Brooks More, dated September 12, 2013, and the Planning Board recommendations presented in a memo from Ben Smith dated December 11, 2013. The memo of December 11 highlights the differences between the recommendations from these two groups.

The Town Council requested staff present the two versions of the ordinance separately, rather than in the form of a combined document as presented on April 22, 2014. Attached to this memo are:

- The memo from Brooks More dated September 12, 2013, and the LUOC recommendations:
- The memo from Ben Smith dated December 11, 2013, and the Planning Board's changes to the LUOC commendations.

Since the April 22 Town Council meeting, staff has been contacted by Ken Grondin, owner of the Quarry Ridge Business Park in the Economic Development (ED) zoning district, with a specific request to the proposed standards in extend the time individual vehicles may be kept onsite at an Automobile Storage Lot from 45 days to 180 days. Please see the attached email string with the most recent email from Ken Grondin dated May 1, 2014, which includes an email from Jeff Buschagen from Copart dated March 26, 2014, along with an aerial photo of a Copart facility Mr. Grondin attached to his mail.

This request may be accommodated in one of two ways:

- Change the limitation on storage length in the proposed Section 507 – Automobile Storage Lots, from 45 days to 180 days as requested, which would change the standard for Automobile Storage Lots in all zoning districts, or
- Remove the time limitations on storage from Section 507 altogether, and incorporate the time limitations in the Zoning District Standards in Section 400. This would allow the Town Council to differentiate storage limitations from district to district.

Staff has not incorporated either of these options into either the LUOC or Planning Board ordinance versions since these discussions took place since those versions were drafted, but are worthy of discussion at the Town Council meeting.

Finally, please note that Section 500 items will need to be renumbered because of the addition of item 507-Automobile Storage Lot. The renumbered performance standards, and references to the renumbered performance standards throughout the Land Use Ordinance, will be changed as an administrative task.

Ben Smith

From: Ken Grondin <k.grondin@grondinconstruction.com>
Sent: Thursday, May 01, 2014 3:38 PM
To: Ben Smith; Tom H. Bartell
Subject: FW: Town Council Schedule - Auto repair and storage lots
Attachments: scan0001.jpg; Copart Dunn NC.jpg

Hello Ben & Tom,

Hope all is well, we are starting to get busy now, looks like a good year as far as work for everyone. We will be doing River Road project which we are looking forward to, last couple of years we have had to travel more to keep people busy, we hope to tighten our work radius....

The reason I am contacting you is regarding Copart inquiry on land at Quarry Ridge Business Park. They are very interested in our site and now, knowing more about their operations we are comfortable with the fact that we can locate them in an appropriate spot on our property.

Real estate sales have been very slow for the last 6-8 years and we would like to do everything we can to site them there. I know you have met with them and there was a few ordinance related items that would need to be considered, but all in all they seem like a very well managed company that would be an asset to our community.

See below for a copy of earlier of these discussions with you and them. With current Enterprise Zone discussions on going it would be good timing to see what we can do to site them there if possible.

There would be 2 phases with phase 1 encompassing 10 acres +/-, and phase 2 approx. 18-24 months later. Phase 2 would be approximately 20 acres.

Attached is an aerial plan with general area of our interest as well as a site they own in North Carolina to show how well organized their facilities are.

Thanks in advance for your efforts.
Ken

Ken Grondin

R J Grondin & Sons
11 Bartlett Road
Gorham, ME 04038

Phone: (207) 854-1147
Fax: (207) 854-4315

www.GrondinConstruction.com

From: Jeff Buschagen [mailto:Jeff.Buschagen@Copart.Com]
Sent: Thursday, May 01, 2014 2:41 PM
To: Ken Grondin
Cc: Thomas Dunham; Lisa Doherty
Subject: FW: Town Council Schedule - Auto repair and storage lots

Hello Ken,

Tom Dunham asked me to forward to you our thoughts on the ordinance changes going on right now with Windham.

Please find below the e-mail that I had sent Ben Smith a few weeks ago addressing our concerns. The biggest issue is the time frame for the use of "Automobile Storage Lot". Originally, I believe it calls for a 60-day turn for vehicles in this use, which is too short a time frame.

Please let me know if you should need any other information.

Thank you for your assistance.

Jeff

Jeff Buschagen

General Manager

Copart

(207) 499-7255 Office

From: Jeff Buschagen
Sent: Wednesday, March 26, 2014 1:18 PM
To: 'Ben Smith'
Subject: RE: Town Council Schedule - Auto repair and storage lots

Ben,

Per our discussion last week, here are the comments that I would like to add to the discussion regarding the Automobile Storage Lot definition:

Summary of Copart Operations:

Copart, Inc. provides vehicle suppliers (primarily insurance companies, dealers and financial institutions) with a full range of services to process and sell intact insurance totaled vehicles and used vehicles, principally to licensed dismantlers, rebuilders, used vehicle dealers, and exporters.

After being received and inventoried at Copart's facility, the vehicle remains in storage until receipt of ownership documents. The ownership documents, or title, is then processed according to local laws to produce a title to sell the vehicle. Thereafter, the vehicle is placed for sale on Copart's Internet sales platform, VB², which allows vehicle buyers to preview the vehicles prior to the virtual sale and place bids from anywhere using a computer with internet access. All vehicles are sold to the highest internet bidder. The successful high bidders make arrangements for vehicles to be transported from the facility.

Typically a Copart facility will consist of an office building, customer parking, vehicle receiving area, and yard storage for vehicles. No vehicle dismantling, crushing, or sale of parts occurs at any Copart facility. Vehicles are stored in an orderly manner and are never stacked. Vehicles remain in storage for an average of 60-70 days during the title and sale process.

Copart operates more than 150 facilities across the United States and is a leader in the vehicle remarketing industry. As such, we offer experience and expertise in the matter of zoning and ordinances for automobile storage facilities.

As an interested party, Copart would make the following recommendation to change the proposed performance standard for an Automobile Storage Lot:

507 Automobile Storage Lot

A. The following standards shall apply to Automobile Storage Lots created after [Effective Date]:

1. Each automobile shall be kept on the lot for no more than 180 cumulative days in a calendar year.
2. All stored automobiles shall be kept in a designated parking area. The designated parking area shall be no closer than 300 feet to a residential structure that conforms to this ordinance and is not owned or controlled by the operator of the Automobile Storage Lot.
3. The designated parking area shall be screened from public ways or structures on abutting properties. Such screening shall consist of opaque fencing or vegetative material, which must be a minimum of six (6) feet in height.
4. The facility Automobile Storage Lot shall ensure that leaking fluids from damaged or wrecked vehicles are collected or contained, per applicable Maine Department of Environmental Protection standards.
5. Automobile Storage Lots shall require an annual inspection by the Code Enforcement Officer.

In general, the reason for the recommended change in storage days is that 45-days is too constrictive for any business engaged in the storage of automobiles. For example, an impound Yard can often find itself holding a vehicle at the direction of law enforcement for months due to fatalities, criminal investigations, etc. A self-storage facility that stores vehicles through the winter for owners by definition exceeds 45-days in storage. And finally, while Copart or any business engaged in the storage and subsequent sale of vehicles will always attempt to sell vehicles as quickly as possible, there are occasions where sales take significantly longer due to issues with titles, legal issues, etc.

On the other hand, a 180-day limitation prevents an Automobile Storage Lot from becoming an “Automobile Graveyard” by giving the Code Enforcement Officer a tool within the ordinance to force the operator of the storage facility to either move or dispose of the vehicle in a timely manner.

If you should have any questions, please contact me directly.

Regards,

Jeff Buschagen

General Manager

Copart

(207) 499-7255 Office

From: Ben Smith [<mailto:bwsmith@windhammaine.us>]

Sent: Tuesday, March 25, 2014 2:12 PM

To: Jeff Buschagen

Cc: Tom H. Bartell; Dan Riley

Subject: FW: Town Council Schedule - Auto repair and storage lots

Good afternoon, Jeff –

Sorry for the late notice, but Tom and I just noticed that this ordinance change is not on the agenda as we presumed and discussed at our meeting last Wednesday. We have requested that this item gets scheduled for April 8 – see below.

Thanks,
Ben

From: Ben Smith
Sent: Tuesday, March 25, 2014 2:10 PM
To: Tony Plante
Cc: Tom H. Bartell
Subject: Town Council Schedule - Auto repair and storage lots

Hello, Tony –

Tom Bartell and I had a meeting with a company called Copart (www.copart.com) that is interested in acquiring +/- 30 acres in the ED district for an Automobile Storage Lot that might be 20-25 acres in size. These would be Maine cars are purchased from insurance companies to be wholesaled to body shops or for parts, junk/scrap yards, and international buyers.

Currently, this use is not allowed in the ED district. However the proposed Automobile Storage Lot definition in the draft ordinance is a good fit for the type of use they are proposing. It was written for auto impound lots, which were envisioned to be much smaller, but the same type of facility.

Would it be possible to get this item back on the agenda for discussion at the April 8 meeting?

Thanks,
Ben

Ben Smith, AICP
Planning Director
Town of Windham

office: (207) 894-5900, ext. 6123
cell: (207) 712-1069
www.windhammaine.us

NOTICE: Under Maine’s Freedom of Access (“Right to Know”) law, documents – including emails – in the possession of public officials about town business are considered public records. This means if anyone asks to see it, we are required to provide it. There are very few exceptions. We welcome citizen comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and will be made available to any interested party.



310 Copart Ln, Dunn, NC 28334, USA

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MEMO

DATE: December 11, 2013

TO: Tony Plante, Town Manager

FROM: Ben Smith, Assistant Town Planner

Cc: Heather McNally, Director of Code Enforcement
Tom Bartell, Director of Economic Development
Windham Planning Board
Land Use Ordinance Committee

RE: Planning Board Recommendation, Ordinance Amendment –
Standards for Automobile Repair Services, Automobile Storage Lots

At the Planning Board's meeting on November 25, 2013, the Planning Board continued a discussion regarding standards for Automobile Repair Services and Automobile Storage Lots.

This discussion began at the meeting on October 28, 2013, when a public hearing was held on the proposed amendments. There were no comments from the public at this hearing.

After discussion of the proposed changes, the Planning Board voted on the following:

To send the proposed standards regarding Automotive Repair Services and Automobile Storage Lots to the Town Council with a recommendation to accept the proposed amendments with additional changes:

§300 – Definitions

- Automobile Storage Lots. Change proposed definition as follows – “A parcel of land, building, or facility that is used for the temporary storage of wrecked, towed, or impounded motor vehicles ~~usually awaiting insurance adjustments, reclamation by titleholders or their agents, or transport to a repair shop.~~ (See Sec. 500 Performance Standards)

§400 – Zoning Districts

- Farm District – Keep Automobile Repair Services as a Conditional Use, and add Automobile Storage Lots as a Conditional Use, with a recommendation to consider increased setback requirements for these uses
- C-3 District – Recommendation to allow Automobile Repair Services for all types of vehicles, including heavy trucks over 26,000 lbs.

§500 – Performance Standards

- Automobile Repair Services
 - The Board would like the Town Council to consider additional wording for other uses that may require storing vehicles for more time, such as custom restoration businesses or the restoration of collectible or antique automobiles.
- Automobile Storage Lots
 - The Board suggested language referencing DEP standards for the collection and containment of leaking fluids from damaged or wrecked vehicles, and
 - Specifying a minimum height of 6-feet for screening.
- Warehousing, Public
 - The 6-foot minimum height for screening was also suggested for this use.

Motion: Keith Elder

2nd: John Carlberg

Vote: 5-0

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MEMO

DATE: September 12, 2013

TO: Windham Town Council *HBM*
FROM: Brooks More, Dir. of Planning
Cc: Land Use Ordinance Committee (LUOC)
Heather McNally, Dir. of Code Enforcement
Tom Bartell, Dir. of Economic Development

RE: Standards for Automotive Repair Facilities and Automobile Storage Lots

Attached are the LUOC's recommendations for amendments to the standards for automobile repair facilities and storage lots. During the drafting process, the LUOC worked with Mark Cobb of Cobb's Collision and Ron Eby of Windham Automotive. Both Mark and Ron brought valuable industry perspective to the issue.

Overview

The proposed standards accomplish the following goals:

- Simplify the standards for automobile repair facilities by combining all repair facilities into a single use.
- Create a use definition for automobile storage lots.
- Separate the small engine repair use from larger automobile repair use.
- Review and propose changes to the zoning districts in which auto repair, auto storage, and small engine repair are allowed.

Section 300 Definitions

As stated above, the following amendments have been made to the definitions in Section 300:

- Automobile Repair Services have been combined into a single use. The LUOC, and local industry reps, agreed that there is very little difference in a facility that provides general automobile repair and a facility that provides auto body repair. Thus, the former "Major" and "Minor" automobile repair have been combined into a single use to simplify the standards in the land use ordinance.

- Warehousing, Public. The proposed change recognizes that public storage facilities often provide space on their lots for the storage of person automobiles. Storage facilities often also provide space for the outside storage of boats and trailers.

Section 400 Zoning Districts

The table provided before the ordinance text provides a summary of the districts in which each use is allowed. The table lists whether the use is “permitted use,” “conditional use,” “or home occupation.” The following are highlights of the changes in Section 400:

- Automobile repair has been removed as a conditional use in the Farm District. The LUOC agreed that the transformation of the Farm District from an agricultural area to a predominately suburban residential community, that automobile repair facilities are more appropriate in the designated commercial districts.
- In keeping with the change to automobile repair, small engine repair has also been removed as a conditional use in the Farm District. This use will still be allowed on owner-occupied properties as a home occupation.
- Automobile repair, automobile storage, and small engine repair have been added as uses in the Industrial District and Enterprise Development District.
- Commercial 3 (C3) District. In this district, the repair of commercial trucks is limited to 26,000 lbs. As noted in the supporting material, trucks over 26,000 lbs. are considered to be a more heavy duty class of vehicle. This limitation takes into account that dwellings are a permitted use in the C3 District.

Section 500 Performance Standards

- Automobile Repair Services.
 - The length of time that more than two (2) cars are allowed to remain on the property has been reduced to match the standard for automobile storage lots.
 - Cars may not be stored on a lot as an “accessory use.” This is intended to avoid a loophole in which an automobile repair shop could become a storage lot.
- Automobile Storage Lots. The standards in this section cover length of time, screening, and environmental protection.
- Warehousing, Public. A screening requirement has been added now that outside storage would be allowed.

If you have any questions prior to the meeting, please contact Committee Chair Scott Hayman, or Assistant Planner Ben Smith at your convenience.

the same site must also be allowed by the applicable zoning district(s). (*See definition of "Retail Store, Minimart"; "Automobile Repair Services, Minor"*)

Automobile Graveyard. An automobile graveyard shall be defined according to 30-A, M.R.S.A. § 3752, of the Maine Revised Statutes, as amended from time to time.

~~Automobile Repair Services, Major. Establishments primarily engaged in furnishing bodywork, welding, large scale automotive diagnostic tune ups, and major painting service. (*See Sec. 500 Performance Standards*)~~

Automobile Repair Services, ~~Minor~~. Establishments primarily engaged in the maintenance and repair of passenger vehicles, pickup trucks, all classes of commercial trucks~~small engine repair~~ and similar vehicles. The type of work typically provided includes, but is not limited to engine tune-ups and overhauls, transmission repairs, glass repair and replacement, oil changes, tire repairs and replacement, ~~and~~ brake and muffler work, bodywork, painting, and diagnostic tune-ups. (*See Sec. 500 Performance Standards*)(*See definition of "Small Engine Repair"*)

Automobile Sales. See "Retail Sales, Automobile Sales."

Automobile Storage Lot. A parcel of land, building, or facility that is used for the temporary storage of wrecked, towed or impounded motor vehicles usually awaiting insurance adjustments, reclamation by titleholders or their agents, or transport to a repair shop. (*See Sec. 500 Performance Standards*)

Bank. A bank or similar financial institution.

Backlot. See definition of, "Lot, Backlot"

Base Flood. The flood having a one-percent (1%) chance of being equaled or exceeded in any given year, commonly called the "one-hundred year flood."

Bed and Breakfast Inn. Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. (*See Sec. 500 Performance Standards*).

Boarding Home for Sheltered Care. A group home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. This definition does not include facilities for the treatment of substance abuse. (*See Sec. 500 Performance Standards*)

Buffer Strip. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Buffer Strip, Landscaped. A landscaped area adjacent to and parallel with the front property line of a lot or parcel. (*See Sec. 500 Performance Standards*)

Shipping Container. A free standing container typically assembled with steel and/or aluminum. The container typically does not have wheels, but rather, is transported via a flatbed truck, rail cars, or ship. The container is used for the transportation and/or storage of goods and materials. (*See Sec. 500 Performance Standards*)

Sidewalk. A paved way for pedestrian traffic which is constructed parallel to a road. (*See Sec. 900 Subdivision Review*)

Sign. A name, identification, description, emblem, trade name, trademark, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business.

Slaughterhouse. A structure, building, or facility used to process live animals for human consumption.

Small Engine Repair. The maintenance and repair of engines or motors used for the following types of equipment: power tools, lawn mowers, snowblowers and wood splitters. Small engine repair shall not include the maintenance or repair of engines or motors used in passenger vehicles, all terrain vehicles (ATV's), mopeds, motorcycles and snowmobiles is prohibited.

Smokehouse. A structure, building, or facility used to process or cure animal meat or products through the use of smoke.

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Story, Basement. That portion of a building which is partly or completely below grade.

Story, First. The lowest story having its finished floor surface entirely above grade, except that a basement shall be considered the first story where the finished surface of the floor *above* the basement is:

- More than six (6) feet (1829 mm) above grade plane;
- More than six (6) feet (1829 mm) above the finished ground level for more than fifty (50) percent of the total building perimeter; or
- More than twelve (12) feet (3658 mm) above the finished ground level at any point.

Story, Mezzanine. An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room in which the level or levels are located.

Story, Second. The story directly above the first story of a structure.

Waiver. A relaxation of the terms of either Section 800 Site Plan Review or Section 900 Subdivision Review. (*See Sec. 800 Site Plan Review; See Sec. 900 Subdivision Review*)

Warehousing Private. A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or group of establishments in a particular industrial field.

Warehousing, Public. A building or lot used primarily for the storage of goods and materials and available to the general public for a fee. This use definition includes self-storage facilities, as defined.

Water Body. (1) Any natural or artificial collection of water, whether permanent or temporary; (2) any body of water that meets the definition of “Water Body” in the Windham Shoreland Zoning Chapter. This definition does not include swimming pools (*See Chapter 199 Windham Shoreland Zoning*)

Wetland. (1) An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support – an that under normal circumstances does support – a prevalence of vegetation adapted for life in saturated soil conditions; (2) An area that meets the definition of a “Freshwater Wetland” in the Windham Shoreland Zoning Chapter. (*See Chapter 199 Windham Shoreland Zoning*)

Wildlife Habitat, Significant Wildlife Habitat. Areas identified by a government agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals or any areas identified in the Town’s Comprehensive Plan.

Wireless Telecommunications Tower and Facility. (1) A parcel of land containing a tower, sending and receiving antennas attached to the tower, and a prefabricated or modular structure or cabinets containing electronic equipment; (2) a Federal Communications Commission (FCC)-licensed facility, designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices and equipment. For purposes of this Ordinance, amateur radio transmission facilities and facilities used exclusively for receive-only antennas are not classified as wireless telecommunications towers and facilities.

Yard. An open space that lies between the any structure and the nearest lot line.

Yard, Front. An open space extending the full width of the lot between any structure and the front lot line and measured perpendicular to the structure at the closest point to the front lot line..

Yard, Rear. A space extending across the full width of the lot between any structure and the rear lot line and measured perpendicular to the structure to the closest point of the rear lot line.

Yard, Required. The minimum open space between a lot line and the yard line within which no structure is permitted to be located except as provided in this Ordinance.

406 Zoning Districts

A. Farm District (F)

1. Intent

The Farm district is intended primarily for rural and residential land uses. Development is restricted in order to protect farmlands, woodlands, open space, wildlife habitat and scenic areas.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Farm District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Agriculture, Piggery
- Agriculture, Poultry Facility
- Building, Accessory
- Campground, Commercial
- Campground, Personal
- Cemetery
- Child Care, Family Home
- Dwelling, Single-Family Detached
- Dwelling, Two-Family
- Dwelling, Multifamily
- Forestry
- Golf Course
- Home Occupation 1
- Home Occupation 2
- Kennel, Minor
- Mineral Extraction
- Place of Worship
- Public Building
- Research Laboratory
- Retail Sales, Nursery
- Retirement Community
- Riding Stable
- Sawmill, Permanent
- Sawmill, Temporary
- Service Business, Landscaping
- Shipping Container
- Use, Accessory
- Wireless Telecommunications Tower and Facility

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 514. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Assisted Living Facility
- ~~Automobile Repair Services, Minor~~
- Bed and Breakfast Inn
- Boarding Home for Sheltered Care
- Kennel, Major
- Medical Office

- Nursing Home
- Public Utility Facility
- Recreation Facility, Indoor
- Recreation Facility, Outdoor
- Retail Sales, Convenience
- Rooming House

4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. Dimensional Standards

The following dimensional standards shall apply in the Farm District:

- (a) Minimum Lot Size:
 - (1) Standard (Non-Cluster) 80,000 s.f.
 - (2) Cluster Subdivision:
 - (a) All Subdivision lots connected to public water 30,000 s.f.
 - (b) Subdivision served by wells or a private system 40,000 s.f.
 - (3) Rooming House 4 acres
- (b) Maximum Lot Size:
 - (1) Cluster Subdivision 50,000 s.f.
 - (2) Cluster Subdivision: one (1) lot within subdivision 60,000 s.f.
- (c) Net Residential Density: 60,000 s.f.
- (d) Minimum Frontage:
 - (1) Standard (Non cluster) 200 ft.
 - (2) Cluster Subdivision 150 ft.
- (e) Minimum Front Setback:
 - (1) Standard (Non cluster) 40 ft.
 - (i) The minimum front Setback of a lot may be reduced to the average setback distance of the existing buildings located on the lots to either side of said lot.
 - (2) Cluster subdivision 30 ft.
 - (3) Non-Residential Use: Minimum Landscaped Buffer Strip 15 ft.
- (f) Minimum Side Setback:
 - (1) Standard (Non cluster) 10 ft.
 - (2) Cluster Subdivision: 10 ft.
- (g) Minimum Rear Setback:
 - (1) Standard (Non cluster): 10 ft.
 - (2) Cluster Subdivision: 10 ft.

- (h) Maximum Building Height: 35 ft.
 - (1) Agriculture, Public Buildings, Church Steeples No Limit
- (i) Maximum Building Coverage: 25%

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Farm District:

- (a) Automobile Repair Services, ~~Minor~~ in existence prior to [Effective Date]
 - (1) All repair operations shall be conducted inside an enclosed building.
 - (2) No more than three vehicles shall be serviced or stored on the property at any one time.
 - (3) Hours of operation shall be Monday through Saturday from 8:00 A.M. to 5:00 P.M.
- (b) Boarding Home for Sheltered Care. Homes shall be limited to a maximum number of 20 patients at any one time.
- (c) Cluster Subdivision. (*See Sec. 900 Subdivision Review*)
 - (1) Cluster subdivisions shall only be permitted on lots with the following minimum gross land area:
 - (i) Lots completely contained by the Farm District 20 acres
 - (ii) Lots with area in both the F and FR Districts 20 acres
 - (2) All Sketch Plan applications for single-family subdivisions that are located on a lot with a gross acreage of twenty (20) acres or more shall submit the following:
 - (i) One (1) conventional subdivision plan.
 - (ii) One (1) cluster subdivision plan.
- (d) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the Farm District
- (e) Dwelling, Two-Family and Dwelling, Multifamily. These uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:
 - (1) No more than three (3) dwelling units may be created per lot.
 - (2) All dwelling units shall have a minimum area of 500 s.f.
- (f) Medical Office. See “Medical Office” in Section 500 Performance Standards for size limitations.

- (g) Research Laboratory. This use in the Farm District must conduct investigative research that is primarily related to the items defined in the definition of, “Agriculture.” Refer to Section 300 Definitions.
- (h) Service Business, Landscaping. This use shall be an accessory use to a Retail Sales, Nursery use under the following conditions:
 - (1) The Service Business, Landscaping use shall not exceed fifty (50) percent of the gross area (both interior and exterior areas) occupied by the principle Retail Sales, Nursery use.
- (i) Buffer Requirements for Specific Non-residential Uses. The following uses shall provide a buffer strip, as defined, from all abutting properties that are solely occupied by a residential dwelling(s):
 - (1) Boarding Home for Sheltered Care
 - (2) Medical Office
 - (3) Nursing Home
 - (4) Retail Sales, Convenience
 - (5) Retail Sales, Nursery
 - (5) Service Business, Landscaping

B. Farm-Residential District (FR)

1. Intent

The Town, as a rapidly growing community, recognizes that certain areas of the town will experience residential growth while the basic rural agricultural orientation remains. It is the intent of this chapter to allow these uses to coexist and develop harmoniously.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Farm-Residential District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Building, Accessory
- Campground, Commercial
- Campground, Personal
- Cemetery
- Child Care, Family Home
- Dwelling, Two-Family
- Dwelling, Multifamily
- Dwelling, Single-Family Detached
- Forestry
- Golf Course
- Home Occupation 1
- Home Occupation 2
- Kennel, Minor
- Mineral Extraction
- Place of Worship
- Public Building
- Retirement Community
- Sawmill, Temporary
- Shipping Container
- Use, Accessory
- Wireless Telecommunications Tower and Facility

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 514. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture, Piggery
- Agriculture, Poultry Facility
- Assisted Living Facility
- Bed and Breakfast Inn
- Boarding Home for Sheltered Care
- Kennel, Major
- Medical Office
- Nursing Home
- Public Utility Facility
- Recreation Facility, Indoor
- Recreation Facility, Outdoor
- Retail Sales, Convenience
- Retail Sales, Nursery
- Riding Stable
- Sawmill, Permanent

4. **Prohibited Uses**

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. **Dimensional Standards**

The following dimensional standards shall apply in the Farm-Residential District:

- (a) **Minimum Lot Size:**
 - (1) Standard (Non cluster) 50,000 s.f.
 - (2) Cluster Subdivision:
 - (i) All subdivision lots connected to public water 20,000 s.f.
 - (ii) Subdivision served by wells or a private system 25,000 s.f.
- (b) **Maximum Lot Size:**
 - (1) Cluster Subdivision 35,000 s.f.
 - (2) Cluster Subdivision, one (1) lot within subdivision 45,000 s.f.
- (c) **Net Residential Density:** 40,000 sf.
- (d) **Minimum Frontage:**
 - (1) Standard (Non cluster) 150 ft.
 - (2) Cluster Subdivision 100 ft.
- (e) **Minimum Front Setback:**
 - (1) Standard (Non cluster) 30 ft.
 - (i) The minimum front Setback of a lot may be reduced to the average setback distance of the existing buildings located on the lots to either side of said lot.
 - (2) Cluster Subdivision 25 ft.
 - (3) Non-Residential Use: Minimum Landscaped Buffer Strip 15 ft.
- (f) **Minimum Side Setback:**
 - (1) Standard (Non cluster) 10 ft.
 - (2) Cluster Subdivision: 10 ft.
- (g) **Minimum Rear Setback:**
 - (1) Standard (Non cluster): 10 ft.
 - (2) Cluster Subdivision: 10 ft.
- (h) **Maximum Building Height:** 35 ft.
 - (1) Agriculture, Public Buildings, Church Steeples No Limit
- (i) **Maximum Building Coverage:** 20%

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Farm-Residential District:

- (a) Agriculture, Poultry Facility
 - (1) A facility may raise twenty-five (25) or fewer birds at any one time.
- (b) Agriculture, Piggery. Piggeries shall conform with the standards for “Agriculture, Piggery” in Section 502 of the Performance Standards.
- (c) Boarding Home for Sheltered Care. Homes shall be limited to a maximum number of 20 patients at any one time.
- (d) Cluster Subdivision (*See Sec. 900 Subdivision Review*)
 - (1) Cluster subdivisions shall only be permitted on lots with the following minimum gross land area:
 - (i) Lots completely contained by the FR District: 10 acres
 - (ii) Lots with area in both the F and FR Districts: 20 acres
 - (2) All Sketch Plan applications for single-family subdivisions that are located on a lot with a gross acreage of ten (10) acres or more shall submit the following:
 - (i) One (1) conventional subdivision plan.
 - (ii) One (1) cluster subdivision plan.
- (e) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the Farm Residential District
- (f) Dwelling, Two-Family and Dwelling, Multifamily. These uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:
 - (1) No more than three (3) dwelling units may be created per lot.
 - (2) All dwelling units shall have a minimum area of 500 s.f.
- (g) Medical Office. See “Medical Office” in Section 500 Performance Standards for size limitations.
- (h) Buffer Requirements for Specific Non-residential Uses. The following uses shall provide a buffer strip, as defined, from all abutting properties that are solely occupied by a residential dwelling(s):
 - (1) Boarding Home for Sheltered Care
 - (2) Medical Office

- (3) Nursing Home
- (4) Retail Sales, Convenience
- (5) Retail Sales, Nursery

C. Light-Density Residential District (RL)

1. Intent

It is the intent of this district to ensure the proper development of residential areas by encouraging the formation of community units while developing, protecting, and preserving open spaces.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Light-Density Residential District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Building, Accessory
- Cemetery
- Child Care, Family Home
- Dwelling, Single-Family Detached
- Dwelling, Two-Family
- Dwelling, Multifamily
- Forestry
- Home Occupation 1
- Home Occupation 2
- Place of Worship
- Public Building
- Retirement Community
- Sawmill, Temporary
- Shipping Container
- Use, Accessory
- Wireless Telecommunications Tower and Facility

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 514. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Assisted Living Facility
- Bed and Breakfast Inn
- Boarding Home for Sheltered Care
- Hotel
- Nursing Home
- Medical Office
- Mineral Extraction
- Motel
- Public Utility Facility
- Recreation Facility, Indoor
- Recreation Facility, Outdoor
- Retail Sales, Convenience
- Retail Sales, Nursery

4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. Dimensional Standards

The following dimensional standards shall apply in the Light-Density Residential District:

- (a) Minimum Lot Size: 40,000 s.f.
- (b) Net Residential Density: 30,000 s.f.
- (c) Minimum Frontage: 150 ft.
- (d) Minimum Front Setback: 30 ft.
 - (1) The minimum front Setback of a lot may be reduced to the average setback distance of the existing buildings located on the lots to either side of said lot.
 - (2) Non-Residential Use: Minimum Landscaped Buffer Strip 15 ft.
- (e) Minimum Side Setback: 10 ft.
- (f) Minimum Rear Setback: 10 ft.
- (g) Maximum Building Height: 35 ft.
 - (1) Agriculture, Public Buildings, Church Steeples No Limit
- (h) Maximum Building Coverage: 20%

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Light-Density Residential District:

- (a) Boarding Home for Sheltered Care. Homes shall be limited to a maximum number of 20 patients at any one time.
- (b) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the Light-Density Residential District
- (c) Dwelling, Two-Family and Dwelling, Multifamily. These uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:

- (1) No more than three (3) dwelling units shall be erected per lot.
 - (2) All dwelling units shall have a minimum area of 500 s.f.
- (d) Medical Office. See “Medical Office” in Section 500 Performance Standards for size limitations.
- (e) Buffer Requirements for Specific Non-residential Uses. The following uses shall provide a buffer strip, as defined, from all abutting properties that are solely occupied by a residential dwelling(s):
- (1) Boarding Home for Sheltered Care
 - (2) Medical Office
 - (3) Retail Sales, Convenience
 - (4) Retail Sales, Nursery

D. Medium-Density Residential District (RM)

1. Intent

It is the intent of this ordinance to assure the proper development of residential areas by encouraging the formation of community units while developing and preserving open space.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Medium-Density Residential District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Building, Accessory
- Cemetery
- Child Care, Family Home
- Dwelling, Single-Family Detached
- Dwelling, Two-Family
- Dwelling, Multifamily
- Forestry
- Home Occupation 1
- Home Occupation 2
- Housing for Older Persons
- Place of Worship
- Public Building
- Retirement Community
- Sawmill, Temporary
- Shipping Container
- Use, Accessory

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 514. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Assisted Living Facility
- Bed and Breakfast Inn
- Boarding Home for Sheltered Care
- Medical Office
- Mineral Extraction
- Nursing Home
- Recreation Facility, Indoor
- Recreation Facility, Outdoor
- Retail Sales, Convenience
- Public Utility Facility

4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. Dimensional Standards

The following Dimensional standards shall apply in the Medium-Density Residential District:

Type	Public Water	Well
(a) Minimum Lot Size:		
(1) Standard:	20,000 s.f.	30,000 s.f.
(2) Retirement Community	None	n/a
(b) Net Residential Density:		
(1) Standard:	15,000 s.f.	15,000 s.f.
(2) Retirement Community:		
(a) One (1) Bedroom Unit:	8,000 s.f.	n/a
(b) Each Additional Bedroom:	6,000 s.f.	n/a
(c) Minimum Frontage:	100 ft.	100 ft.
(d) Minimum Front Setback:	30 ft.	30 ft.
(1) The minimum front Setback of a lot may be reduced to the average setback distance of the existing buildings located on the lots to either side of said lot.		
(2) Non-Residential Use:		
Minimum Landscaped Buffer Strip	15 ft.	15 ft.
(e) Minimum Side Setback:	10 ft.	10 ft.
(f) Minimum Rear Setback:	10 ft.	10 ft.
(g) Maximum Building Height:	35 ft.	35 ft.
(h) Maximum Building Coverage:	20%	20%

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Medium-Density Residential District:

- (a) Boarding Home for Sheltered Care. Homes shall be limited to a maximum number of 20 patients at any one time.

- (b) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the Medium-Density Residential District
- (c) Retirement Community. The State of Maine Minimum Lot Size Law of 12 M.R.S.A. §4807 to §4807-G shall apply to the Retirement Community use.
- (d) Medical Office. See “Medical Office” in Section 500 Performance Standards for size limitations.
- (e) Buffer Requirements for Specific Non-residential Uses. The following uses shall provide a buffer strip, as defined, from all abutting properties that are solely occupied by a residential dwelling(s):
 - (1) Boarding Home for Sheltered Care
 - (2) Medical Office
 - (3) Nursing Home
 - (4) Retail Sales, Convenience

E. Commercial District I (C1)

1. Intent

To provide general retail sales, services and business space within the Town of Windham in locations capable of conveniently servicing community-wide and/or regional trade areas, with safe, well-regulated automobile access and pedestrian access where appropriate.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Commercial District I as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Assisted Living Facility
- Adult Business Establishment
- Bank
- Building, Accessory
- Business and Professional Office
- Child Care, Facility
- Child Care, Family Home
- Club
- Construction Services
- Convention Center
- Dwelling, Existing Single-Family Detached
- Dwelling, Existing Two-Family
- Dwelling, Existing Multifamily
- Dwelling, Mixed Use
- Fitness Center
- Forestry
- Funeral Home
- Home Occupation 1
- Home Occupation 2
- Hospital
- Medical Marijuana Dispensary
- Medical Office
- Mineral Extraction
- Nursing Home
- Place of Worship
- Public Building
- Recreation Facility, Indoor
- Research Laboratory
- Restaurant
- Retail Sales
- Retail Sales, Convenience
- Retail Sales, Nursery
- Retail Sales, Outdoor
- Retirement Community
- Sawmill, Temporary
- Service Business, Commercial
- Service Business, Landscaping
- Service Business, Personal
- Theater
- Use, Accessory
- Wireless Telecommunications Tower and Facility

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 514. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Automobile Gas Station
- Automobile Repair Services;
~~Major~~
- ~~Automobile Repair Services;~~
~~Minor~~
- Distribution Center
- Drive-through Facility
- Hotel
- Industry, Light
- Industry, Heavy
- Motel
- Public Utility Facility
- Recreation Facility, Outdoor
- Retail Sales, Automobile Sales
- Retail Sales, Minimart
- Shipping Containers
- Small Engine Repair
- Warehousing, Private
- Warehousing, Public

4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. Dimensional Standards

The following dimensional standards shall apply in the Commercial District I:

- | | |
|---|-------------|
| (a) Minimum Lot Size: | None |
| (1) Dwelling, Existing | 20,000 s.f. |
| (2) Dwelling, Mixed Use | 15,000 s.f. |
| (b) Net Residential Density: | |
| (1) Retirement Community: | |
| (i) One (1) Bedroom Unit | 8,000 s.f. |
| (ii) Each Additional Bedroom | 6,000 s.f. |
| (2) Dwelling, Mixed Use | 15,000 s.f. |
| (c) Minimum Frontage: | 100 ft. |
| (d) Minimum Front Setback: | 40 ft. |
| (1) Minimum Landscaped Buffer Strip | 20 ft. |
| (2) Dwelling, Existing: (All associated structures) | 30 ft. |

- (i) The minimum front Setback of a lot governed by Subsection 406.E.5.(d) may be reduced to the average setback distance of the existing structures located on the lots to either side of said lot.
- (ii) A landscaped buffer strip is not required for lots with existing dwelling units.

- (e) Minimum Side Setback: 6 ft.
 - (1) Dwelling, Existing (All associated structures) 10 ft.

- (f) Minimum Rear Setback: 6 ft.
 - (1) Dwelling, Existing (All associated structures) 10 ft.

- (g) Maximum Building Height: None
 - (1) Dwelling, Existing (All associated structures) 35 ft.

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Commercial District I:

- (a) Aquifer Protection Overlay District. (*See Subsec. 407.A or 407.B*) – Aquifer Protection Overlay District and the Town’s Official Map.

- (b) Buffer Requirement. All properties in the C1 district that abut a residential use, or undeveloped parcel, located in a residential zoning district shall provide a fifty (50) foot buffer along the zoning district boundary line.

- (c) Controlled Access Street. For standards pertaining to controlled access streets in the C1 District see Section 300 Definitions and Section 500 Performance Standards.

- (d) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for additional standards applicable to the C1 District
 - (1) New, enlarged or rebuilt uses on an arterial road, as defined in Section 300, shall be limited to one (1) curb cut. In addition, the following standards shall apply to these curb cuts:
 - (i) A minimum centerline turning radius of 25’ must be provided.
 - (ii) A larger turning radius shall be provided if the curb cut will be used by vehicles with a wheel base of 35.8 feet or larger. In this case, the latest American Association of State Highway and Transportation Officials (AASHTO) standard shall apply.
 - (iii) Paved deceleration and acceleration lanes must be provided unless an alternative traffic design, prepared by a licensed civil engineer, is approved by the Town. (*See Sec. 500 Performance Standards for additional curb cut criteria*)

- (e) Dwelling, Existing Single-Family, Two-Family and Multifamily. For the purposes of Section 406.E – Commercial District I, these uses must have been constructed on, or prior to, July 8, 1976.
- (f) Retirement Community. The following standards shall apply to this use (*also see Section 407 Retirement Community and Care Facility Overlay District*):
 - (1) Dwelling units shall not be permitted in the basement or first story of a building, except
 - (i) Dwelling units that are classified as “affordable” shall be permitted on all stories of a building. To be classified as “affordable,” the project must be funded via Section 202 of the Federal Housing Act of 1959.
- (g) Industry, Heavy. In the C1 district, this use shall not involve any activity defined in Section 300 as “Manufacturing, Hazardous.” (*See Sec. 300 Definitions*)
- (h) Minimum Lot Size. The State of Maine minimum lot size, and minimum lot size waiver, standards apply in the C1 district when the Town’s minimum lot size requirements are less restrictive than those of the State of Maine.
- (i) Retail Sales, Outdoor. The display or sale of products outside of a building shall meet the standards of Section 500. (*See Sec. 500 Performance Standards*)
- (j) Sidewalks. New, enlarged or rebuilt uses shall provide sidewalks along any public ways that border the property.
 - (1) Sidewalks along arterial streets shall be a minimum of six (6) feet in width.

F. Commercial District II (C2)

1. Intent

The intent of this district is to provide for a mixed commercial and residential zone as a buffer zone between the Commercial District I and the abutting residential areas.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Commercial II District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Adult Business Establishment
- Bank
- Building, Accessory
- Business and Professional Office
- Child Care, Facility
- Child Care, Family Home
- Convention Center
- Dwelling, Single-Family Detached
- Dwelling, Two-Family
- Dwelling, Multifamily
- Dwelling, Mixed Use
- Fitness Center
- Forestry
- Funeral Home
- Home Occupation 1
- Home Occupation 2
- Medical Office
- Public Building
- Recreation Facility, Indoor
- Research Laboratory
- Retail Sales
- Retail Sales, Convenience
- Retail Sales, Nursery
- Retail Sales, Outdoor
- Retirement Community
- Service Business, Personal
- Theater
- Use, Accessory
- Wireless Telecommunications Tower and Facility

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 514. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Bed and Breakfast Inn
- Club
- Drive-through Facility
- Hotel
- Motel
- Public Utility Facility
- Recreation Facility, Outdoor
- Restaurant
- Shipping Container

4. **Prohibited Uses**

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. **Dimensional Standards**

The following dimensional standards shall apply in the Commercial District II:

(a) Minimum Lot Size:	None
(1) Dwelling, Single-Family; Two-Family; Multifamily	40,000 s.f.
(b) Net Residential Density:	30,000 s.f.
(1) Retirement Community:	
(i) One (1) Bedroom Unit	8,000 s.f.
(ii) Each Additional Bedroom	6,000 s.f.
(c) Minimum Frontage:	150 ft.
(d) Minimum Front Setback:	40 ft.
(1) Minimum Landscaped Buffer Strip	20 ft.
(e) Minimum Side Setback:	10 ft.
(f) Minimum Rear Setback:	10 ft.
(g) Maximum Building Height:	None
(1) Dwellings (All associated structures)	35 ft.

6. **District Standards**

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Commercial District II:

- (a) **Controlled Access Street.** For standards pertaining to controlled access streets in the C2 District see Section 300 Definitions and Section 500 Performance Standards.
- (b) **Curb Cuts.** See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the C2 District
- (c) **Minimum Lot Size.** The State of Maine minimum lot size, and minimum lot size waiver, standards apply in the C2 district when the Town’s minimum lot size requirements are less restrictive than those of the State of Maine.

- (d) Minimum Side Setback Reduction. The required minimum side setback shall be permitted to be reduced to zero (0) where a common wall is proposed between buildings.
- (e) Retail Sales, Outdoor. The display or sale of products outside of a building shall meet the standards of Section 500. (*See Sec. 500 Performance Standards*)
- (f) Zoning District Boundary Buffer. Lots on which non-residential uses are located shall require a fifty (50) foot buffer from all property lines that abut a residential zoning district. The buffer shall meet the following requirements:
 - (1) No development shall be allowed within the buffer. This includes, but is not limited to, parking lots, signage, and light fixtures.
 - (2) The buffer must provide screening as described in the definition of buffer, (*see Sec. 300 Definitions*).

G. Commercial District III (C3)

1. Intent

The intent of the Commercial District III is to provide areas for a mixture of light, low-traffic generating commercial uses and single-family housing.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Commercial District III as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Adult Business Establishment
- Building, Accessory
- Business and Professional Office
- Child Care, Facility
- Child Care, Family Home
- Dwelling, Single-Family
- Dwelling, Two-Family
- Dwelling, Multifamily
- Dwelling, Mixed Use
- Forestry
- Home Occupation 1
- Home Occupation 2
- Medical Office
- Place of Worship
- Public Building
- Recreation Facility, Indoor
- Retail Sales
- Retail Sales, Convenience
- Retail Sales, Nursery
- Retail Sales, Outdoor
- Theater
- Use, Accessory
- Warehousing, Private
- Warehousing, Public
- Wireless Telecommunications Tower and Facility

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 514. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Assisted Living Facility
- Automobile Repair Services;
~~Minor~~
- Bed and Breakfast Inn
- Campground, Commercial
- Campground, Personal
- Club
- Hotel
- Industry, Light
- Motel
- Nursing Home
- Public Utility Facility
- Restaurant
- Shipping Container
- Small Engine Repair

4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. Dimensional Standards

The following dimensional standards shall apply in the Commercial District III:

- | | |
|--|-------------|
| (a) Minimum Lot Size: | |
| (1) Dwelling, Single-Family; Two-Family; Multifamily | 80,000 s.f. |
| (2) Dwelling, Mixed Use | 80,000 s.f. |
| (3) Non-Residential | 20,000 s.f. |
| (b) Net Residential Density: | 60,000 s.f. |
| (c) Minimum Frontage: | |
| (1) Dwelling, Single-Family; Two-Family; Multifamily | 200 ft. |
| (2) Non-Residential | 100 ft. |
| (d) Minimum Front Setback: | |
| (1) Arterial Street | 60 ft. |
| (2) Non-Arterial Street | 40 ft. |
| (3) Minimum Landscaped Buffer Strip | 20 ft. |
| (e) Minimum Side Setback: | 10 ft. |
| (f) Minimum Rear Setback: | 10 ft. |
| (g) Maximum Building Height: | |
| (1) Dwellings (All associated structures) | 35 ft. |
| (2) Non-Residential | None |

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Commercial District III:

- (a) Auto Repair Services. The repair of commercial trucks shall be limited to those vehicles with a Gross Vehicle Weight Rating equal to, or less than, 26,000 lbs.
- (b) Controlled Access Street. For standards pertaining to controlled access streets in the C3 District see Section 500 Performance Standards.

- | (cb) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the C3 District.
- | (de) Dwelling, Two-Family and Dwelling, Multifamily. These uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:
 - (1) No more than three (3) dwelling units may be created per lot.
- | (ed) Minimum Side Setback Reduction. The required minimum side setback shall be permitted to be reduced to zero (0) where a common wall is proposed between buildings.
- | (fe) Retail Sales, Outdoor. The display or sale of products outside of a building shall meet the standards of Section 500. (*See Sec. 500 Performance Standards*)
- | (gf) Zoning District Boundary Buffer. Lots on which non-residential uses are located shall require a fifty (50) foot buffer from all property lines that abut a residential zoning district. The buffer shall meet the following requirements:
 - (1) No development shall be allowed within the buffer. This includes, but is not limited to, parking lots, signage, and light fixtures.
 - (2) The buffer must provide screening as described in the definition of “Buffer Strip”, in Section 300 Definitions.

H. Industrial District (I)

1. Intent

The intent of this district is to provide districts within the Town of Windham for manufacturing, processing, treatment, research, warehousing, storage and distribution.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Industrial District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Agriculture, Piggery
- Agriculture, Poultry Facility
- Automobile Repair Services
- Building, Accessory
- Distribution Center
- Dwelling, Existing Single-Family
- Dwelling, Existing Two-Family
- Dwelling, Existing Multifamily
- Home Occupation 1
- Home Occupation 2
- Industry, Heavy
- Industry, Light
- Mineral Extraction
- Research Laboratory
- Retail Sales
- Small Engine Repair
- Truck Terminal
- Use, Accessory
- Warehousing, Private
- Warehousing, Public
- Wireless Telecommunications Tower and Facility

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 514. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Automobile Storage Lot
- Correctional Facility, Public
- Public Building
- Public Utility Facility
- Shipping Container

4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. Dimensional Standards

The following dimensional standards shall apply in the Industrial District:

- (a) Minimum Lot Size: 20,000 s.f.
- (b) Minimum Frontage: 100 ft.
- (c) Minimum Front Setback: 100 ft.
 - (1) Dwelling, Existing 40 ft.
- (d) Minimum Side Setback: Greater of 25 ft. or 50% of Building Height
 - (1) Dwelling, Existing (All associated structures): 15 ft.
 - (i) Either side Setback of for an existing dwelling may be reduced one (1) foot for every foot that the lot's other side Setback is increased. However, no side Setback shall be less than ten (10) feet.
- (e) Minimum Rear Setback: Greater of 25 ft. or 50% of Building Height
 - (1) Dwelling, Existing (All associated structures) 10 ft.
- (f) Maximum Building Height: None
 - (1) Dwelling, Existing (All associated structures) 35 ft.
- (g) Maximum Building Coverage: None
 - (1) Non-residential Buildings See Subsection 406.H.5.(c) below.

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Industrial District:

- (a) Curb Cuts. See "Curb Cuts and Driveway Openings" in Section 500 Performance Standards for standards applicable to the I District.
- (b) Industry, Heavy. In accordance with the Conditional Use standards in Section 500, the appropriate Review Authority may approve the manufacturing or use of hazardous material, as defined in Section 300. (*See Sec. 300 for definition of "manufacturing, hazardous"*)
- (c) Open Space Requirement. All non-residential uses, except for agriculture, must provide two (2) square feet of open space, as defined, for every one (1) square foot of floor area. (*See Sec. 300 Definitions*)

- (d) Zoning District Boundary Buffer. Lots on which non-residential uses are located shall require a fifty (50) foot buffer from all property lines that abut a residential zoning district. The buffer shall meet the following requirements:
 - (1) No development shall be allowed within the buffer. This includes, but is not limited to, parking lots, signage, and light fixtures.
 - (2) The buffer must provide screening as described in the definition of “Buffer Strip”, in Section 300 Definitions.

I. Enterprise Development District (ED)

1. Intent

The intent of this district is to provide a unique area within the Town of Windham to allow manufacturing, processing, treatment, warehousing, storage, research and distribution with safe, well regulated vehicle access located off a major street which can conform to the performance standards set forth in this section and in all other applicable ordinances of the Town of Windham.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Enterprise Development District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Auction House
- Automobile Repair Services
- Building, Accessory
- Business and Professional Office
- Construction Services
- Convention Center
- Distribution Facility
- Forestry
- Hotel
- Industry, Heavy
- Industry, Light
- Mineral Extraction
- Motel
- Public Utility Facility
- Retail Sales, Accessory
- Small Engine Repair
- Use, Accessory
- Warehousing, Private
- Warehousing, Public
- Wireless Telecommunications Tower and Facility

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 514. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Automobile Storage Lot
- Shipping Container

4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. Dimensional Standards

The following dimensional standards shall apply in the Enterprise Development District:

- | | |
|---------------------------------------|---|
| (a) Minimum Lot Size: | None |
| (b) Minimum Frontage: | 100 ft. |
| (c) Minimum Front Setback: | 40 ft. |
| (1) Minimum Landscaped Buffer Strip | 40 ft. |
| (d) Minimum Side Setback: | Greater of 30 ft. or 50% of Building Height |
| (e) Minimum Rear Setback: | Greater of 30 ft. or 50% of Building Height |
| (f) Maximum Building Height: | 40 ft. |
| (1) Maximum Building Height Exemption | See District Standards |
| (g) Maximum Building Coverage: | 50% |
| (h) Maximum Impervious Area: | 75% |

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Enterprise Development District:

(a) Access Management

- (1) Any parcel of land which is divided or developed may be required by the Town to provide one (1) or more sixty (60) foot right-of-ways to abutting land in the Enterprise Development Zone.
- (2) An Enterprise Development District may have one (1) or more dead-end access streets from an existing public right-of-way.
 - (i) If two (2) or more entrances to an Enterprise Development District are proposed, such entrances shall be separated by at least one thousand (1000) linear feet, unless waived by the Planning Board.
- (3) The Town may require that one (1) or more turning lanes be provided on the public right-of-way from which the Enterprise District is accessed. The need for these lanes will be based on proposed traffic volumes and conditions.

- (4) Access to all lots within an Enterprise Development District shall be limited to the District's interior road system.
- (b) **Convention Center.** Convention Centers shall only be permitted as an Accessory Use to a Hotel or Motel.
- (c) **Buffers and Screening**
 - (1) **Residential District Boundary Buffer.** Where a lot abuts, or is within one hundred (100) feet of the side or rear boundary line of any residential district (including any residential district in an adjacent municipality), or within one hundred (100) feet of the side or rear boundary line of an existing improved residential lot within an ED District a fifty (50) foot wide buffer strip shall be provided. The following standards shall apply to the required buffer:
 - (i) Twenty (20) feet nearest the boundary shall be used and maintained as a landscaped buffer strip, as defined.
 - a) Within the landscaped buffer strip, screening of adjoining properties must be achieved as defined for a Buffer in Section 300 Definitions.
 - (ii) The remaining thirty (30) feet of the landscaped buffer strip shall also be used and maintained as a suitable planting area for lawns with trees, shrubs or other landscape material. Within this portion of the buffer strip, underground utilities such as septic systems, sewer pipes, storage tanks and wells shall be allowed. Employee picnic tables shall also be permitted in this area.
 - (iii) No building, structure, parking area, storage area, or display of equipment or materials shall be constructed, located or otherwise placed within any portion of the buffer strip.
 - (2) **Commercial District Boundary Buffer.** In an ED District where a lot abuts or is within one hundred (100) feet of the side or rear boundary line of any commercial zone, there shall be provided on those sides facing the commercial zone a buffer strip fifteen (15) feet wide which shall be used and maintained as a suitable planting area for lawns, trees, shrubs or other landscape materials.
 - (i) Within the landscaped buffer strip, screening of the adjoining commercial district properties must be achieved as defined for a Buffer Strip in Section 300 Definitions.
 - (3) **Frontage on Existing Public Rights-of-Way Buffer.** A landscaped buffer strip of at least one hundred (100) feet shall be required where the District, or a lot within the District, has frontage on an improved public right-of-way

that was in existence prior to the creation of the Enterprise Development District.

- (i) One (1) sign that identifies the establishments within the Enterprise Development District shall be permitted within the landscaped buffer strip. See Section 700 Signs and Graphic Displays.
 - (ii) No equipment, vehicles, materials, articles for sale or signs in addition to that allowed in Subsection 400(I)(6)(c)(1)(ii) above, shall be placed within any portion of the landscaped buffer strip unless otherwise provided for in this chapter.
- (4) Screening of Outdoor Storage. Outdoor storage shall be completely screened from adjoining properties by means of evergreen trees at least six (6) feet in height at time of planting.
- (5) Screening of Lighting: See Subsection 400(I)(6)(g)(5) below.
- (d) **Industry, Heavy.** In accordance with the Conditional Use standards in Section 514, the appropriate Review Authority may approve the manufacturing or use of hazardous material, as defined in Section 300. (*See Sec. 300 for definition of "manufacturing, hazardous"*)
- (e) **Maximum Building Height Exemption.** Buildings over 40 ft. high shall be allowed if approved by the Zoning Board of Appeals.
- (1) The Zoning Board of Appeals shall use the Conditional Use standards in Section 514 to make its findings on the application.
- (f) **Parking Lot Setback.** Parking lots shall maintain a 30 ft. setback from all property lines.
- (g) **Performance Standards**
- (1) Air Pollution: All uses shall comply with minimum Federal, State and local air pollution requirements.
- (i) Applicants shall submit information demonstrating compliance with any applicable federal, state or local requirements. If the application does not require subdivision or site plan review, the information shall be submitted to the Code Enforcement Officer for approval before a building permit is issued.
 - (ii) The maximum permitted density of smoke, dust and other particulate emissions during normal operations of any activity shall not exceed the maximum allowable under the regulations of the Maine Department of

Environmental Protection. In case of doubt, the Code Enforcement Officer may employ such independent, recognized consultants as necessary, at the expense of the applicant, to assure compliance with performance standards and all other requirements of this chapter related to the public health, safety and welfare and the abatement of nuisances.

- (2) Electromagnetic Interference. No use, activity or process shall be conducted which produces electromagnetic interference in the transmission or reception of electrical impulses beyond any lot lines, including radio and television. In all cases, Federal, State and local requirements shall be met. Violations of this standard shall be considered a public nuisance.
- (3) Fire Protection.
 - (i) All buildings or structures shall be connected to the public water supply and have a sprinkler system or a fire suppression system installed when required by the Town of Windham Building Code.
 - (ii) Storage, utilization, or manufacture of solid materials or products including free burning and intense burning is permitted provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire-extinguishing system.
 - (iii) The storage, utilization, or manufacture of flammable liquids, or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the most current edition of the National Fire Protection Association Standards for Flammable and Combustible Liquids (NFPA 30) or the most current edition of the Building Officials and Code Administrators (BOCA) Fire Prevention Code. The most restrictive standards shall apply.
 - (iv) Any change in use or occupancy shall require a review and approval by the Code Enforcement Officer and the Fire Chief.
 - (v) Tanks or other underground storage facilities abandoned or not in use for a period exceeding one (1) year shall be removed or otherwise assured safe conditions are present. In all cases, applicable Federal, State and local regulations shall prevail.
- (4) Groundwater and Surface Water Protection.
 - (i) Water Pollution. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that run off, seep, percolate, or wash into surface

or ground waters so as to contaminate, pollute or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant or aquatic life.

- a) All provisions of 38 M.R.S.A. Chapter 3, Protection and Improvements of Waters and such rules and regulations adopted by the Maine Board of Environmental Protection pursuant to the referenced purpose shall apply.
 - b) No development or use shall result in the existing groundwater quality becoming inferior to the physical, biological, chemical and/or radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S.A., §2601 et seq. If the existing groundwater quality is inferior to the State Drinking Water Regulations, the developer or land owner will not degrade the water quality any further.
 - c) Representatives of the municipality or the Maine Department of Environmental Protection may enter the premises for the purpose of gauging, sampling and testing any waste water systems which may enter into water courses.
 - d) No development or use of land shall lower the groundwater table more than ten (10) feet.
- (ii) Subsurface Wastewater Disposal. The Enterprise Development District has been determined by the Town of Windham to be particularly sensitive to the discharge of pollutants from on-site subsurface sewage disposal systems and is therefore designated as a groundwater sensitive area. when the sewage contains effluent other than usual bathroom and/or on-premises food preparation water, the Town of Windham may require a pretreatment system of the effluent before its entry into any subsurface sewage disposal system
- a) The Town may hire a third party consultant to review any subsurface wastewater disposal applications. The costs for this review shall be the responsibility of the applicant.
 - b) The Town of Windham may require groundwater monitoring of the project at the owner's expense.
- (5) Lighting

- (i) No lights shall be placed in view of any public roadway or street so that its beams or rays are directed at any portion of the roadway when the light is of such brilliance and so positioned as to impair the vision of the driver of any motor vehicle upon said roadway.
 - (ii) Lighting with a lumen output equal to or greater than a two-hundred watt mercury light shall not be directed towards the sky or adjacent residential properties.
 - (iii) No rotating or flashing lights or signals, except safety signaling devices as required by law, are permitted.
 - (iv) Adequate buffers using either the natural landscape or artificial screening are required to prevent unnecessary light from being directed beyond any lot lines onto adjacent residential properties.
- (6) Noise. Noise is required to be muffled so as not to be objectionable due to emission, beat frequency or shrillness. The average dBA count resulting from any activity shall not exceed at any point on or beyond any lot line, sixty (60) dBA during the day and fifty (50) dBA at night. The average dBA count for any activity shall be computed based on samples taken at intervals over a twenty-four hour period.
- (i) During the peak activity of sixty (60) minutes in a twenty-four hour period, a noise may not exceed these average dBA counts by more than ten (10) dBA.
 - (ii) Temporary activities that are unable to meet these requirements shall require a special permit from the Code Enforcement Officer. The noise standards shall not apply to the temporary use of such machinery as chainsaws, lawn mowers and snowmobiles.
- (7) Odors. The emission of odorous or toxic matter in such quantities as to be readily detectable at any point along any lot lines so as to produce a public nuisance or hazard is prohibited.
- (i) Such activities shall comply with applicable minimum Federal, State and local requirements.
 - (ii) Detailed plans shall be submitted to the Code Enforcement Officer for approval before a permit is granted.
 - (iii) Violations of this standard shall be considered a public nuisance.

- (8) Vibrations. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond any lot line.

- (h) **Street and Road Design**
 - (1) All streets in the Enterprise Development District shall be designed and constructed to meet the industrial road standards set forth in Section 900 Subdivision Review.

 - (i) **Utilities.** All utilities, including telephone and electrical services, shall be placed underground. If the development is being reviewed by the Planning Board as either a site plan or subdivision, the applicant may request a waiver under the applicable waiver standards of either Section 800 Site Plan or Section 900 Subdivision.

J. Village Commercial District (VC)

1. Intent

The intent of the Village Commercial District is to serve as a primarily residential area with a mix of stores, services and commercial enterprises. Growth, at a village scale, is to be well planned in this area of town served by public water and sewer.

2. Permitted Uses

- Agriculture
- Artist Studio
- Assisted Living Facility
- Bank
- Bed & Breakfast Inn
- Boarding Home for Sheltered Care
- Building, Accessory
- Business & Professional Office
- Child Care Facility
- Child Care, Family Home
- Construction Services
- Convention Center
- Dwelling, Mixed Use
- Dwelling, Single-Family Detached
- Dwelling, Two-Family
- Dwelling, Multifamily
- Fitness Center
- Funeral Home
- Home Occupation 1
- Home Occupation 2
- Hotel
- Industry, Light
- Medical Office
- Nursing Home
- Park, Public
- Place of Worship
- Public Building
- Public Utility Facility
- Recreation Facility, Indoor
- Recreation Facility, Outdoor
- Research Laboratory
- Restaurant
- Retail Sales
- Retail Sales, Convenience
- Retail Sales, Nursery
- Retirement Community
- Service Business, Commercial
- Service Business, Personal
- Theater
- Use, Accessory
- Wireless Telecommunications Facility

3. Conditional Uses

- Auto Repair Services, ~~Minor~~
- Drive-through Facility
- Small Engine Repair

4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. Dimensional Standards

- (a) Minimum Lot Size:
 - (1) Standard
 - (i) Lots connected to public water & sewer 5,000 s.f.
 - (ii) Lots served by wells or a private sanitary system: 20,000 s.f.
- (b) Net Residential Density
 - (1) Lots connected to public water & sewer: 2,500 s.f.
 - (2) Lots served by wells or a private sanitary system: 20,000 s.f.
- (c) Minimum Frontage 50 ft.
- (d) Minimum Front Setback No Minimum
 - (1) New buildings constructed in the Village Commercial District shall be located in such a manner as to maintain the established relationship of buildings to the street. No building shall be setback further than the average of the existing setbacks in the block in which the building is located or if an existing building is being demolished, than the pre-existing setback, whichever is greater.
- (e) Minimum Side Setback No Minimum
 - (1) Structures that share a common wall shall meet the requirements of the building code adopted by the Town of Windham.
- (f) Minimum Rear Setback 20 ft.
- (g) Maximum Building Height 35 ft.
 - (1) Public Buildings, Church Steeples No Limit
- (h) Maximum Building Coverage: No Limit

6. District Standards

- (a) Buffer Requirement. New buildings or structures containing, or accessory to, commercial, duplex dwelling or multifamily dwelling uses constructed on properties in the Village Commercial District that abut a residential zoning district shall provide a fifty (50) foot natural buffer from the zoning district boundary line. This buffer requirement shall not apply to property lines that abut the Presumpscot River.
- (b) Design Guidelines: Designs for new and rehabilitated structures and building sites are encouraged to use the objectives and guidelines contained in the Town of Windham's 2005 Design Guidelines.

- (c) Parking:
 - (1) Uses shall meet the parking standards of section 534 Parking and Loading, except for the following:
 - (i) Dwellings: Single Family and Duplex: 1 per dwelling unit
 - (ii) No portion of the lot in front of a commercial use shall be used for off-street parking, service or loading.
- (d) Restaurant:
 - (1) Maximum seating for any bar area shall be 20 seats.
 - (2) Restaurants shall not be permitted to include a drive-through facility.
- (e) Retail Sales: The maximum area of a building dedicated to retail sales shall be 10,000 s.f.

- D. Spreading or Disposal of Manure. All spreading or disposal of manure shall be accomplished in conformance with the, "Manual of Best Management Practices for Maine Agriculture," published by the Maine Department of Agriculture in January, 2007, and as this may be amended or superseded.

505 Adult Business Establishment

- A. Such establishment shall be at least two thousand (2,000) feet from the nearest property line of any school, place of worship, library, playground, child care family home, child care facility or any residential zoning district. Said distance shall be measured in a straight line without regard to intervening structures or objects.
- B. No sexually explicit materials, entertainment, or activity shall be visible from the exterior of the premises.

506 Automobile Repair Services, ~~Major, Minor~~

- A. The following standards shall apply to all Auto Repair Services:
1. The sale of gasoline or other petroleum products shall not be allowed as an accessory use (*see standards for Automobile Gas Station*).
 2. Upon completion of all repair work, as requested by the customer, no more than two (2) registered vehicles shall be left on site in excess of forty-fiveninety (4590) cumulative days in a calendar year. (*See definition for "Automobile Graveyard" in Section 300.*) The storage of cars in excess of this standard shall not be allowed as an accessory use for auto repair facilities established after [Effective Date] (see standards for Automobile Storage Lot).
 3. Automobiles may not be displayed for sale, or sold, on the premises, unless Automobile Sales, Outdoors is a permitted use or a conditional use in the applicable zoning district.

507 Automobile Storage Lot

- A. The following standards shall apply to Automobile Storage Lots created after [Effective Date]:
1. Cars shall be kept on the lot for no more than 45 cumulative days in a calendar year.
 2. All stored cars shall be kept in a designated parking area. The designated parking area shall be no closer than 300 feet to a residential structure that conforms to this ordinance and is not owned or controlled by the operator of the automobile storage lot.
 3. The designated parking area shall be screened from public ways or structures on abutting properties. Such screening shall consist of opaque fencing or vegetative material.
 4. The facility shall ensure that leaking fluids from damaged or wrecked vehicles are collected or contained.

5. Automobile storage lots shall require an annual inspection by the Code Enforcement Officer.

507 Bed and Breakfast Inn

- A. The following standards shall apply to all Bed and Breakfast Inns:
 - 1. A maximum of three (3) guest bedrooms shall be allowed in the inn.
 - 2. Total sleeping accommodations shall be for eight (8) or fewer guests.
 - 3. Breakfast shall be the only meal served and shall be limited to overnight guests.
 - 4. Rental for more than 30 cumulative days in a calendar year to the same guest, or guests, is prohibited.
 - 5. The Bed and Breakfast Inn must be the primary residence of the property's owner or operator.
 - 6. A structure shall not be used or occupied as a Bed and Breakfast Inn until:
 - (a) The State Fire Marshal certifies the structure to be in compliance with applicable sections of the NFPA 101 Life Safety Code,
 - (b) All necessary State approvals have been received, and
 - (c) A certificate of occupancy has been issued by the Code Enforcement Officer.

508 Boarding Home for Sheltered Care

- A. The facility shall be licensed as a boarding care or congregate care facility according to regulations issued by the Maine Department of Health and Human Services.

509 Buffer Strip, Landscaped

- A. The buffer strip shall be adjacent to, and parallel with, the front property line of a lot or parcel;
- B. The buffer strip shall run the entire length of the front property line.
- C. The buffer strip may be interrupted/crossed by driveways, access roads or pedestrian ways, but shall otherwise be maintained in a landscaped state.
 - 1. Driveways and access roads shall cross the buffer strip at an angle that is as close to perpendicular as possible.
 - 2. Public sidewalks may traverse the buffer strip parallel to the lots front lot line.
- D. The buffer strip shall not be used:
 - 1. For parking areas,
 - 2. Drive-through lanes for any use,
 - 3. The storage of material, equipment or waste, or
 - 4. The display of any equipment, material or products.

2. The driveway shall not be used to obtain the required minimum frontage for more than four (4) lots.
 - (a) A driveway may only be used to provide the required lot frontage for five (5) or more lots, if the entire length of the driveway is improved to applicable private way or public street standards.
3. Where a lot is created on an existing driveway after October 22, 2009 the minimum frontage required by the zoning district in which the proposed lot is located must be provided on the driveway.

520 Dwelling, Mixed Use

- A. The following standards shall apply to mixed use dwellings:
 1. These uses shall not be permitted in the basement or first story of a building.
 2. The entire building in which the uses are located shall be equipped with a sprinkler system approved by the Windham Fire Department or State Fire Marshall's Office.

521 Home Occupation 1

- A. Permit Required. A permit must be obtained from the Department of Code Enforcement prior to the installation of a Home Occupation 1.
 1. The granting of a home occupation shall apply to the applicant only while the applicant resides at the property.
- B. Permitted Uses. The following uses, as defined in Section 300, shall be allowed as a Home Occupation 1:
 1. Artist Studio
 2. ~~Auto Repair Services, Minor—Limited to~~ "Small Engine Repair," as defined.
 3. Business and Professional Office
 4. Service Business, Personal (*See Subsec. 521.C.1. below*)
- C. Standards. In making its findings, the Department of Code Enforcement shall use the standards for a Home Occupation 2 in Section 522.F. and the following:
 1. Service Business Personal. When authorized as a Home Occupation 1, this use shall not include laundry or dry cleaning services. (*Laundry and dry cleaning services may apply under Sec. 522 Home Occupation 2*)
- D. Conditions. The Department of Code Enforcement may place conditions on the home occupation to minimize impacts on area properties. The conditions must be related to the Code Enforcement Officer's findings on the standards listed in Subsection 522.F.

522 Home Occupation 2

- A. Approval Required. The Board of Appeals must approve all applications for a Home Occupation 2.

1. The granting of a home occupation shall apply to the applicant only while the applicant resides at the property and shall not be transferable to a subsequent resident of the property.
- B. Public Notification. Notice shall be sent to all owners of abutting property at least seven (7) days prior to the Board's initial consideration of an application.
- C. Public Hearing. The Board of Appeals shall hold a public hearing on any application. Notice of the public hearing shall be:
 1. Mailed to the owners of all abutting property at least seven (7) days prior to the hearing,
 2. Advertised in a newspaper of general circulation at least seven (7) days prior to the hearing.
- D. Permitted Uses. Home Occupation 2 uses shall be as follows:
 1. Uses that meet the standards of Subsection 522.F,
 2. Uses that are not prohibited by Subsection 522.E.
- E. Prohibited Uses. The following uses are specifically prohibited as a Home Occupation 2:
 1. Auto Repair Services, ~~Major~~
 - ~~2. Auto Repair Services, Minor~~
 23. Welding
 34. Slaughterhouse
 45. Smoke House.
- F. Standards
 1. The home occupation shall be carried on wholly within the dwelling or accessory structure.
 2. The home occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit.
 - (a) Not more than two (2) persons who are not family members residing in the dwelling unit shall be employed.
 3. There shall be no exterior display, no exterior sign, other than those permitted in Section 705.D Signs, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
 4. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or activity at unreasonable hours, shall not be permitted.
 5. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the following:
 - (a) Vehicles of each employee, and

- b) The gravel or paved surface shall extend at least 50 feet from the centerline of the adjacent roadway.
 - c) The width of the gravel or paved surface shall be equal to the street width.
 - d) The hammerhead shall have a minimum 25 foot turning radius.
 - e) Larger dimensions may be required by the Director of Code Enforcement to accommodate larger design vehicles anticipated to use the turnaround.
- (g) Connection Requirements. The following standards determine the number of connections a private road must have with an existing public street. The cumulative number of lots or dwelling units created through the addition of lots or dwelling units to an existing subdivision shall be included in the minimum number of required street connections.

Number of Lots or Dwelling Units	Minimum Connections
Lots: 30 or less	1
Lots: 31 or more	2
Units: 30 or less	1
Units: 31 or more	2

- (1) Street Connection Separation Requirements. Private roads with two (2) or more connections to an existing public street shall be separated according to the standards in Table 2 of Section 900 Subdivision Review.
- (h) Maintenance Agreement. The applicant shall provide evidence that the private road shall be maintained either by the applicant or by the lot owners or a homeowners association. Proof may consist of a declaration of covenants that will be recorded and become part of each deed and specify how the costs of maintenance will be apportioned among the lot owners, or appropriate homeowners association documents. In the event that a homeowners association is formed, each lot deed shall refer to the association and shall require the lot owner to be a member of the association. No private road will be maintained by the Town until the Town has accepted the road. No private road shall be offered to the Town for acceptance until it meets the design requirements for a public street contained in this Ordinance.

549 Warehousing, Public

- A. Outdoor Storage. All outside storage of goods and materials shall be screened from public ways or abutting structures, not owned or controlled by the property owner, with opaque fencing or vegetative material.**

Section 500 Amendments

Order 10-075; Date 04-27-2010

Order 10-164; Date 9-14-2010

LUOC Recommendation to Town Council
from staff memo September 2013

Sec. 500 Performance Standards

Land Use Ordinance

Town of Windham

Order 10-230; Date 12-14-2010
Order 11-206; Date 12-13-2011
Order 12-014; Date 03-14-2012
Order 12-099; Date 08-14-2012
Order 12-148; Date 10-23-2012
Order 12-149; Date 10-23-2012
Order 13-001; Date 01-22-2013
Order 13-002; Date 01-22-2013

- D. Spreading or Disposal of Manure. All spreading or disposal of manure shall be accomplished in conformance with the, "Manual of Best Management Practices for Maine Agriculture," published by the Maine Department of Agriculture in January, 2007, and as this may be amended or superseded.

505 Adult Business Establishment

- A. Such establishment shall be at least two thousand (2,000) feet from the nearest property line of any school, place of worship, library, playground, child care family home, child care facility or any residential zoning district. Said distance shall be measured in a straight line without regard to intervening structures or objects.
- B. No sexually explicit materials, entertainment, or activity shall be visible from the exterior of the premises.

506 Automobile Repair Services

- A. The following standards shall apply to all Automobile Repair Services:
1. The sale of gasoline or other petroleum products shall not be allowed as an accessory use (*see standards for Automobile Gas Station*).
 2. Upon completion of all repair work, as requested by the customer, no more than two (2) registered ~~vehicles~~ automobiles shall be left on site in excess of forty-five (45) cumulative days each in a calendar year. (*See definition for "Automobile Graveyard" in Section 300.*) The storage of ~~cars~~ automobiles in excess of this standard shall not be allowed as an accessory use for ~~auto~~ Automobile Repair facilities Services established after [Effective Date] (*see standards for Automobile Storage Lot*).
 3. Automobiles may not be displayed for sale, or sold, on the premises, unless Automobile Sales, Outdoors is a permitted use or a conditional use in the applicable zoning district.

507 Automobile Storage Lot

- A. The following standards shall apply to Automobile Storage Lots created after [Effective Date]:
1. ~~Cars~~ Automobiles shall be kept on the lot for no more than 45 cumulative days in a calendar year.
 2. All stored ~~cars~~ automobiles shall be kept in a designated parking area. The designated parking area shall be no closer than 300 feet to a residential structure that conforms to this ordinance and is not owned or controlled by the operator of the ~~a~~ Automobile Storage Lot.
 3. The designated parking area shall be screened from public ways or structures on abutting properties. Such screening shall consist of opaque fencing or vegetative material, which must be a minimum of six (6) feet in height.

4. The ~~facility~~Automobile Storage Lot shall ensure that leaking fluids from damaged or wrecked vehicles are collected or contained, per applicable Maine Department of Environmental Protection standards.
5. Automobile ~~S~~storage Lots shall require an annual inspection by the Code Enforcement Officer.

507 Bed and Breakfast Inn

- A. The following standards shall apply to all Bed and Breakfast Inns:
 1. A maximum of three (3) guest bedrooms shall be allowed in the inn.
 2. Total sleeping accommodations shall be for eight (8) or fewer guests.
 3. Breakfast shall be the only meal served and shall be limited to overnight guests.
 4. Rental for more than 30 cumulative days in a calendar year to the same guest, or guests, is prohibited.
 5. The Bed and Breakfast Inn must be the primary residence of the property's owner or operator.
 6. A structure shall not be used or occupied as a Bed and Breakfast Inn until:
 - (a) The State Fire Marshal certifies the structure to be in compliance with applicable sections of the NFPA 101 Life Safety Code,
 - (b) All necessary State approvals have been received, and
 - (c) A certificate of occupancy has been issued by the Code Enforcement Officer.

508 Boarding Home for Sheltered Care

- A. The facility shall be licensed as a boarding care or congregate care facility according to regulations issued by the Maine Department of Health and Human Services.

509 Buffer Strip, Landscaped

- A. The buffer strip shall be adjacent to, and parallel with, the front property line of a lot or parcel;
- B. The buffer strip shall run the entire length of the front property line.
- C. The buffer strip may be interrupted/crossed by driveways, access roads or pedestrian ways, but shall otherwise be maintained in a landscaped state.
 1. Driveways and access roads shall cross the buffer strip at an angle that is as close to perpendicular as possible.
 2. Public sidewalks may traverse the buffer strip parallel to the lots front lot line.
- D. The buffer strip shall not be used:
 1. For parking areas,

- b) The gravel or paved surface shall extend at least 50 feet from the centerline of the adjacent roadway.
 - c) The width of the gravel or paved surface shall be equal to the street width.
 - d) The hammerhead shall have a minimum 25 foot turning radius.
 - e) Larger dimensions may be required by the Director of Code Enforcement to accommodate larger design vehicles anticipated to use the turnaround.
- (g) Connection Requirements. The following standards determine the number of connections a private road must have with an existing public street. The cumulative number of lots or dwelling units created through the addition of lots or dwelling units to an existing subdivision shall be included in the minimum number of required street connections.

Number of Lots or Dwelling Units	Minimum Connections
Lots: 30 or less	1
Lots: 31 or more	2
Units: 30 or less	1
Units: 31 or more	2

- (1) Street Connection Separation Requirements. Private roads with two (2) or more connections to an existing public street shall be separated according to the standards in Table 2 of Section 900 Subdivision Review.
- (h) Maintenance Agreement. The applicant shall provide evidence that the private road shall be maintained either by the applicant or by the lot owners or a homeowners association. Proof may consist of a declaration of covenants that will be recorded and become part of each deed and specify how the costs of maintenance will be apportioned among the lot owners, or appropriate homeowners association documents. In the event that a homeowners association is formed, each lot deed shall refer to the association and shall require the lot owner to be a member of the association. No private road will be maintained by the Town until the Town has accepted the road. No private road shall be offered to the Town for acceptance until it meets the design requirements for a public street contained in this Ordinance.

549 Warehousing, Public

- A. Outdoor Storage. All outside storage of goods and materials shall be screened from public ways or abutting structures, not owned or controlled by the property owner, with opaque fencing or vegetative material, [which must be a minimum of six \(6\) feet in height.](#)

Section 500 Amendments

Order 10-075; Date 04-27-2010

Order 10-164; Date 9-14-2010
Order 10-230; Date 12-14-2010
Order 11-206; Date 12-13-2011
Order 12-014; Date 03-14-2012
Order 12-099; Date 08-14-2012
Order 12-148; Date 10-23-2012
Order 12-149; Date 10-23-2012
Order 13-001; Date 01-22-2013
Order 13-002; Date 01-22-2013

406 Zoning Districts

A. Farm District (F)

1. Intent

The Farm district is intended primarily for rural and residential land uses. Development is restricted in order to protect farmlands, woodlands, open space, wildlife habitat and scenic areas.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Farm District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Agriculture, Piggery
- Agriculture, Poultry Facility
- Building, Accessory
- Campground, Commercial
- Campground, Personal
- Cemetery
- Child Care, Family Home
- Dwelling, Single-Family Detached
- Dwelling, Two-Family
- Dwelling, Multifamily
- Forestry
- Golf Course
- Home Occupation 1
- Home Occupation 2
- Kennel, Minor
- Mineral Extraction
- Place of Worship
- Public Building
- Research Laboratory
- Retail Sales, Nursery
- Retirement Community
- Riding Stable
- Sawmill, Permanent
- Sawmill, Temporary
- Service Business, Landscaping
- Shipping Container
- Use, Accessory
- Wireless Telecommunications Tower and Facility

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 514. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Assisted Living Facility
- [Automobile Repair Services](#)
- [Automobile Storage Lot](#)
- Bed and Breakfast Inn
- Boarding Home for Sheltered Care
- Kennel, Major
- Medical Office

- Nursing Home
- Public Utility Facility
- Recreation Facility, Indoor
- Recreation Facility, Outdoor
- Retail Sales, Convenience
- Rooming House

4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. Dimensional Standards

The following dimensional standards shall apply in the Farm District:

- (a) Minimum Lot Size:
 - (1) Standard (Non-Cluster) 80,000 s.f.
 - (2) Cluster Subdivision:
 - (a) All Subdivision lots connected to public water 30,000 s.f.
 - (b) Subdivision served by wells or a private system 40,000 s.f.
 - (3) Rooming House 4 acres
- (b) Maximum Lot Size:
 - (1) Cluster Subdivision 50,000 s.f.
 - (2) Cluster Subdivision: one (1) lot within subdivision 60,000 s.f.
- (c) Net Residential Density: 60,000 s.f.
- (d) Minimum Frontage:
 - (1) Standard (Non cluster) 200 ft.
 - (2) Cluster Subdivision 150 ft.
- (e) Minimum Front Setback:
 - (1) Standard (Non cluster) 40 ft.
 - (i) The minimum front Setback of a lot may be reduced to the average setback distance of the existing buildings located on the lots to either side of said lot.
 - (2) Cluster subdivision 30 ft.
 - (3) Non-Residential Use: Minimum Landscaped Buffer Strip 15 ft.
- (f) Minimum Side Setback:
 - (1) Standard (Non cluster) 10 ft.
 - (2) Cluster Subdivision: 10 ft.
- (g) Minimum Rear Setback:
 - (1) Standard (Non cluster): 10 ft.
 - (2) Cluster Subdivision: 10 ft.

- | | |
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| (h) Maximum Building Height: | 35 ft. |
| (1) Agriculture, Public Buildings, Church Steeples | No Limit |
| (i) Maximum Building Coverage: | 25% |

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Farm District:

- (a) Automobile Repair Services in existence prior to [Effective Date]
 - (1) All repair operations shall be conducted inside an enclosed building.
 - (2) No more than three vehicles shall be serviced or stored on the property at any one time.
 - (3) Hours of operation shall be Monday through Saturday from 8:00 A.M. to 5:00 P.M.
- (b) Boarding Home for Sheltered Care. Homes shall be limited to a maximum number of 20 patients at any one time.
- (c) Cluster Subdivision. (*See Sec. 900 Subdivision Review*)
 - (1) Cluster subdivisions shall only be permitted on lots with the following minimum gross land area:
 - (i) Lots completely contained by the Farm District 20 acres
 - (ii) Lots with area in both the F and FR Districts 20 acres
 - (2) All Sketch Plan applications for single-family subdivisions that are located on a lot with a gross acreage of twenty (20) acres or more shall submit the following:
 - (i) One (1) conventional subdivision plan.
 - (ii) One (1) cluster subdivision plan.
- (d) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the Farm District
- (e) Dwelling, Two-Family and Dwelling, Multifamily. These uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:
 - (1) No more than three (3) dwelling units may be created per lot.
 - (2) All dwelling units shall have a minimum area of 500 s.f.
- (f) Medical Office. See “Medical Office” in Section 500 Performance Standards for size limitations.

- (g) Research Laboratory. This use in the Farm District must conduct investigative research that is primarily related to the items defined in the definition of, "Agriculture." Refer to Section 300 Definitions.
- (h) Service Business, Landscaping. This use shall be an accessory use to a Retail Sales, Nursery use under the following conditions:
 - (1) The Service Business, Landscaping use shall not exceed fifty (50) percent of the gross area (both interior and exterior areas) occupied by the principle Retail Sales, Nursery use.
- (i) Buffer Requirements for Specific Non-residential Uses. The following uses shall provide a buffer strip, as defined, from all abutting properties that are solely occupied by a residential dwelling(s):
 - (1) Boarding Home for Sheltered Care
 - (2) Medical Office
 - (3) Nursing Home
 - (4) Retail Sales, Convenience
 - (5) Retail Sales, Nursery
 - (5) Service Business, Landscaping

G. Commercial District III (C3)

1. Intent

The intent of the Commercial District III is to provide areas for a mixture of light, low-traffic generating commercial uses and single-family housing.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Commercial District III as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Adult Business Establishment
- Building, Accessory
- Business and Professional Office
- Child Care, Facility
- Child Care, Family Home
- Dwelling, Single-Family
- Dwelling, Two-Family
- Dwelling, Multifamily
- Dwelling, Mixed Use
- Forestry
- Home Occupation 1
- Home Occupation 2
- Medical Office
- Place of Worship
- Public Building
- Recreation Facility, Indoor
- Retail Sales
- Retail Sales, Convenience
- Retail Sales, Nursery
- Retail Sales, Outdoor
- Theater
- Use, Accessory
- Warehousing, Private
- Warehousing, Public
- Wireless Telecommunications Tower and Facility

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 514. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Assisted Living Facility
- Automobile Repair Services
- Bed and Breakfast Inn
- Campground, Commercial
- Campground, Personal
- Club
- Hotel
- Industry, Light
- Motel
- Nursing Home
- Public Utility Facility
- Restaurant
- Shipping Container
- Small Engine Repair

4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. Dimensional Standards

The following dimensional standards shall apply in the Commercial District III:

- | | |
|--|-------------|
| (a) Minimum Lot Size: | |
| (1) Dwelling, Single-Family; Two-Family; Multifamily | 80,000 s.f. |
| (2) Dwelling, Mixed Use | 80,000 s.f. |
| (3) Non-Residential | 20,000 s.f. |
| (b) Net Residential Density: | 60,000 s.f. |
| (c) Minimum Frontage: | |
| (1) Dwelling, Single-Family; Two-Family; Multifamily | 200 ft. |
| (2) Non-Residential | 100 ft. |
| (d) Minimum Front Setback: | |
| (1) Arterial Street | 60 ft. |
| (2) Non-Arterial Street | 40 ft. |
| (3) Minimum Landscaped Buffer Strip | 20 ft. |
| (e) Minimum Side Setback: | 10 ft. |
| (f) Minimum Rear Setback: | 10 ft. |
| (g) Maximum Building Height: | |
| (1) Dwellings (All associated structures) | 35 ft. |
| (2) Non-Residential | None |

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Commercial District III:

- (a) ~~Auto Repair Services. The repair of commercial trucks shall be limited to those vehicles with a Gross Vehicle Weight Rating equal to, or less than, 26,000 lbs.~~
- (b) Controlled Access Street. For standards pertaining to controlled access streets in the C3 District see Section 500 Performance Standards.

- | (cb) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the C3 District.
- | (de) Dwelling, Two-Family and Dwelling, Multifamily. These uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:
 - (1) No more than three (3) dwelling units may be created per lot.
- | (ed) Minimum Side Setback Reduction. The required minimum side setback shall be permitted to be reduced to zero (0) where a common wall is proposed between buildings.
- | (fe) Retail Sales, Outdoor. The display or sale of products outside of a building shall meet the standards of Section 500. (*See Sec. 500 Performance Standards*)
- | (gf) Zoning District Boundary Buffer. Lots on which non-residential uses are located shall require a fifty (50) foot buffer from all property lines that abut a residential zoning district. The buffer shall meet the following requirements:
 - (1) No development shall be allowed within the buffer. This includes, but is not limited to, parking lots, signage, and light fixtures.
 - (2) The buffer must provide screening as described in the definition of “Buffer Strip”, in Section 300 Definitions.

the same site must also be allowed by the applicable zoning district(s). (*See definition of "Retail Store, Minimart"; "Automobile Repair Services, Minor"*)

Automobile Graveyard. An automobile graveyard shall be defined according to 30-A, M.R.S.A. § 3752, of the Maine Revised Statutes, as amended from time to time.

Automobile Repair Services. Establishments primarily engaged in the maintenance and repair of passenger vehicles, pickup trucks, all classes of commercial trucks and similar vehicles. The type of work typically provided includes, but is not limited to engine tune-ups and overhauls, transmission repairs, glass repair and replacement, oil changes, tire repairs and replacement, brake and muffler work, bodywork, painting, and diagnostic tune-ups. (*See Sec. 500 Performance Standards*)(*See definition of "Small Engine Repair"*)

Automobile Sales. See "Retail Sales, Automobile Sales."

Automobile Storage Lot. A parcel of land, building, or facility that is used for the temporary storage of wrecked, towed or impounded motor vehicles—~~usually awaiting insurance adjustments, reclamation by titleholders or their agents, or transport to a repair shop.~~ (*See Sec. 500 Performance Standards*)

Bank. A bank or similar financial institution.

Backlot. See definition of, "Lot, Backlot"

Base Flood. The flood having a one-percent (1%) chance of being equaled or exceeded in any given year, commonly called the "one-hundred year flood."

Bed and Breakfast Inn. Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. (*See Sec. 500 Performance Standards*).

Boarding Home for Sheltered Care. A group home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. This definition does not include facilities for the treatment of substance abuse. (*See Sec. 500 Performance Standards*)

Buffer Strip. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Buffer Strip, Landscaped. A landscaped area adjacent to and parallel with the front property line of a lot or parcel. (*See Sec. 500 Performance Standards*)

Building. Any structure having a roof supported by columns or wall and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind. (*See definition of "Structure"*)