



Town of Windham
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MEMO

DATE: November 7, 2023

TO: Windham Town Council

THROUGH: Barry Tibbetts, Town Manager

FROM: Amanda Lessard, Planning Director

Cc: Windham Planning Board

RE: Planning Board Recommendation - #23-31 Amendment to Code of the Town of Windham Chapter 120 Land Use Ordinance, Article 4 Zoning Districts, related to two-family dwellings, and Article 5 Performance Standards, related to accessory apartments.

Overview

At the Planning Board meeting on [October 23, 2023](#), a public hearing was held on the proposed amendments to the Land Use Ordinance Article 4 Zoning Districts, related to two-family dwellings, and Article 5 Performance Standards, related to accessory apartments, in order to comply with the state law [LD 2003](#), An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions. To implement the law, the Town must make adjustments to existing land use regulations as it relates to requirements of allowing structures with up to 2 dwelling per lot and parking requirements for accessory dwelling units. Staff is also proposing some additional changes to the standards for Accessory Apartments to improve administration and remove some of the barriers to developing this housing type. The Town Council Ordinance Committee unanimously recommended the amendments.

Summary of Proposed Changes

- Article 4 Zoning Districts
 - Dwelling, Two-Family are permitted uses without exception in the Farm (F), Farm-Residential (FR), Light-Densit Residential (RL) and Commercial III (C-3) Districts
- Article 5 Performance Standards, Section 120-501 Accessory apartments
 - Increase the maximum size from 600 square feet to 800 square feet
 - Limit the number of bedrooms to 2
 - Allow permits to run with the property instead of the owner
 - Remove requirements for recording permits in the Registry of Deeds

Planning Board Review and Recommendation

One member of the public provided comment at the Planning Board's public hearing held on October 23, 2023, asking if four-unit buildings would be allowed where single family homes are allowed.

The Board discussed how the Town was already in compliance with allowing four-unit buildings required by LD 2003 in growth areas, the reasons for increasing the minimum size for accessory apartments, that even though duplexes would be allowed everywhere accessory apartments were still necessary for lots that didn't have the net density to have another dwelling but required it to be owner-occupied. Following discussion of the proposed changes, the Board made the following motion:

To recommend approval of the proposed amendments to Chapter 120 Land Use Ordinance Article 4 Zoning Districts, related to two-family dwellings, and Article 5 Performance Standards, related to accessory apartments.

Motion: Kathleen Brown

2nd: Marge Govoni

Vote: 7-0