



**Town of Windham**  
**Planning Department**  
8 School Road  
Windham, Maine 04062  
Tel: (207) 894-5960 ext. 2  
Fax: (207) 892-1916  
[www.windhammaine.us](http://www.windhammaine.us)

## PLANNING BOARD MEMO

DATE: June 8, 2023

TO: Windham Planning Board  
FROM: Amanda Lessard, Planning Director  
Cc: Steve Puleo, Town Planner

RE: #23-20 Amendment to Code of the Town of Windham Chapter 120 Land Use Ordinance, Article 4 Zoning Districts, Article 5 Performance Standards, and Article 8 Site Plan Review related to the creation of a Commercial District IV (C-4) and maximum building height in the C-1, C-1N, C-2 and C-3 Districts.

Planning Board Meeting – June 12, 2023

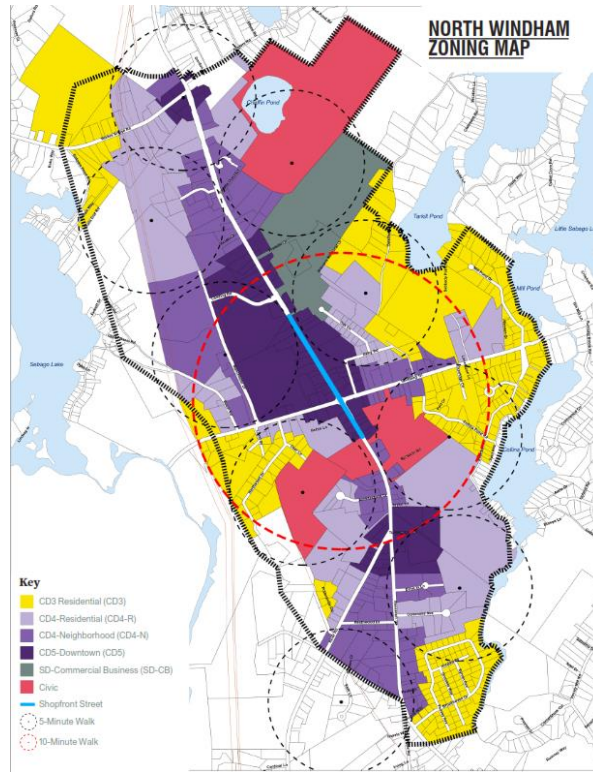
---

### Overview

At their meeting on [May 23, 2023](#), the Town Council requested that the attached Land Use Ordinance and Map amendments related to development in North Windham be forwarded to the Board for review and recommendation as required by [§ 120-107](#) of the Land Use Ordinance. The attached draft zoning map proposes rezoning 22 parcels from Commercial II (C-2) to Commercial IV (C-4) and the draft ordinance language establishes the new Commercial IV(C-4) District and proposes a maximum building height in the C-1, C-1N, C-2 and C-3 commercial zoning districts.

### Background

On June 12, 2018, the Town Council adopted ordinance revisions for development in North Windham in support of the vision established in the [21<sup>st</sup> Century Downtown Plan for North Windham](#) and the Comprehensive Plan. The ordinance revisions took elements of a [draft Character Based Code for North Windham](#), that included standards for development related to street network and design and location of buildings and parking, and applied them to the existing Commercial 1 and Commercial 2 Districts. These commercial zoning districts extend beyond the study area boundaries of the 21<sup>st</sup> Century Downtown Plan and the recommended revised zoning map included with the draft Character Based Code shown below:



*The 2017 draft CBC North Windham Zoning Map*

In July 2022 the Town Council approved an amendment to the Land Use Map and Ordinance to create the Commercial District I North (C1-N) that rezoned an area of North Windham north of White's Bridge Road from Commercial I District (C-1) because it had a different character of development and was never intended to share the same vision as the Downtown area. For similar reasons, staff are now recommending rezoning a portion of the Commercial II District (C-2) north of White's Bridge Road and on Tandberg Trail (Route 115). The proposed C-4 District has the same permitted uses and net density as the current C-2 District but proposes the Dimensional Standards and District Standards of the pre-2018 C-2 District, with one change: a proposed 45-foot maximum height.

Currently there is no maximum building height in C-1, C-1N, C-2, C-3 (non-residential), and I (non-residential) zoning districts. The recently adopted Windham Center (WC) District has a 45-foot maximum height. All residential districts are 35 feet. The Town Council requested adding maximum building heights (defined in the Land Use Ordinance as "the vertical distance from grade plane to the average height of the highest roof surface") to all commercial districts. The Council discussed that 5-story buildings would be in character with the 21<sup>st</sup> Century Downtown and could be served by the Town's fire equipment and that other growth areas should have consistent building heights. Based on discussion with the Fire Chief and Code Enforcement Director that the building code assigns more stringent requirements to high-rise buildings (building more than 75 feet above the lowest level of fire department vehicle access) staff proposed a maximum building height of 75 feet in C-1, 60 feet in C-1N, and 45 feet in C-2, and C-3.

## **Summary of the Proposed Chapter 120 Land Use Ordinance Changes**

### Article 4 Zoning Districts

- Creates a new Commercial IV District (C-4)

- Adds maximum building height of 75 feet in the Commercial District I (C-1)
- Adds maximum building height of 60 feet in the Commercial District I North (C-1N)
- Adds maximum building height of 45 feet in the Commercial District II (C-2)
- Adds maximum nonresidential building height of 45 feet in the Commercial District III (C-3)

#### Article 5 Performance Standards

- Adds Curb Cut standards for Commercial IV District (C-4)

#### Article 8 Site Plan Review

- Adds Commercial District IV (C-4) to each section where design standards are applicable within the Commercial II District (C-2).

### **Zoning Amendment Process**

There are no specific standards in the Town ordinance by which to judge the proposed zoning change, but State statute requires all proposed zoning to be consistent with the goals and objectives of the Comprehensive Plan. The Comprehensive Plan recommends implementing the recommendations from the 21<sup>st</sup> Century Plan. The proposed C4 District is part of the area shown on Future Land Use Map as the North Windham Growth Area in the Town of Windham [2016 Comprehensive Plan Update](#). Growth Areas are the general areas of Windham that should be targeted for growth and North Windham is the area envisioned to be an active mixed-use district.

The Planning Board must hold a public hearing prior to making a recommendation on this item to the Town Council. The Town Council will need to vote on the proposed changes to the Land Use Ordinance for the changes to be officially approved. A public hearing is scheduled for the June 26, 2023 Planning Board meeting.