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§ 120-410 Commercial District I (C-1).

[Amended 9-14-2010 by Order 10-164; 12-14-2010 by Order 10-230; 5-14-2013 by Order 13-072; 6-28-2016 by Order 16-111; 6-12-2018 by Order 18-099]

- A. 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.
- B. Permitted uses. The following uses, as they are defined in Article 3, shall be permitted in the Commercial District I as a matter of right. Refer to Article 5, Performance Standards, or Subsection F, District standards, for additional use information. **[Amended 5-26-2020 by Order 20-048; 4-12-2022 by Order No. 22-062]**

Adult business establishment

Adult use marijuana store

Agriculture

Assisted living facility

Automobile gas station

Automobile repair services

Bank

Building, accessory

Business and professional office

Child-care facility

Child care, family home

Club

Contractor services

Contractor services, landscaping

Contractor storage yard

Construction services, heavy, major

Construction services, heavy, minor

Convention center

Distribution center

Drive-through facility

Dwelling, two-family

Dwelling, multifamily

Dwelling, mixed-use

Fitness center

Forestry

Funeral home

Home occupation 1

Home occupation 2

Hospital

Hotel

Housing for older persons

Industry, light

Industry, heavy

Marijuana cultivation facility

Marijuana manufacturing facility

Marijuana registered dispensary

Marijuana testing facility

Medical marijuana registered caregiver

Medical marijuana registered caregiver (home occupation)

Medical marijuana caregiver retail store

Medical office

Mineral extraction

Motel

Nursing home

Place of worship

Public building

Public utility facility

Recreation facility, outdoor

Recreation facility, indoor

Research laboratory

Restaurant

Retail sales

Retail sales, automobile sales

Retail sales, convenience

Retail sales, minimart

Retail sales, nursery

Retail sales, outdoor

Sawmill, temporary

Service business, commercial

Service business, personal

Small engine repair

Theater

Use, accessory

Warehousing, private

Wireless telecommunications tower and facility

C. Conditional uses. The following uses, as defined in Article **3**, shall be allowed as a conditional use in accordance with § **120-516**. Refer to Article 5, Performance Standards, or Subsection **F**, District standards, for additional use information:

(1) Other.

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

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

(1) Minimum lot size: none.

(2) Net residential density: none.

(3) Minimum frontage: 100 feet.

(4) Front setback:

(a) Building, principal.

[1] On Route 302: 10 feet to 20 feet.

[2] All other streets: 0 feet to 20 feet.

(b) Building, accessory: principal building setback, plus 20 feet minimum. **[Amended 7-9-2019 by Order 19-121]**

(5) Minimum side setback: six feet.

(6) Minimum rear setback: six feet.

(7) Maximum building height: none.

F. District standards. In addition to Article 5, Performance Standards, these standards shall apply to the following uses in the Commercial District I:

(1) Parking. No parking shall be located within a structure's front setback area. When parking is located at the side of a building, the parking area shall not extend closer to the street than the front facade of the building. The space between the parking lot and the street shall be landscaped according to an overall plan for the property.

(2) Aquifer Protection Overlay District. See § **120-416** or **120-417**, Aquifer Protection Overlay Districts, and the Town's Official Map.

(3) Building orientation. The facade of all buildings must be oriented parallel to a front lot line. In cases where a property has more than one front lot line, a single building development will orient to the front lot line on the street with the higher traffic volume. Multibuilding development may orient individual buildings to different front lot lines.

(4) Pedestrian access. At least one primary entrance must be located on the building's front facade. Primary entrances must provide ingress and egress and be operable at all times the building is occupied.

(5) Buffer requirement. All properties in the C-1 District that abut a residential zoning district shall provide a fifty-foot buffer along the zoning district boundary line.

(6) Controlled access street. For standards pertaining to controlled access streets in the C-1 District see Article **3**, Definitions, and Article 5, Performance Standards.

(7) Curb cuts. See § **120-522**, Curb cuts and driveway openings, in Article 5, Performance Standards, for additional standards applicable to the C-1 District. New, enlarged or rebuilt uses on an arterial road, as defined in Article **3**, shall be limited to one curb cut. In addition, the following standards shall apply to these curb cuts:

(a) A minimum center-line turning radius of 25 feet must be provided.

(b) 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.

(8) Industry, heavy. In the C-1 District, this use shall not involve any activity defined in Article **3** as "manufacturing, hazardous." (See Article **3**, Definitions.)

(9) Minimum lot size. The State of Maine minimum lot size, and minimum lot size waiver, standards apply in the C-1 District when the Town's minimum lot size requirements are less restrictive than those of the State of Maine.

(10) Retail sales, outdoor. The display or sale of products outside of a building shall meet the standards of Article 5. (See Article 5, Performance Standards.)

(11) All new and reconstructed streets must be built to public street, commercial street, curbed lane or

residential street standards. No new private streets are allowed.

(12) Block standards.

- (a) Land must be divided with streets to create blocks conforming with block perimeter, below.
- (b) Blocks should be generally rectangular in shape, but are expected to respond to natural features and the block pattern of the surrounding street network.
- (c) Blocks should be a minimum width so as to provide two rows of developable lots.
- (d) Portions of development sites abutting areas of undeveloped land, areas unsuitable for development, or preexisting incomplete blocks may be granted a waiver from the block size requirements in accordance with the provisions of Article 8 if part of a site plan or Article 9 if part of a subdivision plan.
- (e) Block perimeter. No block shall have a perimeter of more than 1,600 feet.

(13) Sidewalks. The following commercial development activities shall pay the North Windham sidewalk impact fee in § **120-1202** to provide safe pedestrian conditions in the Commercial District I:

- (a) The construction or placement of new building(s) with a cumulative area that is greater than, or equal to, 500 square feet;
- (b) The enlargement of existing buildings by more than 500 square feet; or
- (c) As required by the Planning Board as part of a site plan approved in accordance with Article 8 of this chapter.

(14) Marijuana cultivation facility. Cultivation facilities may be of the following types: Tier 1 and Tier 2. (See Article 3, Definitions.) These uses shall only be allowed on a lot where Marijuana Businesses were in existence prior to September 14, 2022.