

**AMENDMENTS TO THE TOWN OF WINDHAM LAND USE ORDINANCE REGARDING
NORTH WINDHAM COMMERCIAL 4 ZONING DISTRICT AND MAXIMUM BUILDING
HEIGHT IN COMMERCIAL DISTRICTS**

I. The Town of Windham Land Use Ordinance is hereby amended as follows:

1. Town of Windham Land Use Map and Article 4 Zoning Districts is amended to add the following new Zoning District:

§ 120-411. 1 Commercial District ~~H-IV~~ (C-~~24~~).

~~[Amended 9-14-2010 by Order 10-164; 6-12-2018 by Order 18-099]~~

- A. 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 North and the abutting residential areas.
- B. Permitted uses. The following uses, as they are defined in Article 3, shall be permitted in the Commercial ~~H-IV~~ District 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]~~

Adult business establishment

Agriculture

Bank

Bed-and-breakfast inn

Building, accessory

Business and professional office

Child-care facility

Child care, family home

Club

Convention center

Drive-through facility

Dwelling, single-family detached

Dwelling, two-family

Dwelling, multifamily

Dwelling, mixed-use

Fitness center

Forestry

Funeral home

Home occupation 1

Home occupation 2

Hotel

Housing for older persons

Medical marijuana registered caregiver

Medical marijuana registered caregiver (home occupation)

Medical office

Motel

Public building

Public utility facility

Recreation facility, indoor

Recreation facility, outdoor

Research laboratory

Restaurant

Retail sales

Retail sales, convenience

Retail sales, nursery

Retail sales, outdoor

Service business, personal

Theater

Use, accessory

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 ~~III~~IV:

(1) Minimum lot size: none.

(a) Dwelling, single-family; two-family; multifamily: 40,000 square feet.

(2) Net residential density: 5,000 square feet.

(3) Minimum frontage: 150 feet.

(4) Minimum Front setback: 40 feet

(a) ~~Building, principal: 10 to 20 feet.~~ Minimum Landscaped Buffer Strip: 20 feet.

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

(5) Minimum side setback: 10 feet.

(6) Minimum rear setback: 10 feet.

(7) Maximum building height: ~~none.~~ 45 feet.

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

~~(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) 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.~~

~~(3) 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.~~

~~(4) Controlled access street. For standards pertaining to controlled access streets in the C-2 District see Article 3, Definitions, and Article 5, Performance Standards.~~

~~(5)~~ Curb cuts. See § **120-522**, Curb cuts and driveway openings, in Article 5, Performance Standards, for standards applicable to the C-~~2-4~~4 District.

~~(6)~~ Minimum lot size. The State of Maine minimum lot size, and minimum lot size waiver, standards apply in the C-~~2-4~~4 District when the Town's minimum lot size requirements are less restrictive than those of

the State of Maine.

- (73) Minimum side setback reduction. The required minimum side setback shall be permitted to be reduced to zero where a common wall is proposed between buildings.
- (84) 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.)
- ~~(9) 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.~~
- ~~(10) Block standards. This subsection applies to development sites that create new or reconfigured blocks or that create any new public streets.~~
 - ~~(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.~~
- (115) Zoning district boundary buffer. Lots on which nonresidential uses are located shall require a fifty-foot buffer from all property lines that abut a residential zoning district. The buffer shall meet the following requirements:
 - (a) No development shall be allowed within the buffer. This includes, but is not limited to, parking lots, signage, and light fixtures.
 - (b) The buffer must provide screening as described in the definition of "buffer strip" (see Article 3, Definitions).

2. Section 120-522B(2) is amended to read:

- (2) C-1, C-1N, C-2, C-3, C-4, I, VC Districts

3. Section 120-813 is amended to add Commercial District IV (C-4) to each section where design standards are applicable within the Commercial II District (C-2).

4. Section Commercial District I (C-1) 120-410E(7) is amended to read:

- (7) Maximum building height: ~~none~~ 75 feet.

5. Section Commercial District I North (C-1N) 120-410.1E(7) is amended to read:

(7) Maximum building height: ~~none~~60 feet.

6. Commercial District II (C-2) Section 120-411E(7) is amended to read:

(7) Maximum building height: ~~none~~45 feet.

7. Commercial District III (C-3) Section 120-412E(7)(b) is amended to read:

(7) Maximum building height:

(a) Dwellings (all associated structures): 35 feet.

(b) Nonresidential: ~~None~~45 feet.