

Town of Windham

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MEMO

DATE: November 16, 2017

TO: Windham Town Council
THROUGH: Tony Plante, Town Manager
FROM: Ben Smith, Planning Director *BUS*
Cc: Amanda Lessard, Planner
Planning Board

RE: 21st Century Downtown Master Plan – Ordinance Updates

At the Town Council meeting on October 17, the Council reviewed several options for enacting ordinance revisions for development in North Windham in support of the vision established in the 21st Century Downtown Plan for North Windham and the Comprehensive Plan. Options included adopt a Character Based Code (CBC) that was developed earlier this year or adopt a staff alternative that incorporated many of the most important considerations of a CBC into the existing Land Use Ordinance framework. Staff's recommendation at that time was to adopt the staff alternative language as soon as possible, and regardless of how the Council chose to move ahead with a CBC, more staff and Planning Board training, outreach to landowners and the development community and fine tuning of the CBC. This remains staff's position.

The Council directed staff to devise a framework that would adopt both alternatives as options for development in North Windham for a period of time. As envisioned at that meeting, the ordinance changes should allow for an applicant in the Commercial 1 or Commercial 2 zoning districts to develop a project using either the more conventional zoning standards detailed in the staff alternative or to use the CBC. Staff and the Planning Board would use this time of parallel development options to train up and work with developers to fine tune the CBC standards for North Windham. After perhaps 12-24 months, the CBC would become the only set of standards for the 21st Century Downtown Plan area.

The first draft of such a framework is attached to this memo. Parallel standards is easy to conceptualize and difficult to operationalize in ordinance language. The Council's goal with this approach was discussed with Kevin Haskins, Town Attorney at Preti-Flaherty. This draft language would need to be refined with legal feedback if the Council chooses this option to send to the Planning Board for review and recommendation.

The recommended approach to this task is to:

1. add the CBC Articles to Section 400 as suggested by Maine Design Workshop, the consulting team hired by the town to draft these CBC
2. note that the CBC applies to the C-1 and C-2 zoning districts as opposed to the entire 21st Century Plan area,
3. update the existing C-1 and C-2 zoning districts with the recommended staff alternative changes, included in the attached ordinance markups, and
4. add a zoning district standard to both the C-1 and C-2 stating that projects may either use the standards the C-1 and C-2 zoning districts, or alternatively projects in these zones can use the CBC Articles in Section 400 as noted above.

Summary of Changes in Staff Alternative

Section 300

-) Adds definitions for Block and new Street Classifications for the CBC

Section 400 – C-1 and C-2 zoning districts

-) Adds Residential Uses to the list of Permitted Uses
-) Disallows Warehousing, Public (self-storage units) from the C-1 and Shipping Containers from the C-1 and C-2 districts
-) Makes all existing Conditional Uses districts Permitted Uses, and adds an Other category as the only Conditional Use. This would allow Zoning Board or Planning Board review of a proposed use that does not fit into one of the defined Permitted Uses in those districts, rather than disallowing any use that is not specifically Permitted.
-) Minimum lot Sizes and New Residential Densities are eliminated, so that state subsurface wastewater rules would control, or to allow more flexibility when connecting to a public system.
-) Building setbacks to roads have been reduced
-) Parking areas cannot be located between the street and the front of a new building.
-) New standards for building orientation, pedestrian access and the creation of blocks and a street grid have been added.
-) No new Private Streets in this growth area are allowed

Section 800

-) The Site Plan Review threshold is proposed to go from 2,000 square feet of total floor area for all floors within five years to 1,000 square feet of total floor area
-) Minimum parking requirements have been eliminated

Appendix B

-) New Street Standards for Commercial Street and Curbed Lane have been added.

automobile recycling businesses or Junkyards, as defined according to 30-A M.R.S.A. §3752, of the Maine Revised Statutes, as amended from time to time.

Automobile Gas Station. Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; and as an accessory use the sale of lubricants, tires, batteries, and similar vehicle accessories. The sale of additional items or services on 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*).

Block. A parcel or parcels of land surrounded by streets.

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.

but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.

Nonconforming Use. A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nursing Home. An institution or a part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.

Official Map. The zoning map adopted by the Town of Windham, Maine on May 25, 1976, as amended from time to time.

Official Shoreland Zoning Map. The most current map delineating the shoreland zones adopted by the Town of Windham, Maine, as amended from time to time, in accordance with the provisions of 38 M.R.S.A. § 435 through § 439

Off-Street Parking Space. A temporary storage area for a motor vehicle that is not located on a dedicated street right-of-way.

Open Space. Land set aside for passive and/or active use, including recreation purposes, preservation of environmentally sensitive areas, common open space in cluster subdivisions, undevelopable land and buffers.

Other. A land use category that includes all uses not specifically listed as Permitted Uses in a Zoning District.

Outside Sales or Outdoor Sales. See definition of, “Retail Sales, Outdoor.”

Parcel. (1) a piece or area of land formally described and recorded with map, block and lot numbers, by metes and bounds, by ownership, or in such a manner as to specifically identify the dimensions and/or boundaries; (2) informally, as land in general. (*See definition of, “Plot”*)

Park, Public. A tract of land available to the general public for recreational purposes. Public parks do not include recreation facilities that are fully enclosed.

Permitted Use. The use of any building or land in a manner subject to the express conditions and limitations stated in this Ordinance.

Person. Includes an individual, firm, association, organization, partnership, trust, company or corporation.

) 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.

Street. Public or private roads or ways such as alleys, avenues, boulevards, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways. (*See Sec. 500 Performance Standards*)

Street Classification:

Arterial Street. A major thoroughfare which serves as a major traffic way for travel between and through the Town. For the purpose of this Ordinance, only the following roadways shall be classified as arterial streets: Route 302, Route 202, Route 115, Route 35, River Road, and Falmouth Road.

Collector Street. A street with average daily traffic of between 200 and 3,000 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from local streets.

Commercial Street. A street that provides frontage in the C-1 and C-2 Zoning Districts, primarily in areas dominated with non-residential uses.

Controlled Access Street. A street which serves primarily as a major traffic way for travel within the Town between two arterial streets. (*See Commercial I and Commercial II District Standards*) (*See "Controlled Access Street" in Sec. 500 Performance Standards*)

Curbed Lane. A street that provides frontage in the C-1 and C-2 Zoning Districts, primarily in mixed use areas or as a secondary road in a more commercial area.

Residential Street. A street that provides frontage in the C-1 and C-2 Zoning Districts, primarily in residential neighborhood settings.

Dead-End Street. A street with a single common ingress and egress.

Industrial or Commercial Street. Streets servicing industrial or commercial uses.

Local Street. A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

SECTION 400 – ZONING DISTRICTS

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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	/ Research Laboratory
/ Assisted Living Facility	/ Restaurant
/ Adult Business Establishment	/ Retail Sales
/ Bank	/ Retail Sales, Convenience
/ Building, Accessory	/ Retail Sales, Nursery
/ Business and Professional Office	/ Retail Sales, Outdoor
/ Child Care, Facility	/ Sawmill, Temporary
/ Child Care, Family Home	/ Service Business, Commercial
/ Club	/ Service Business, Landscaping
/ Construction Services	/ Service Business, Personal
/ Convention Center	/ Theater
/ Dwelling, Existing Single-Family Detached	/ Use, Accessory
/ Dwelling, Existing Two-Family	/ Warehousing, Private
/ Dwelling, Existing Multifamily	/ Wireless Telecommunications Tower and Facility
/ Dwelling, Mixed Use	/ <u>Automobile Gas Station</u>
/ Fitness Center	/ <u>Automobile Repair Services</u>
/ Forestry	/ <u>Distribution Center</u>
/ Funeral Home	/ <u>Drive-through Facility</u>
/ Home Occupation 1	/ <u>Hotel</u>
/ Home Occupation 2	/ <u>Industry, Light</u>
/ Hospital	/ <u>Industry, Heavy</u>
/ Housing for Older Persons	/ <u>Motel</u>
/ Medical Marijuana Dispensary	/ <u>Public Utility Facility</u>
/ Medical Office	/ <u>Recreation Facility, Outdoor</u>
/ Mineral Extraction	/ <u>Retail Sales, Automobile Sales</u>
/ Nursing Home	/ <u>Retail Sales, Minimart</u>
/ Place of Worship	/ <u>Shipping Containers</u>
/ Public Building	/ <u>Small Engine Repair</u>
/ Recreation Facility, Indoor	/ <u>Warehousing, Public</u>

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3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 516. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

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

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) Housing for Older Persons:	
(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 | |
| (1) on Route 302: | 40-5-15 ft. |
| (2) all other streets | 0-20 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) | <u>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 façade of the building. The space between the parking lot and the street shall be landscaped according to an overall plan for the property.</u> |
| (b) | <u>Aquifer Protection Overlay District. (See Subsec. 407.A or 407.B) – Aquifer Protection Overlay District and the Town's Official Map.</u> |
| (c b) | <u>Building Orientation. The façade of all buildings must be oriented parallel to a front lot line.</u> |
| (i) | <u>In cases where a property has more than one front lot line is, a single building development will orient to the front lot line on the street with the higher traffic volume. Multi-building development may orient individual buildings to different front lot lines.</u> |
| (d) | <u>Pedestrian Access. At least one primary entrance must be located on the building's front façade. Primary entrances must provide ingress and egress and be operable at all times the building is occupied.</u> |

- (e) 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.
- (fe) Controlled Access Street. For standards pertaining to controlled access streets in the C1 District see Section 300 Definitions and Section 500 Performance Standards.
- (gd) 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) Housing for Older Persons. The following standards shall apply to this use:~~
- ~~(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.~~
- (hg) Industry, Heavy. In the C1 district, this use shall not involve any activity defined in Section 300 as “Manufacturing, Hazardous.” (*See Sec. 300 Definitions*)
- (ih) 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.
- (ji) 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*)

(k) 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.

(l) Block Standards.

(1) Land must be divided with Streets to create Blocks conforming with Block perimeter, below.

(2) Blocks should be generally rectangular in shape, but are expected to respond to natural features and the block pattern of the surrounding street network.

(3) Blocks should be a minimum width so as to provide two rows of developable lots.

(4) Portions of development sites abutting areas of undeveloped land, areas unsuitable for development, or pre-existing incomplete blocks may be granted a waiver from the block size requirements in accordance with the provisions of Section 800 if part of a site plan or Section 900 if part of a subdivision plan.

(5) Block perimeter. No block shall have a perimeter of more than 1,600 feet.

(m) Sidewalks. The following commercial development activities shall pay the North Windham Sidewalk Impact Fee in Section 1201(I) to provide safe pedestrian conditions in the Commercial 1 District:

) The construction or placement of new building(s) with a cumulative area that is greater than, or equal to, five-hundred (500) s.f.

) The enlargement of existing buildings by more than five-hundred (500) s.f., or

) As required by the Planning Board as part of a Site Plan approved in accordance with Section 800 of this Ordinance.

(n) Optional Standards.

(1) The definitions, building standards, site standards, and neighborhood standards in Section 409, Character Codes, Articles 1-7 shall be an optional set of development standards for all projects within the overlay district.

a. Projects in the C-1 zoning district may use either the Section 406.E. district standards or the standards in Section 409.

b. The applicant shall determine which set of standards to utilize for their project.

(2) Expiration of Optional Standards.

a. Effective July 1, 2019, the provisions of Section 409, as amended, shall replace the standards in Section 406 for the areas mapped in Section 409, so that the Character Code will apply to all development in the 21st Century Downtown area from that date forward.

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	/ Research Laboratory
/ Adult Business Establishment	/ Retail Sales
/ Bank	/ Retail Sales, Convenience
/ Building, Accessory	/ Retail Sales, Nursery
/ Business and Professional Office	/ Retail Sales, Outdoor
/ Child Care, Facility	/ Service Business, Personal
/ Child Care, Family Home	/ Theater
/ Convention Center	/ Use, Accessory
/ Dwelling, Single-Family Detached	/ Wireless Telecommunications Tower and Facility
/ Dwelling, Two-Family	/ <u>Bed and Breakfast Inn</u>
/ Dwelling, Multifamily	/ <u>Club</u>
/ Dwelling, Mixed Use	/ <u>Drive-through Facility</u>
/ Fitness Center	/ <u>Hotel</u>
/ Forestry	/ <u>Motel</u>
/ Funeral Home	/ <u>Public Utility Facility</u>
/ Home Occupation 1	/ <u>Recreation Facility, Outdoor</u>
/ Home Occupation 2	/ <u>Restaurant</u>
/ Housing for Older Persons	/ <u>Shipping Container</u>
/ Medical Office	
/ Public Building	
/ Recreation Facility, Indoor	

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 516. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

/ Other

/ ~~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) Housing for Older Persons: | |
| (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: | 40-10-20 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) 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 façade of the building. The space between the parking lot and the street shall be landscaped according to an overall plan for the property.

- (b) Building Orientation. The façade of all buildings must be oriented parallel to a front lot line.

(i) In cases where a property has more than one front lot line is, a single building development will orient to the front lot line on the street with the higher traffic volume. Multi-building development may orient individual buildings to different front lot lines.
- (c) Pedestrian Access. At least one primary entrance must be located on the building's front façade. Primary entrances must provide ingress and egress and be operable at all times the building is occupied.
- (d) Controlled Access Street. For standards pertaining to controlled access streets in the C2 District see Section 300 Definitions and Section 500 Performance Standards.
- (eb) Curb Cuts. See "Curb Cuts and Driveway Openings" in Section 500 Performance Standards for standards applicable to the C2 District
- (fe) 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.
- (gd) 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.
- (he) 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)
- (i) 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.
- (j) Block Standards. This section applies to development sites that create new or reconfigured blocks or that create any new Public Streets.

 - (1) Land must be divided with Streets to create Blocks conforming with Block perimeter, below.
 - (2) Blocks should be generally rectangular in shape, but are expected to respond to natural features and the block pattern of the surrounding street network.
 - (3) Blocks should be a minimum width so as to provide two rows of developable lots.
 - (4) Portions of development sites abutting areas of undeveloped land, areas unsuitable for development, or pre-existing incomplete blocks may be granted a waiver from the block size requirements in accordance with the provisions of Section 800 if part of a site plan or Section 900 if part of a subdivision plan.
 - (5) Block perimeter. No block shall have a perimeter of more than 1,600 feet.

(k) 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*).

(l) Optional Standards.

(2) The definitions, building standards, site standards, and neighborhood standards in Section 409, Character Codes, Articles 1-7 shall be an optional set of development standards for all projects within the overlay district.

- a. Projects in the C-2 zoning district may use either the Section 406.F. district standards or the standards in Section 409.
- b. The applicant shall determine which set of standards to utilize for their project.

(3) Expiration of Optional Standards.

- a. Effective July 1, 2019, the provisions of Section 409, as amended, shall replace the standards in Section 406 for the areas mapped in Section 409, so that the Character Code will apply to all development in the 21st Century Downtown area from that date forward.

409 Character Code Articles

These Articles constitute optional standards for development in North Windham.

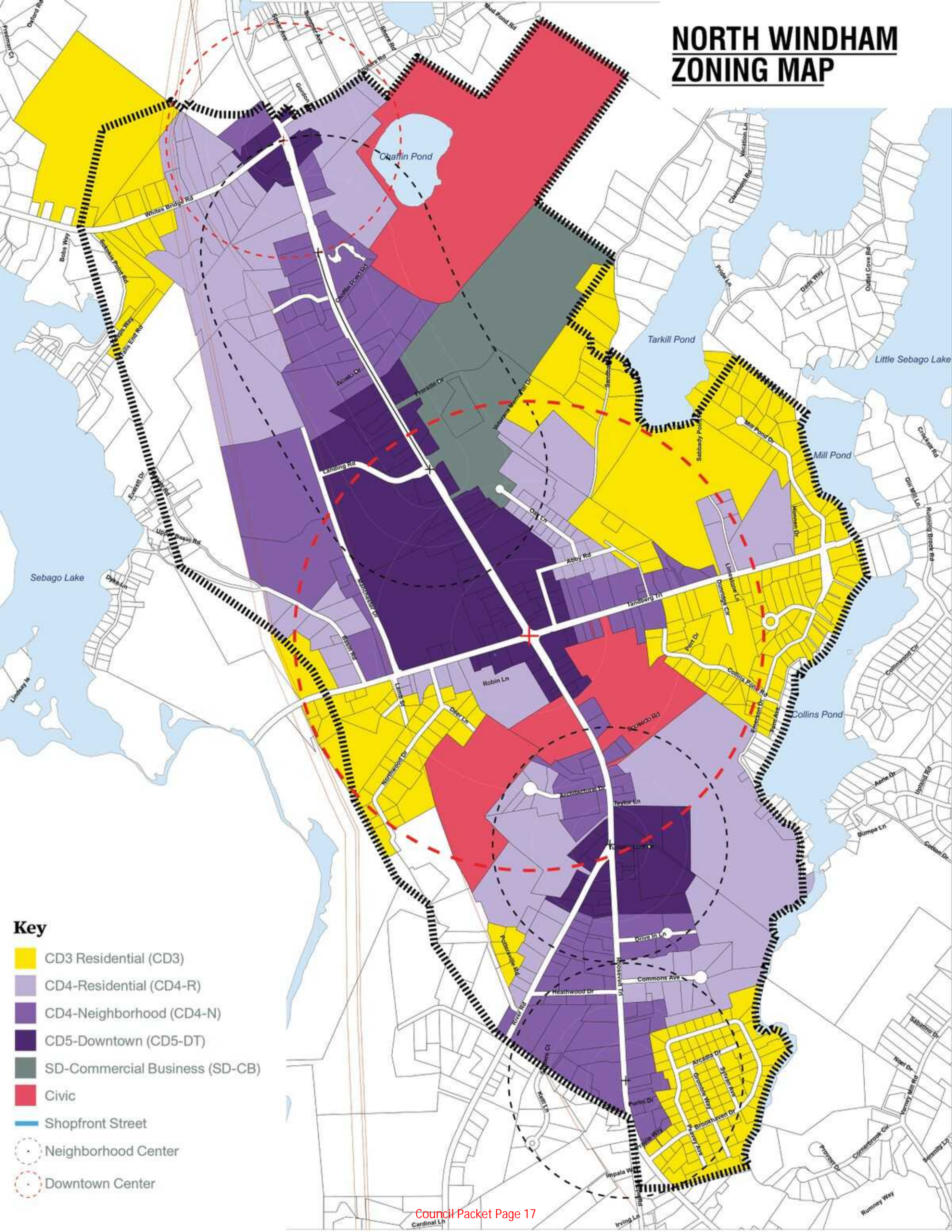
Effective July 1, 2019, the provisions of Section 409, as amended, shall replace the standards in Section 406 for the areas mapped in Section 409.

[To be incorporated here – Articles start next page.]

Section 400 Amendments

Order 10-153; Date 08-24-2010	Addition of Windham Center Contract Zone
Order 10-162; Date 09-14-2010	Addition of Village Commercial District
Order 10-164; Date 09-14-2010	Change to Outdoor Sales
Order 10-230; Date 12-14-2010	Addition of Restaurants in C1 District.
Order 11-206; Date 12-13-2011	Addition of Medical Marijuana Dispensaries
Order 12-014; Date 03-14-2012	Changes to Backlot Standards
Order 12-042; Date 04-24-2012	Addition of Design Standards
Order 12-148; Date 10-23-2012	Addition of Retirement Community and Care Facility Overlay District
Order 12-149; Date 10-23-2012	Addition of Accessory Apartments
Order 13-071; Date 05-14-2013	Addition of Personal Service Businesses in C3 District
Order 13-072; Date 05-14-2013	Addition of Sidewalk Impact Fee
Order 13-144; Date 09-24-2013	Change to Windham Center Contract Zone
Order 14-164; Date 07-08-2014	Changes to Automobile Repair Services, addition of Automobile Storage Lot
Order 14-387; Date 10-14-2014	Addition of Automobile Auction Facility
Order 14-468; Date 11-18-2014	Change to minimum lot size in RCCF Overlay Zone
Order 14-491; Date 12-16-2014	Change to Cluster Subdivision standards in Farm, Farm-Residential, Light Density Residential, and Medium Residential Districts.
Order 15-100; Date 07-28-2015	Addition of Mallison Falls Contract Zone
Order 16-111; Date 06-28-2016	Change to Warehousing, Private in C1 District
Order 16-148; Date 09-27-2016	Addition of Service Business, Landscaping in C3 District

NORTH WINDHAM ZONING MAP



Key

- CD3 Residential (CD3)
- CD4-Residential (CD4-R)
- CD4-Neighborhood (CD4-N)
- CD5-Downtown (CD5-DT)
- SD-Commercial Business (SD-CB)
- Civic
- Shopfront Street
- Neighborhood Center
- Downtown Center

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1. BUILDING ASSEMBLY

A. PURPOSE

1. To provide a clear and flexible system for enabling the construction of new buildings and the expansion and modification of existing buildings.

B. APPLICABILITY

1. This section applies to all primary buildings, comprised of a main building mass and components.

C. GENERAL

1. Allowed primary building types, lot dimensions, and building placement are permitted according to Section 400 Zoning Districts.
2. Primary buildings must correspond with a permitted building type in Article 3.B, Standards for Buildings Types, based on the definition of each type.
3. All primary buildings must meet the standards for one of the building types provided within this Ordinance.
4. Each primary building must be comprised of a main building mass with a rectangular form and a single allowed roof type.
5. The following building types are not required to take a rectangular form but must meet standards for floor area, height, and setbacks: multi-use building, parking garage, and big box.
6. In order to create a broad range of building designs, components may attach to primary buildings.
7. The outer wall of a main building mass must be located entirely in a single plane.
8. Deviations to the wall plane of a primary building are allowed only through permitted articulations.
9. For the purpose of measurement, building length and width standards apply only to the main building mass of primary buildings. Components have unique dimensions and standards.
10. The main building mass may only be cut into by components allowed to assume an integral or engaged condition. The space required by the component may only occur at the story the component is attached to, and may not replace or remove the rectangular boundaries of any floor or roof system below or above, except as allowed specifically by the deck component.

D. ATTACHED BUILDINGS

1. Primary buildings may attach on one or two sides, as indicated in Section 3.B, Standards for Building Types.
2. Primary buildings that are allowed to attach may do so on side or rear walls only.
3. A building may not encroach on setbacks in order to attach to an adjacent building.
4. Only one building can attach to any given building face of another building.
5. Primary buildings may attach to adjacent buildings across a theoretical or legal lot line.

6. Townhouses are required to attach on one side to an adjacent townhouse.
7. All attached buildings in a single grouping of attached buildings must maintain the same front setback.
8. A grouping of attached buildings may not exceed 180 feet in aggregate length and must be interrupted by a break of at least 3 ft in width, with the exception of the Commercial Business Special District where a grouping of attached buildings may not exceed 500 ft.

E. INTERNAL CIRCULATION

1. Two attached buildings may have openings between them in order to share circulation, corridors, stairwells, and elevators.
2. No individual unit may be shared between two buildings.
3. Each building must maintain an independent structural system, with the exception of party walls, which are shared.
4. Shared walls must be structural, load bearing, and extend through the width of both buildings forming a continuous wall.
5. First floor commercial units in existing buildings may, by special permit, share a unit between two or more attached buildings.
6. Where two buildings attach, the division between buildings must be apparent on the building's exterior, though techniques such as seams in materials, downspouts, pilasters, or buttresses.
7. The soffit along the frontage of a building may not extend beyond the party wall.

F. NUMBER OF UNITS

1. Buildings have a maximum number of units. Allowed units may be occupied by any of the uses or use categories permitted within that building type.
2. Accessory units may be incorporated into the primary building, provided the total area of the accessory unit does not exceed 30% the area devoted to the building's primary unit.

2. ROOFS

A. PURPOSE

1. To provide for buildings that have identifiable roof shapes based on local character.

B. APPLICABILITY

1. Roof standards apply to all primary buildings and components.

C. GENERAL

1. Roof standards apply to all building types and components and must be designed in accordance with this section and Table 3.1, Roofs by Building Type and Table 3.2, Roofs by Component Type.
2. Pitched roofs must converge, symmetrically, to a single ridge beam at their highest point.
3. Roof assemblies with multiple ridge beams are prohibited.

4. Primary buildings and components may have a maximum of one roof per instance.
5. The highest point of the roof of any component must be lower than or equal to the highest point of the roof of the primary building, unless specifically allowed to be taller.
6. Gable ends must be located on the narrowest building face or component face, except for townhouses, which must orient the ridge beam parallel with the building fronts.
7. The upper slope of mansard/gambrel roof profiles must always be less steep than the lower slope.
8. Pitched roofs, if provided, must have wood shingles, asphalt shingles, slate tile, standing seam galvalume, or v-crimp galvalume.
9. The enclosed eaves of gabled roofs may not extend beyond the face of a gable end creating a "pork-chop" return.

3. HEIGHT

A. PURPOSE

1. To ensure that residential units on the first floor are elevated above grade along the primary frontage to protect privacy and reinforce character.

B. APPLICABILITY

1. This section applies to all new buildings or modifications to existing buildings that increase the overall height of the structure.

C. GENERAL

1. Building Height requirements for each building type are regulated in Article 3.B: Standards for Building Types.
2. Building height in this Ordinance is measured in stories.
3. Story height is measured from the surface of any floor to the surface of the floor above it or, if there is no floor above, from the surface of the floor to the top of the wall plate.
4. For buildings with pitched roofs, habitable space is allowed within the pitch and is not considered a story.
5. A building that has more than one floor contained within the structure of a pitched roof must count all but the top floor as a story.
6. A habitable floor within a pitched roof must be counted as a story if the roof rafters intersect the wall plate or top of the exterior wall frame at a height more than 2 feet above the finished floor of the space.
7. Basements are counted as a story when 5 feet or more of an exterior wall located within the frontage zone is exposed above the average ground level.
8. In the event that floor heights vary in different parts of the same building, such that multiple stories in one area equate in height to one story in another, the shorter floor-to-floor height should be used to determine number of stories, provided that none of the floors are mezzanines.
9. Height limits do not apply to mechanical equipment; roof mounted cellular, radio and Internet transmission equipment; vents or exhausts; solar panels or skylights; flagpoles; chimneys; parapets or other non-habitable architectural features.

D. ELEVATION

1. Buildings must be elevated along their primary frontage to meet first floor elevation requirements of each primary building type.
2. Buildings with less than a 10 ft front setback must have the first floor at the same grade or higher than the abutting sidewalk.
3. Residential units on the first floor of any primary building must be elevated above grade a minimum of 2 ft.
4. First floor elevation is measured from the average ground level along the frontage of a building to the top of the first finished floor of a building.

4. BUILDING ORIENTATION

A. PURPOSE

1. To ensure that buildings address the street in a way that reinforces or creates the desired character.
2. To enable pedestrian access to buildings.
3. To provide consistent placement of buildings within neighborhood centers.

B. APPLICABILITY

1. This section applies to all new primary buildings and components.

C. SIDEWALK ADJACENCY

1. Buildings with a 0 ft front setback must be connected to an abutting sidewalk.
2. Shopfronts in CD4, CD5, and SD-CB must meet the average grade of the adjacent sidewalk along the entire frontage, regardless of the slope.

D. BUILDING ORIENTATION

1. The facade of all primary buildings must be oriented parallel to the primary frontage line.
2. In the case where a thoroughfare bends, a building may take the orientation of the abutting thoroughfare, the angle of which is determined by drawing an imaginary line between the endpoints of the two side lot lines along the frontage.
3. Alternatively, a building on a thoroughfare that bends may take the orientation of adjacent buildings to maintain the line of an existing streetwall.

5. WINDOWS & DOORS

1. Window & doors requirements for each building type are regulated in Article 3.B, Standards for Building Types.
2. Window and door requirements apply to any building face within the frontage zone, except where installation of windows along side or rear property lines is infeasible due to separation requirements mandated by the fire code.
3. The required window and door percentages apply to the total area of the exterior of each story of the building facade as measured from the surface

TABLE 3.1 ROOFS BY BUILDING TYPE

	Gable	Hip	Mansard/Gambrel		Shed	Flat*
			Lower	Upper		
HOUSE	9:12 Min 14:12 Max	6:12 Min 12:12 Max	9:12 min 60:12 max	1.5:12 Min* 1/2 Lower Slope Max	-	-
DETACHED MIXED-USE	9:12 Min 14:12 Max	6:12 Min 12:12 Max	9:12 min 60:12 max	1.5:12 Min* 1/2 Lower Slope Max	-	-
TOWNHOUSE	6:12 Min 12:12 Max	3:12 Min 12:12 Max	-	-	3:12 Min 6:12 Max	1.5:12 Min* 2:12 Max
MULTI-USE BUILDING	6:12 Min 12:12 Max	3:12 Min 12:12 Max	9:12 min 60:12 max	1.5:12 Min* 1/2 Lower Slope Max	3:12 Min 6:12 Max	1.5:12 Min* 2:12 Max
PARKING GARAGE	6:12 Min** 12:12 Max**	3:12 Min** 12:12 Max**	-	-	3:12 Min** 6:12 Max**	1.5:12 Min* 2:12 Max
BIG BOX	-	-	-	-	-	1.5:12 Min* 2:12 Max

NOTE: Roofs marked with a dash (-) are not permitted with that building type.

* Or minimum slope required by building code for specified roof system.

** These roof types may be used on the lining elements of a garage only

TABLE 3.2 ROOFS BY COMPONENT TYPE

	Gable	Hip	Mansard/Gambrel		Shed	Flat*
Porch	-	3:12 Min 12:12 Max	-	-	3:12 Min 6:12 Max	1.5:12 Min* 2:12 Max
Side Wing	9:12 Min 14:12 Max	3:12 Min 12:12 Max	9:12 min 60:12 max	1.5:12 Min* 1/2 Lower Slope Max	3:12 Min 6:12 Max	1.5:12 Min* 2:12 Max
Rear Addition	9:12 Min 14:12 Max	3:12 Min 12:12 Max	9:12 min 60:12 max	1.5:12 Min* 1/2 Lower Slope Max	3:12 Min 6:12 Max	1.5:12 Min* 2:12 Max
Cross Gable	9:12 Min 14:12 Max	-	9:12 min 60:12 max	1.5:12 Min* 1/2 Lower Slope Max	-	-
Shed Dormer	-	-	-	-	3:12 Min 6:12 Max	-
Window Dormer	3:12 Min 14:12 Max	3:12 Min 12:12 Max	-	-	3:12 Min 6:12 Max	-
Bay Window	3:12 Min 14:12 Max	3:12 Min 12:12 Max	-	-	3:12 Min 6:12 Max	1.5:12 Min* 2:12 Max
Extended Shopfront	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	-	3:12 Min 12:12 Max	1.5:12 Min* 2:12 Max
Deck	-	-	-	-	-	-

of the floor of that story, to the surface of the next floor above; or, if there is no floor above, to either the top of the wall plate, or the base of the buildings eaves, whichever is shorter.

4. Windows and doors must have clear, transparent glass that has a minimum VLT of 50% as indicated by the glass manufacturer.
5. All windows and doors on a building face must be square or vertical in proportion and must have center or edge alignment that is vertical and horizontal, except as follows:
 - a. Stairwell windows may be circular or take the shape of any regular polygon, other than a triangle, and may take the orientation of the roof pitch.
 - b. Shopfront windows are exempt.
6. Multiple vertically proportioned windows or window lights may be combined to create horizontal compositions.
7. Shutters, if provided, must be operable.
8. Sliding doors and windows are prohibited along frontages.
9. Garage-style lifting doors are permitted on a building facade within the frontage zone in CD4, CD5, and SD-CB, as long as the doors have 50% glazing comprised of transparent glass.
10. To the extent possible, window and door patterns and window configurations should be used that break the direct line of sight between neighboring properties to minimize privacy impacts.

6. PEDESTRIAN ACCESS

A. PURPOSE

1. To ensure that buildings are accessible from thoroughfares as a way to encourage pedestrian activity along a street.
2. To prevent extended blank walls that can cause a street to feel uncomfortable for pedestrians.

B. APPLICABILITY

1. This section applies to all new buildings or modifications to existing buildings that include any changes to entry location.

C. GENERAL

1. At least one primary entrance must be located along the primary frontage of a primary building's main building mass.
2. Houses and detached multi-use buildings may have their primary entrance on the side of a primary building's main building mass, provided the side door is located within the frontage zone.
3. Primary entrances must provide both ingress and egress and be operable at all times.
4. Any building longer than 60 ft must have a functioning, operable, permanently clear entry door along a first floor facade at intervals of no greater than every 30 linear feet.
5. Primary entrance spacing requirements must be met for each building individually, in that doors on adjacent buildings may not be used to meet the spacing requirement.

7. STOREFRONT STANDARDS

A. PURPOSE

1. To ensure that areas intended for commercial activity have shopfront treatment that supports business vitality.

B. APPLICABILITY

1. This section applies to the first floor facade of multi-use buildings, big boxes, and parking garages.

C. GENERAL

1. Storefronts are required:
 - a. Along shopfront streets designated on the Zoning Map.
 - b. Whenever a retail unit occurs at a building's primary frontage.
2. Shopfronts, where required, must provide doors and windows with a minimum of 70% fenestration.
3. A functioning, operable, permanently clear entrance door must be provided at intervals of no greater than every 20 linear feet along a shopfront.
4. Shopfronts must have doors into a unit that can be occupied by a permitted use. Residential units are not permitted along shopfront streets, though may be located in portions of a building not directly facing onto the shopfront street.
5. Buildings on corner lots that require shopfronts must extend shopfront fenestration a minimum of 12 feet along the secondary frontage.
6. Measurements:
 - a. Shopfront area is determined by the ground story height and the total width of the ground story of a building measured at the frontage.
 - b. Where a Shopfront is not required to extend across a building's entire facade, the area of the shopfront must be determined by the ground story height and the total width of the commercial unit.
 - c. The width of a commercial unit is determined by the horizontal distance between the interior walls of the unit, measured at the frontage.

8. BUILDING ARTICULATION

A. PURPOSE

1. To enable buildings that contribute to the overall character of a street.
2. To minimize exaggerated building articulations that can interrupt pedestrian movement and result in a disorienting built environment.

B. APPLICABILITY

1. This section applies to new buildings.

C. GENERAL

1. Architectural features and small articulations within 6 horizontal inches from the surface of a building's facade are not regulated by this Ordinance.
2. Forecourts are permitted on multi-use buildings provided they meet the following standards:
 - a. Only one building facade may have a forecourt.
 - b. Forecourts must provide access to the first floor of a building with the same frequency and fenestration requirements as the facade it is associated with.
 - c. The width of a forecourt must be no greater than 1/3 of the building face to which it is associated.
 - d. The maximum depth of a forecourt must maintain a ratio of 1:1 with the height of the associated building face, measured from the surface of the forecourt to the base of the eaves or top of the parapet.
 - e. The average elevation of the floor of a forecourt must not exceed 1 ft above the abutting sidewalk.
 - f. Courtyards located away from the primary and secondary frontages are allowed for multi-use buildings, but their dimensions, shape, and size are not regulated by this ordinance.
 - g. Arcades, may extend across the gap created by a forecourt to create a peristyle, provided they are not enclosed by glass, railings, or other physical obstructions.
3. Corner buildings with first floor shopfronts may have a chamfered corner, provided the length of the resulting chamfer face is less than 12 feet and that both edges of the chamfer are equidistant from the corner.
 - a. Chamfered corners must provide an entrance. This entrance may not be counted toward the primary entrance spacing requirement.
 - b. Multi-use buildings may extend the chamfer to upper stories as desired. All other building types must limit the chamfer to the first floor only.

9. MATERIALS**A. PURPOSE**

1. To allow for a range of building materials that reflect desired character.

B. APPLICABILITY

1. This section applies to new buildings or to substantially modified buildings.

C. GENERAL

1. On building facades, the exterior finish material must be brick, brick veneer, wood clapboard, wood shingles, cement board siding, stone, stone veneer, or corrugated metal, and / or lime-based stucco.
2. On building facades, building wall materials must be combined horizontally, with the heavier below the lighter.

3. Painted concrete is allowed on foundations only.
4. No more than 5 materials may be used on one facade including the siding, trim, roof, and foundation.
5. Facade colors shall be low reflectance. The use of high intensity, high reflectance, chrome, metallic, or fluorescent paint colors are prohibited.

10. COMPONENTS**A. PURPOSE**

1. To provide a clear and flexible system for enabling the construction of new buildings and the expansion and modification of existing buildings.

B. APPLICABILITY

1. This section applies to all primary buildings, comprised of a main building mass and components.

C. GENERAL

1. At least one component is required per primary building except on the multi-use building, parking garage, and big box.
2. Occupiable roof mounted architectural structures such as roofdecks, cupolas, and mechanical penthouses are only allowed by special permit.
3. All components may attach to other components, unless otherwise indicated.
4. All components are allowed to stack on top of one another, unless otherwise indicated.
5. Multiple components of the same type may be used more than once, unless otherwise indicated.
6. Multiple components of the same type may not attach to each other, unless specifically allowed, and must be separated horizontally by a distance of no less than 1 ft.
7. Two components may not occupy the same space (overlap), unless specifically allowed.
8. Any enclosed component, that is permitted to extend flush with a side or rear lot line, is permitted to attach to a neighboring structure also built flush to the same lot line.
9. Components may encroach their entire width and/or depth into all setbacks, unless specifically disallowed in Section 3.C, Standards for Components.
10. Components may be allowed to encroach into the public right-of-way by special permit.

11. SLOPES & TERRACES

A. PURPOSE

1. To ensure that buildings located in mixed-use areas meet the sidewalk.
2. To allow terraces as a way to provide pedestrian circulation adjacent to shopfronts on streets with steep slopes.

B. APPLICABILITY

1. This section applies to new buildings or existing buildings that want to construct a terrace.

C. GENERAL

1. When the grade of a thoroughfare at a primary or secondary frontage has a slope of 10% or greater, the adjacent buildings may provide a level terrace in their front setback.
2. The following standards apply to all buildings in CD5 and SD-CB and to buildings in CD4 that are set back less than 12 ft from the street:
 - a. The terrace must be paved to match the adjacent sidewalk.
 - b. A railing or low wall must be provided wherever the terrace is elevated more than 1 ft above grade.
 - c. Stairs may be provided between abutting terraces to promote pedestrian circulation along shopfronts.
 - d. When applied, terraces must extend along the entire frontage of the building.

12. MEZZANINES

A. PURPOSE

1. To allow additional flexibility within building envelopes.
2. To enable additional partial floors to encourage tall stories.

B. APPLICABILITY

1. This section applies to new buildings or existing buildings that want to add a mezzanine.

C. GENERAL

1. Publicly accessible mezzanines may be provided within a building story with the following provisions:
 - a. A building story must be at least 18 ft in height to accommodate a public mezzanine.
 - b. A public mezzanine must have a ceiling height of at least 8 ft measured from the finished floor of the mezzanine to the surface of the finished ceiling or underside of the structural members of an unfinished ceiling.
 - c. The area of a public mezzanine may be no greater than 50% the area of the main floor beneath it.

2. Utility or mechanical mezzanines, intended only for access by repair personnel, may be provided within a full building story with the following provisions:
 - a. A building story must be at least 15 ft in height to accommodate a mechanical mezzanine.
 - b. Mechanical mezzanines may be designed as a crawlspace, and have a minimum ceiling height of 4 ft.
 - c. Mechanical mezzanines may be no greater than 75% the area of the main floor beneath them.
3. From the exterior of the building, mezzanines should appear like part of the story they are associated with. A mezzanine may not appear like a complete building story from the outside.

13. ADDITIONAL STRUCTURES

A. PURPOSE

1. To allow for additional structures that support activities associated with primary buildings.
2. To minimize visual impacts from private and public spaces.

B. APPLICABILITY

1. This section applies to all structures that do not qualify as buildings.

C. GENERAL

1. Additional structures are permitted in conjunction with a permitted primary building.
2. A structure is additional if it is:
 - a. Clearly incidental and subordinate to a permitted primary building in terms of area, size, function, and location.
 - b. Operated and maintained under the same ownership and on the same lot as the primary building.
3. Additional structures not expressly permitted are prohibited, except where a specific additional structure is customarily found in association with an allowed primary building, staff may interpret the additional structure as allowed.
4. Additional structures may be permitted on undeveloped lots, as long as the screening and setback standards are met.
5. Additional structures must be screened, if required in Table 3.3, Additional Structures.
6. Screening must be of a height equal to or greater than the height of the additional structure being screened.
7. Additional structures must be setback, if required in Table 3.3, Additional Structures.
8. Where an additional structure is required to have a setback, it must be located behind the frontage zone.
9. All permitted additional structures must be located at least 18 inches from lot lines.

D. FIRE ESCAPES

1. Fire escapes may be added to existing buildings when no other means of providing egress is possible or practical.
2. Exterior fire escapes may encroach upon all setbacks.
3. A fire escape may encroach upon a public right-of-way. Sizing and location of fire escapes must be approved by the Fire Marshall.

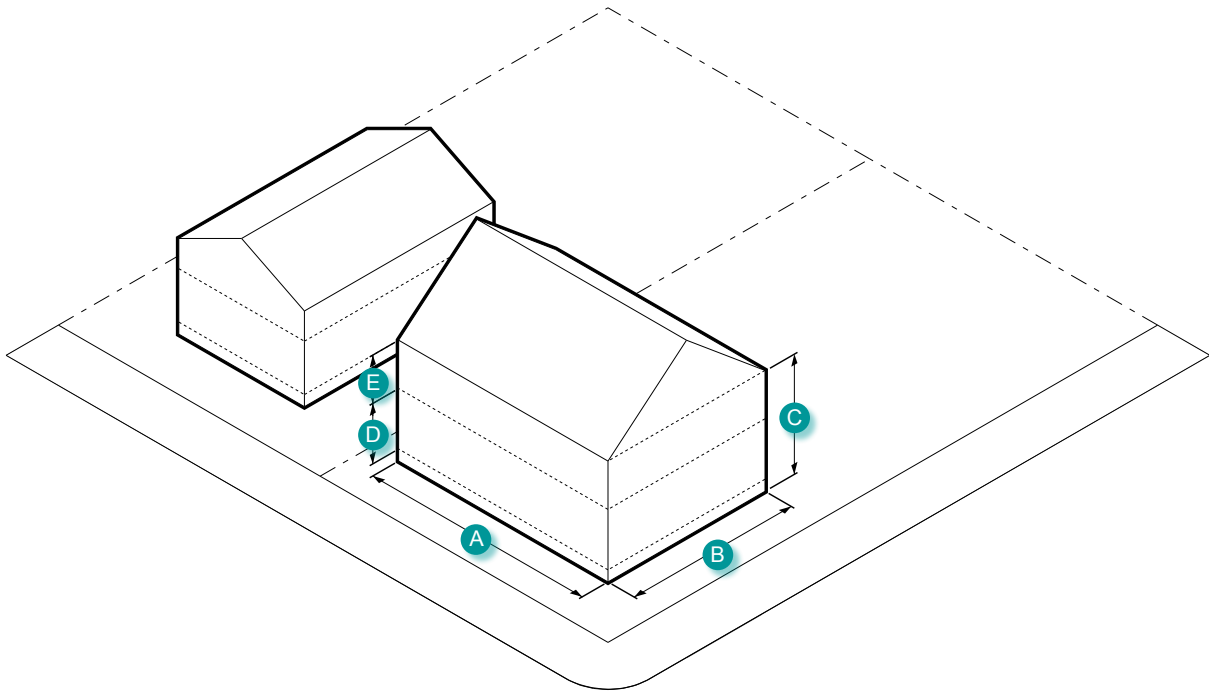
E. SPECIFIC STANDARDS

1. Amateur (HAM) Radio Equipment.
 - a. Ground-mounted towers must be located a minimum of ten feet from any lot line and any overhead electric distribution or transmission lines.
 - b. Ground-mounted towers may not exceed 35 feet, measured from the base of the supporting tower to its tallest point. A roof-mounted antenna, when fully extended, is limited to a maximum height of ten feet above the height of the structure to which it is mounted.
 - c. Additional height may be approved by staff if the applicant can demonstrate that such height is necessary to effectively engage in radio communications.

TABLE 3.3 ADDITIONAL STRUCTURES

	SCREENING	SETBACK
Above-ground Storage Tank	Y	Y
Antenna Equipment		Y
Garden Furniture		Y
Agricultural Structures		Y
Stationary Machines		
Carport		Y
Recreational Equipment		Y
Pools	Y	Y
Game Courts		Y

1. HOUSE



a. DESCRIPTION

A small to medium sized, detached building type, which accommodates a single residential unit

b. BUILDING FORM

Building Length	48 ft max	A
Building Width	36 ft max	B
Total Stories	2 stories max	C
First Story Height	9 ft min, 12 ft max	D
Upper Story Height	9 ft min, 10 ft max	E
First Floor Elevation	2 ft min	
Roof	See Table 3.1	
Attachment	1 side	

c. ALLOWABLE UNITS

1 unit max

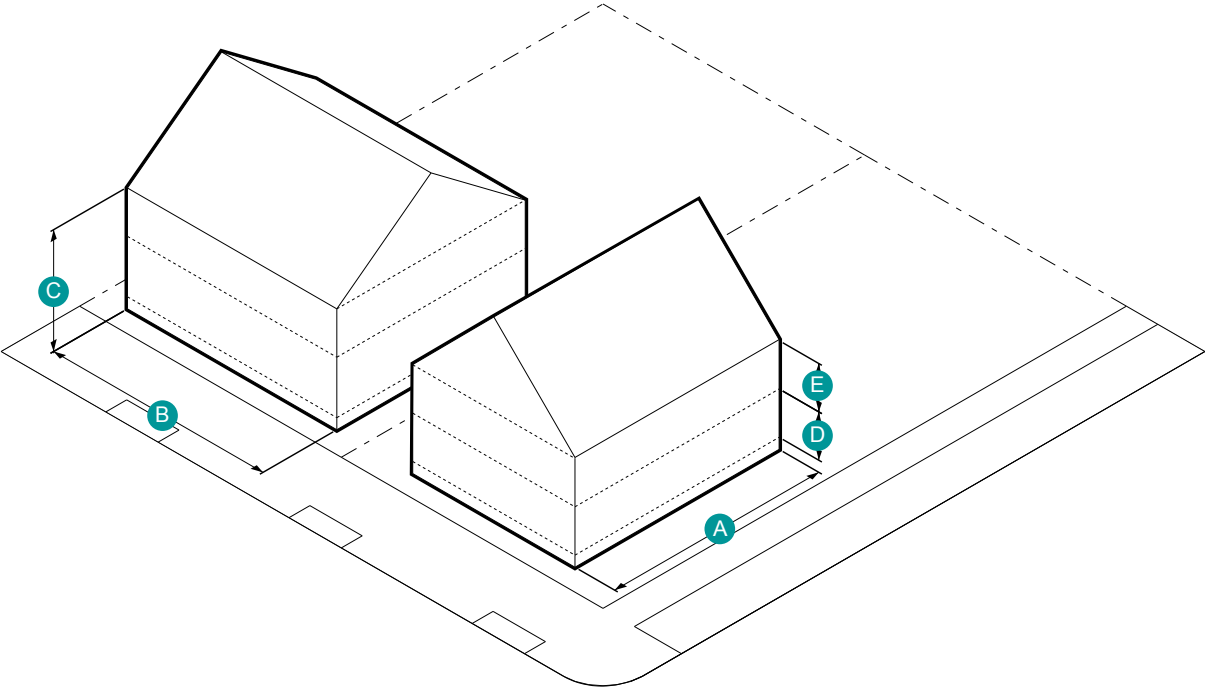
d. WINDOW & DOORS

Ground Story Window & doors	20% min
Upper Story Window & doors	20% min

e. STANDARDS

- Houses smaller than 600 total sf may be mounted on a chassis with independent suspension and axles capable of free rotation, provided the chassis is screened so as to appear like a permanent foundation, the wheels are not visible from any abutting street or lot line, and the building is not greater in height than 1 story.

2. DETACHED MULTI-USE BUILDING



a. DESCRIPTION

A versatile medium to large sized detached building, providing residential units, commercial units, or a combination of the two, and an optional shopfront.

b. BUILDING FORM

Building Length	100 ft max	A
Building Width	60 ft max	B
Total Stories	2 stories max (CD4) 3 stories max (CD5)	C
First Story Height	9 ft min, 15 ft max	D
Upper Story Height	9 ft min, 12 ft max	E
First Floor Elevation	2 ft min	
Roof	See Table 3.1	
Attachments	none	

c. ALLOWABLE UNITS

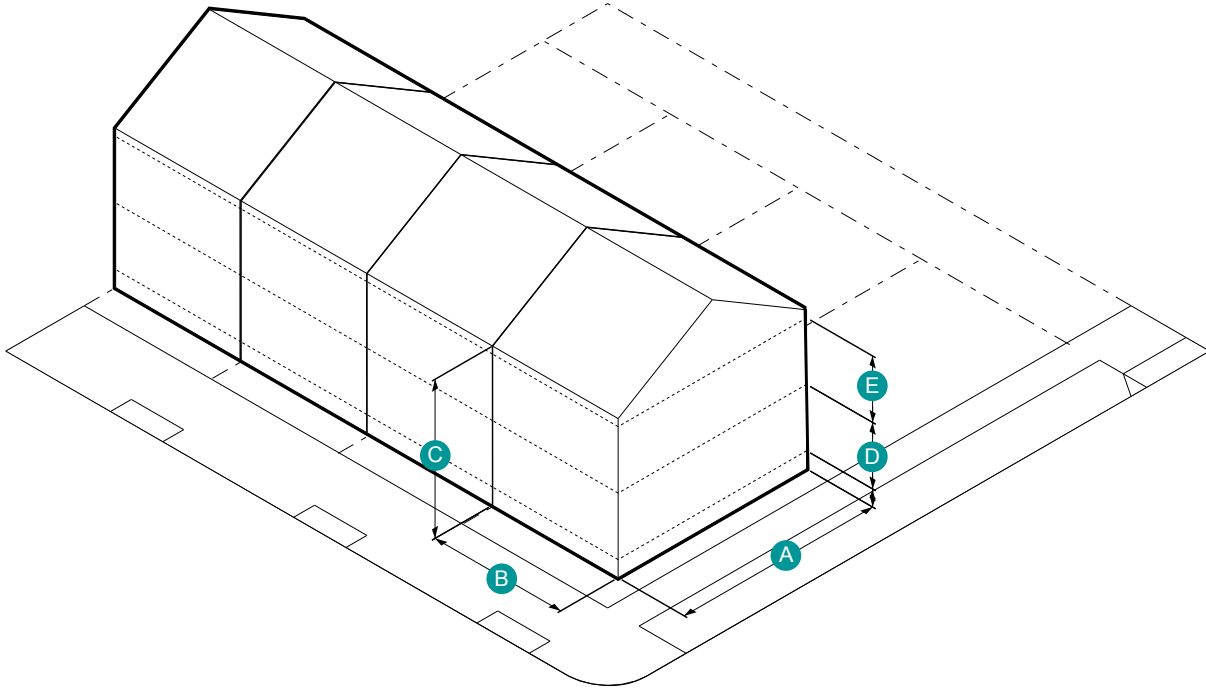
8 units max

d. WINDOW & DOORS

Ground Story Window & doors	20% min
Upper Story Window & doors	20% min

e. STANDARDS

3. TOWNHOUSE



a. DESCRIPTION

A small, attached building type, which accommodates a single residential unit.

b. BUILDING FORM

Building Length	50 ft max	A
Building Width	18 ft min, 36 ft max	B
Total Stories	2 min, 3 max	C
First Story Height	9 ft min, 12 ft max	D
Upper Story Height	9 ft min, 12 ft max	E
First Floor Elevation	2 ft min	
Roof	See Table 3.1	
Attachment	1 side min	

c. ALLOWABLE UNITS

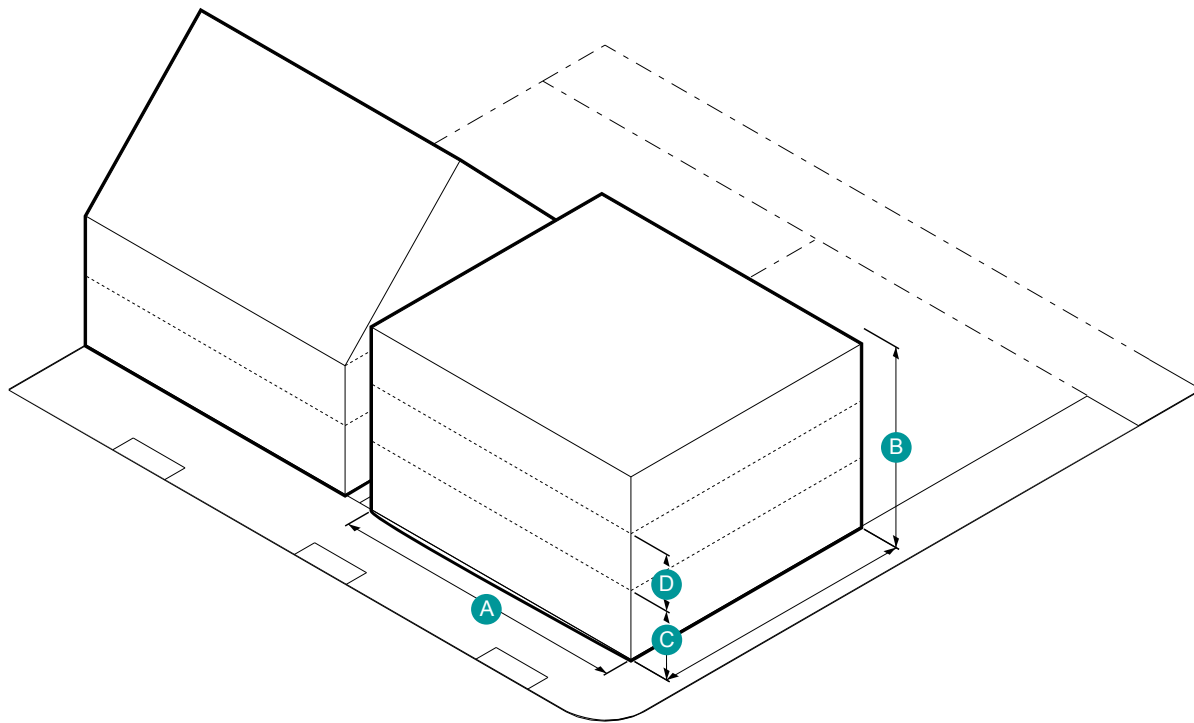
1 unit max

d. WINDOW & DOORS

Ground Story Window & doors	20% min
Upper Story Window & doors	20% min

e. STANDARDS

4. MULTI-USE BUILDING



a. DESCRIPTION

A versatile medium to large sized attached building, providing residential units, commercial units, or a combination of the two, and an optional shopfront.

b. BUILDING FORM

Building Length	100 ft max	A
Total Building Area	20,000 sf max	
Total Stories	3 max	B
First Story Height	14 ft min, 20 ft max	C
Upper Story Height	10 ft min, 12 ft max	D
First Floor Elevation	0 ft max	
Roof	See Table 3.1	
Attachments	2 sides max	

c. ALLOWABLE UNITS

40 units max

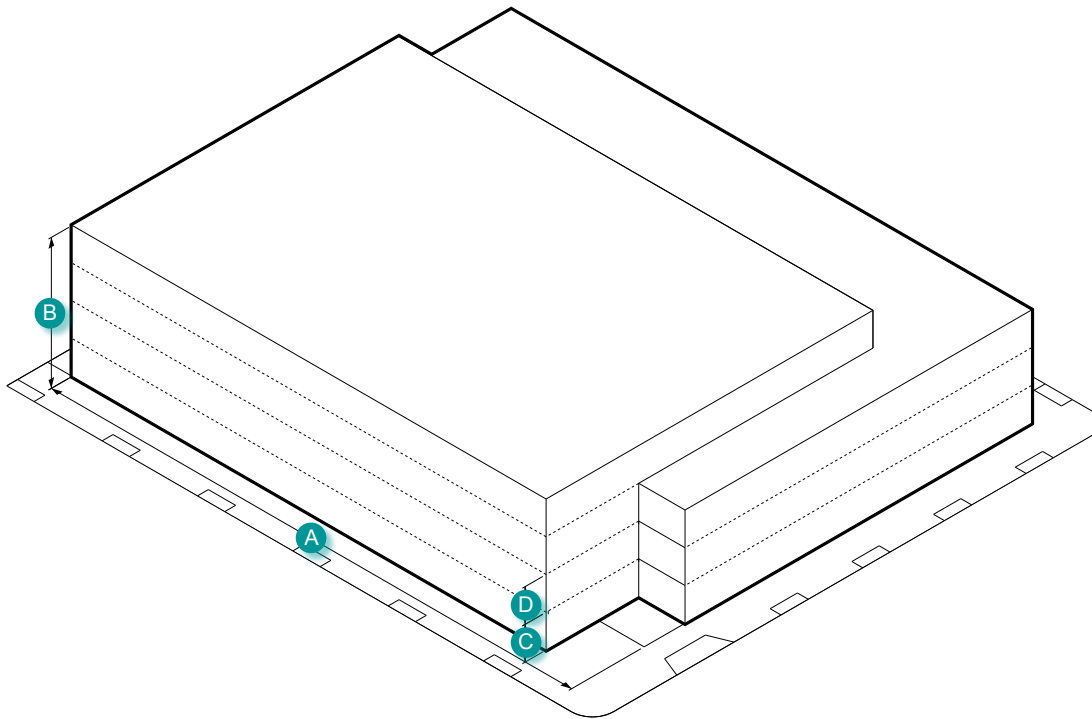
d. WINDOW & DOORS

Ground Story Window & doors	30% min
Upper Story Window & doors	20% min

e. STANDARDS

1. The Floor Plate may not exceed an area of 10,000 sf

5. PARKING GARAGE



a. DESCRIPTION

A large structure primary used for the parking and storage of automobiles, but lined with commercial units along one or more faces.

b. BUILDING FORM

Building Length	250 ft max	A
Building Area	200,000 sf max	
Total Stories	5 max	B
First Story Height	12 ft min, 24 ft max	C
Upper Story Height	9 ft min	D
First Floor Elevation	0 ft min	
Roof	See Table 3.1	
Attachments	Unlimited	

c. ALLOWABLE UNITS

2 units min

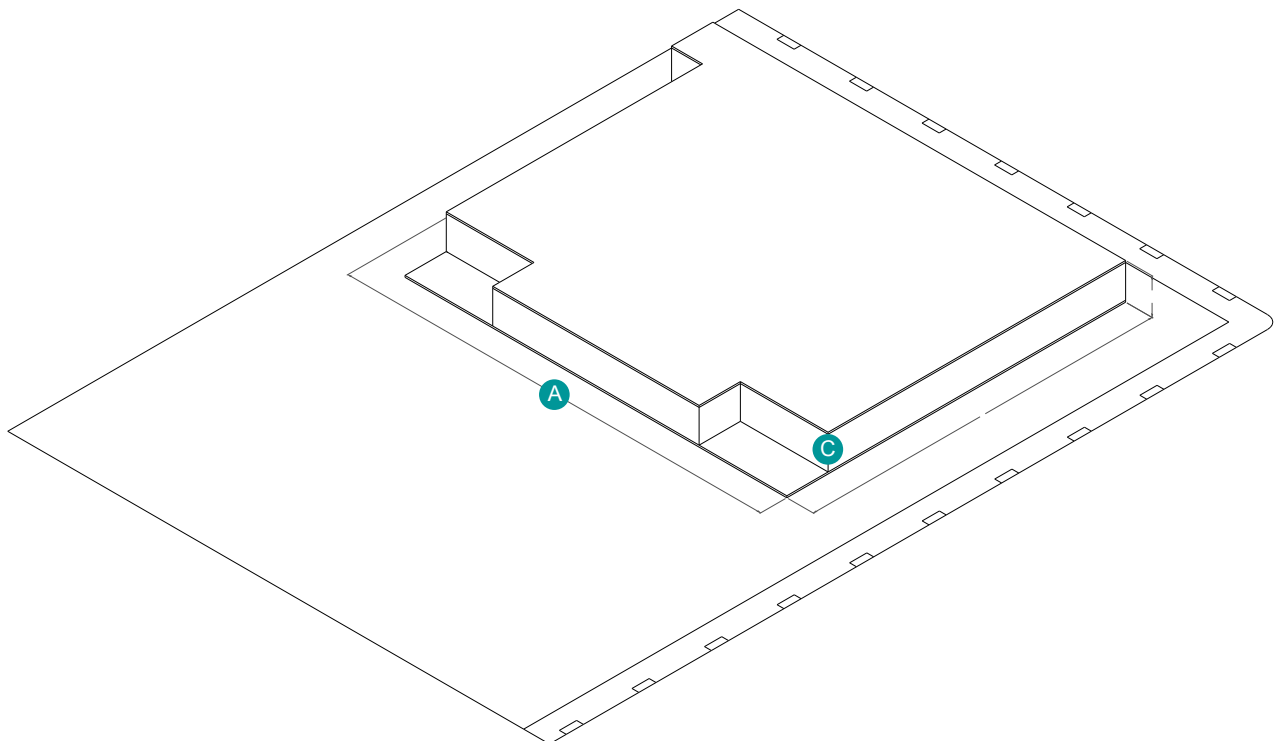
d. WINDOW & DOORS

Ground Story Window & doors	50% min (ii)
Upper Story Window & doors	30% min

e. STANDARDS

1. In CD5, 50% of the length of all facades are subject to shopfront standard.
2. Building Screening requirements apply for all stretches of blank facade longer than 20 ft.
3. Commercial spaces lining the exterior of a parking garage may take window & doors requirements identical to the multi-use building.
4. Parking garage floors should be flat to enable possible re-use.
5. Parking garage floor plate may not exceed 50,000 sf.

6. BIG BOX



a. DESCRIPTION

A large commercial building providing one or many commercial units.

b. BUILDING FORM

Building Length	360 ft max	A
Total Building Area	200,000 sf max (SD-CB) 60,000 sf max (CD5)	
Total Stories	1 max	B
First Story Height	15 ft min	C
Upper Story Height	n/a	
First Floor Elevation	0 ft min	
Roof	See Table 3.1	
Attachments	2 sides max	

c. ALLOWABLE UNITS

2 units min (CD5)
1 unit min (SD-CB)

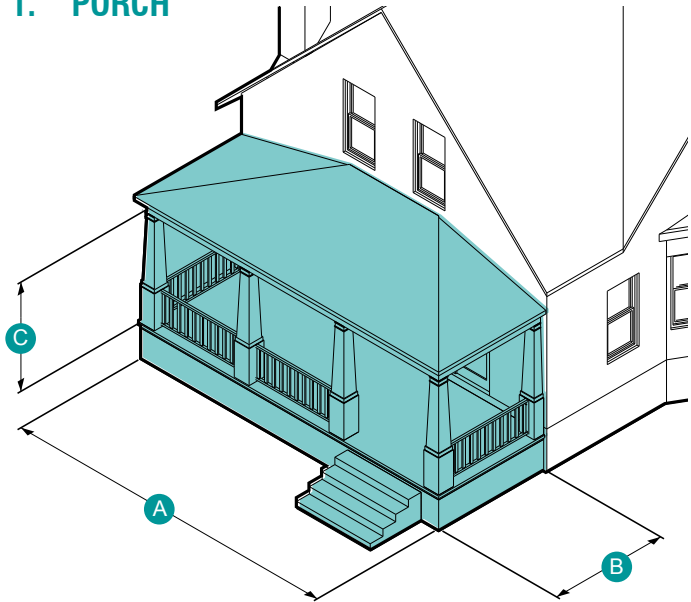
d. WINDOW & DOORS

Ground Story Window & doors	n/a
Upper Story Window & doors	20%

e. STANDARDS

1. A big box may use an alley as its primary frontage.
2. When fronting an alley a big box is only required to provide a shopfront for 30% of its alley frontage.
3. In CD5 50% of the length of all facades are subject to shopfront standards.
4. Building screening requirements apply for all stretches of blank facade longer than 20 ft.

1. PORCH



a. DESCRIPTION

A raised, roofed platform that provides additional outdoor living space.

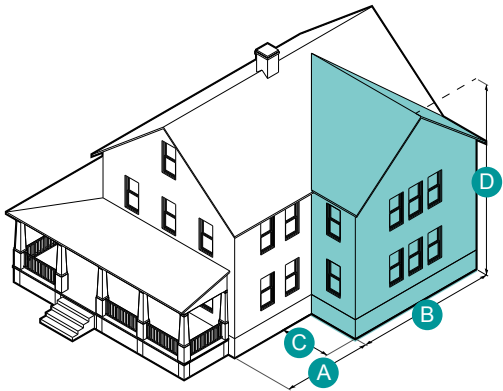
b. DIMENSIONS

Width	No more than the width of the building face to which it attaches	A
Projection	6 ft min, 12 ft max	B
Height	8 ft min	C
Window & doors	60% min when enclosed	

c. STANDARDS

1. Porches may be partially or fully enclosed.
2. Porches may be projecting, engaged, or integral.
3. Porches may wrap around corners to attach to porches, galleries, decks, or balconies on abutting building faces.
4. Stairs may extend off the front or side of the porch, except when a porch is located on an upper story in which case the stairs cannot be located along the Primary Frontage.
5. When built on an upper story, porches must be supported from below by a porch, arcade, or other supporting component; or visually supported by Brackets, Corbels, or Rafters along its full depth.

2. SIDE WING



a. DESCRIPTION

A multi-story extension from the side walls of a Primary Building.

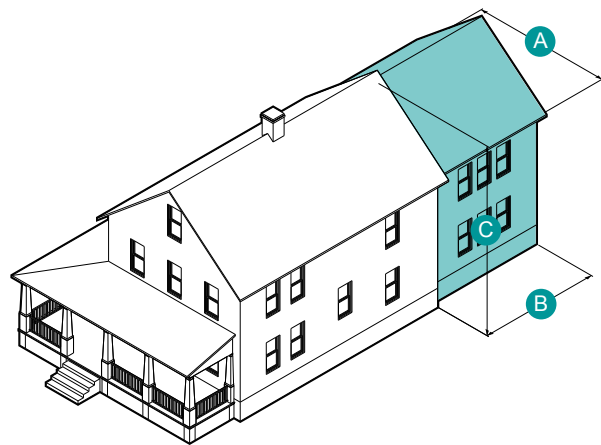
b. DIMENSIONS

Setback from Facade	8 ft min	A
Width	max 2/3 width of Primary building	B
Projection	max 2/3 depth of Primary building	C
Height	Equal to or less than height of Primary building	D
Window & doors	20% min	

c. STANDARDS

1. Side wings may not encroach on setbacks.
2. The Primary Building may only have one side wing per Building side.
3. Side wings may be centered or offset at the side wall of the Primary Building, provided they share at least 6 ft with the common wall.
4. A side wing may only attach to a primary building, though other components may attach to it.

3. REAR ADDITION



a. DESCRIPTION

An extension from the rear wall of a Primary Building

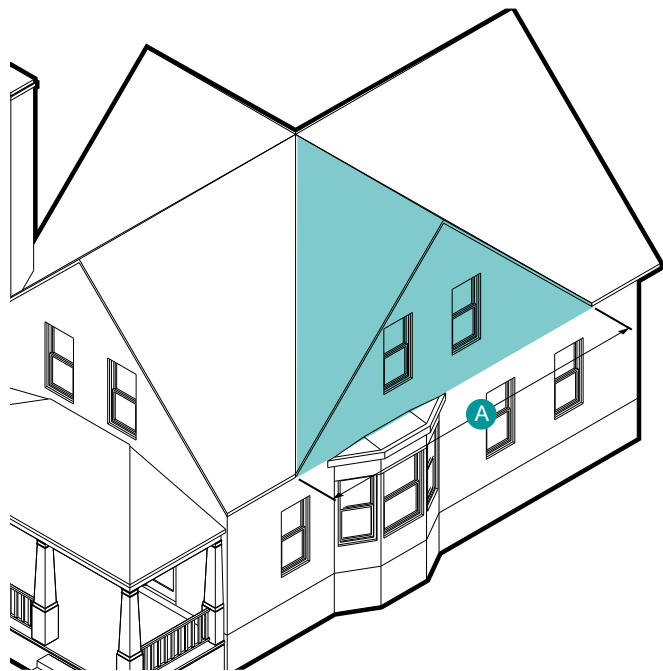
b. DIMENSIONS

Width	Max width of rear wall, less 2 ft	A
Projection	No greater than the width or depth, whichever is less, of the Primary building	B
Height	Equal to or less than height of Main Building Mass	C
Window & doors	20% min	

c. STANDARDS

- 1. Rear Additions may not encroach on setbacks.
- 2. The Primary building may only have one Rear Addition.
- 3. Rear Additions may be centered or offset at the rear wall of the Main Building Mass, provided they share at least 6 ft with the common wall.
- 4. A Rear Expansion may only attach to a primary building, though other components may attach to it.

4. CROSS GABLE



a. DESCRIPTION

A gable or gambrel roof that projects perpendicular from the roof of the Primary Building to increase the habitable space of a half-story.

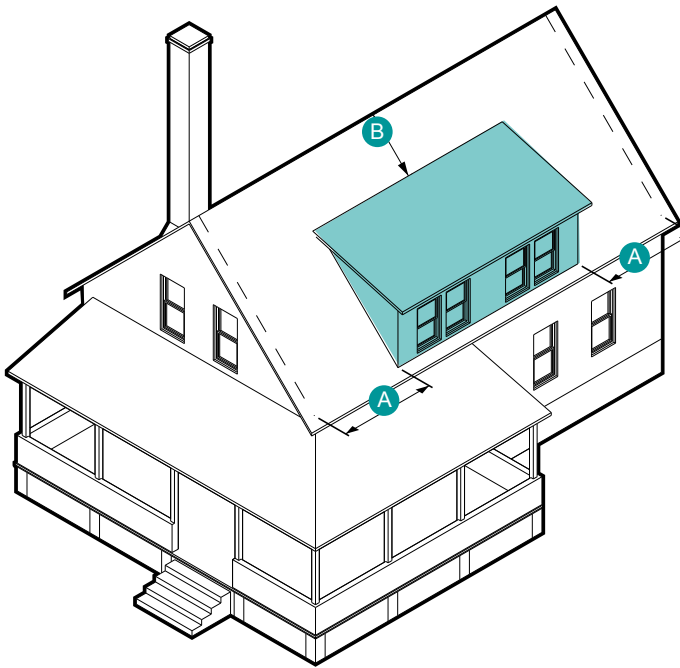
b. DIMENSIONS

Width	Equal to eave width of the narrowest face of the Primary Building	A
Height	The ridge beam of the Cross Gable may not be higher than the Ridge Beam of the Primary Building	B
Window & doors	20% min	

c. STANDARDS

- 1. Cross Gables may project outward from a building face (to a maximum of 12 ft) if supported from below by a Component or visually supported by Brackets, Corbels, or Rafters.
- 2. Two cross gables of equal size and roof pitch may be used together and may occupy the same space, with an overlap of no more than 1/2 the Width of each.

5. SHED DORMER



a. DESCRIPTION

A room, or portion of a room with a shed roof that projects vertically from the roof a Building Element, designed to provide increased light and expand the habitable space under a roof.

b. DIMENSIONS

Gable End Setback	4 ft min	A
Ridge Line Setback	1 ft min	B
Window & doors	20% min	

c. STANDARDS

1. When a shed dormer faces a Frontage Line, it must be limited in width to 1/3 the total length of the primary ridge beam of the Building Element to which it is attached.
2. The window(s) in a shed dormer should be vertically proportioned and no more than 3 ft wide.
3. The face of the shed dormer must not project beyond the building eaves.

6. DORMER WINDOW



a. DESCRIPTION

A window or group of up to 3 windows with a gable, hip, or shed roof that projects vertically from the roof a Building Element, designed to provide increased light and expand the habitable space of a half-story.

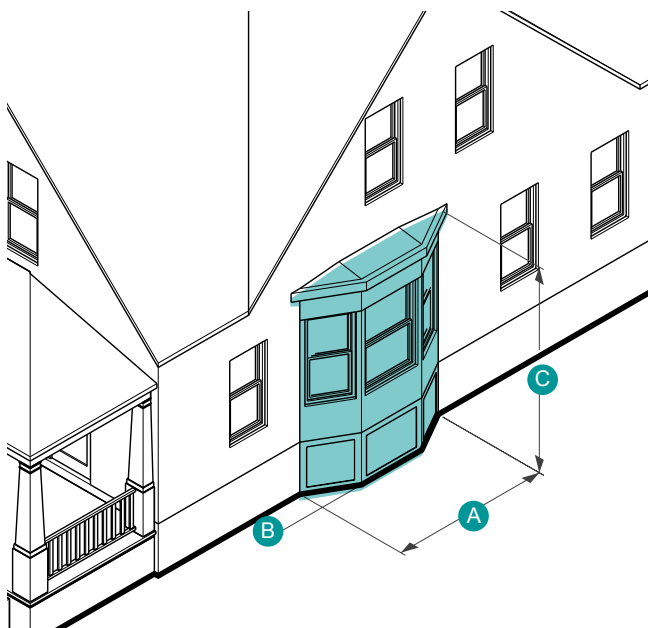
b. DIMENSIONS

Width	10.5 ft max	A
Height	see standards (iv)	B

c. STANDARDS

1. The window(s) in a dormer window should be vertically proportioned and no more than 3 ft wide.
2. The total width of a Dormer window must be no more than 18 inches wider than the rough opening required for its' windows.
3. The face of the dormer window must not project beyond the building eaves.
4. When attached to a mansard or gambrel roof the dormer may not pass above the chine of the roof.

7. BAY WINDOW



a. DESCRIPTION

An enclosed window assembly extending from the face of a Building Element to permit increased light, multi-directional views, and articulate a building facade.

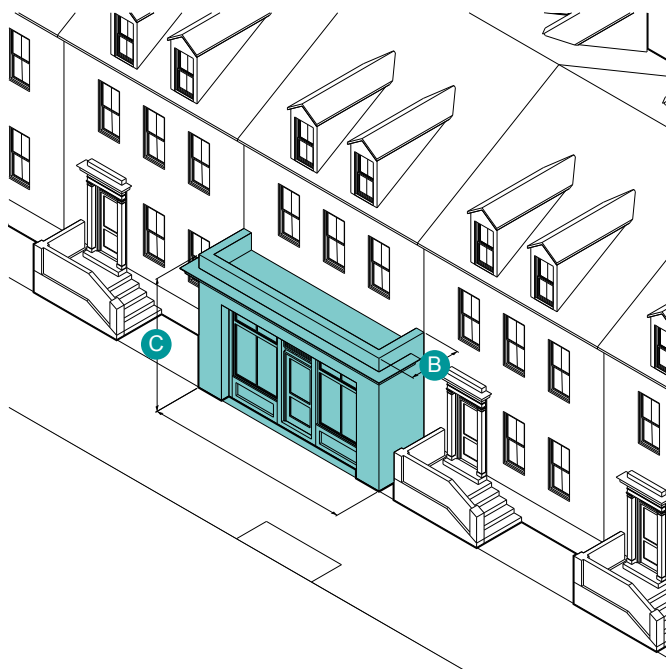
b. DIMENSIONS

Width	16 ft max	A
Projection	6 in min, 4 ft max	B
Height	Max equal to total number of full building stories	C
Window & doors	30% min	

c. STANDARDS

1. Bay Windows must be visually supported by Brackets, Corbels, or Rafters along their full depth or, when built at the first floor, must extend visually to the ground plane.
2. Bay Windows may only attach to the main building mass, rear additions, side wings, and Extended Shopfronts.
3. Bays may intersect with and occupy the same space as porches.
4. Bays Windows may be two sided, multisided, or curved.
5. Bay Windows may provide openings for doorways as well as windows.

8. EXTENDED SHOPFRONT



a. DESCRIPTION

An extension of a building into a front setback providing new or expanded commercial space and a storefront.

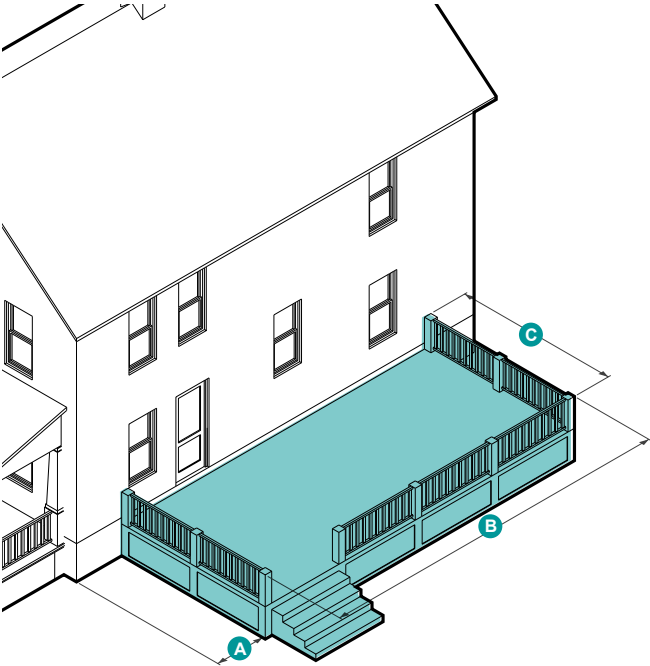
b. DIMENSIONS

Width	No more than the length of the building face to which it attaches	A
Projection	0 ft min	B
Height	Max equal to total number of full building stories	
Window & doors	70% min (Storefront) 30% min (Upper Stories)	

c. STANDARDS

1. Extended shopfronts may wrap corners to join with an Extended Shopfront on another building face.
2. Only allowed in CD4 and CD5.
3. Extended shopfront may only be used in conjunction with a new or existing commercial use.

9. DECK



a. DESCRIPTION

A roofless, uncovered, raised platform accessible from a secondary entrance to a building that provides outdoor amenity space.

b. DIMENSIONS

Setback from Facade	8 ft min	A
Width	8 ft min	B
Projection	8 ft min	C
Height	varies	
Fenestration	none	

c. STANDARDS

1. Decks are not permitted along primary and secondary frontages, at ground level.
2. The space between piles or piers must be enclosed with latticework or similar material, or concealed visually by evergreen landscaping, on all sides, except for decks that are elevated more than 8 ft from the ground plane.
3. Decks may not be enclosed.
4. Decks built above the first floor level are limited to a size of 144 sf
5. Only one deck is allowed per building face, and one per primary roof.
6. Roof decks may sit entirely above the structure of a roof.
7. Roof decks may be incorporated within a roof such that a portion of the roof is cut away directly above the surface of the deck. The surface of the floor of roof decks integrated in this manner may not be located at a lower elevation than where the roof rafters intersect the outer wall frame.
8. A roof deck may not extend beyond the building eaves.

1. BICYCLE PARKING

A. PURPOSE

1. To provide secure space for bicycle parking in order to support active lifestyles.

B. APPLICABILITY

1. Bicycle parking must be provided by projects that meet the criteria below, with the exception of buildings that have fewer than 3 residential units:
2. New construction or substantial renovation of a primary building.
3. Expansion of an existing primary building by 2,000 square feet or more.

C. GENERAL

1. A single bicycle rack that is designed for parking two bicycles is counted as two bicycle parking spaces.
2. A minimum of two bicycle parking spaces must be provided for each building type, except for multi-use buildings, big box, and parking garages, which require 6 spaces each.

D. DESIGN

1. All bicycle racks must be:
 - a. Securely anchored, able to support the bicycle frame in at least two places to prevent the bicycle from falling over.
 - b. Configured to allow locking of the frame and at least one wheel with a U-lock.
 - c. Constructed of materials that resist cutting, rusting, bending, or deformation.
2. A bicycle rack may be erected on a public sidewalk in the furnishing zone.

2. VEHICULAR PARKING

A. PURPOSE

1. To allow for parking that supports the function of abutting land uses while preserving the walkability and character of neighborhoods.
2. To set standards that enable parking lots that have a natural and informal treatment and ensure that parking lots not only maintain but enhance land values.

B. APPLICABILITY

1. Parking lot standards apply to:
 - a. New parking lot construction.
 - b. Reconstruction of an existing parking lot.
 - c. Expansion of an existing parking lot by 10 or more spaces.
 - d. Resealing or re-striping of a parking lot, which does not entail paving, resurfacing, or replacement of the asphalt, concrete, or other surface paving material, is not considered reconstruction.

C. REQUIRED SPACES

1. Off-street vehicle parking is not required. Where provided, off-street vehicular parking must comply with the standards of this section.

D. PARKING LOCATION

1. Parking may not be located on a lot that does not contain a primary building, except:
 - a. A municipal lot that is authorized by special permit.
 - b. An existing unbuildable lot.
 - c. Where a liner building, such as an informal structure, is permitted.
2. All off-street parking must be located behind the frontage zone, with the following exceptions:
 - a. Parking is permitted in the frontage zone within permitted building types that allow parking.
 - b. Parking may occur in a driveway along the side of houses. Parking is not allowed to occur within the frontage zone for any other building type.
 - c. Where a liner building is permitted, parking must be located behind the building. Any portions of the parking lot exposed to the street must be lined with a hedge or low wall.
3. If located more than 100 feet from any thoroughfare or lot line, a parking lot may be located anywhere on site.

E. SCREENING

1. Where any parking lot is located along, within 50 feet of, or visible from a thoroughfare other than an alley, the parking lot must be screened by:
 - a. A dense evergreen hedge;
 - b. A solid masonry wall installed at the right-of-way line of between two feet and three and one-half feet in height; or
 - c. Dedicated spaces for market stalls, farm stands, or mobile food vendors abutting to the right-of-way line.

F. VEHICULAR ACCESS

1. Off-street parking must be accessed from an alley or secondary thoroughfare. When there is no abutting alley or secondary thoroughfare, parking may be accessed from the primary thoroughfare.

G. PEDESTRIAN ACCESS

1. Sidewalks or passages must be provided to connect buildings to thoroughfares, adjacent buildings, existing sidewalks, and trails, or when appropriate, to amenities such as parks or open space on or adjacent to the site.
2. The location of sidewalks and passages must minimize conflicts with moving vehicles.

H. DESIGN

1. Surfacing materials for parking lots must be selected based upon the amount and type of use expected on the lot in order to maximize effectiveness of the materials and to minimize maintenance.
2. Parking lots may be surfaced using non-permeable materials, such as concrete, asphalt, bricks, pavers, stone, gravel, and crushed stone.
3. Parking lots may be surfaced with permeable materials such as permeable pavers, gravel- or crushed stone-filled grid pavers, vegetated grid pavers, and lawn.
4. Surfacing solutions may include any combination of permeable and non-permeable materials.
5. Parking lots surfaced in uniform, poured surfacing material, such as asphalt and concrete, are required to plant 1 shade tree of a minimum caliper of 2 inches for every 2 parking spaces. Each parking space must be located within 8 feet of a tree.
6. Parking lots surfaced in unit-based material, such as pavers, bricks, and stone, are required to plant at least one shade tree of a minimum caliper of 2 inches for every 8 parking spaces. Each parking space must be located within 8 feet of a tree. Parking lots intended for flexible use may be exempted from this tree planting requirement for spaces located within the interior of the lot.
7. An existing shade tree may satisfy a tree planting requirement in instances where the existing tree canopy occupies the same vertical space as the required tree, so long as the existing shade tree is located on the same property, is a minimum of four inches diameter at breast height, possesses a healthy and full canopy, has an unmolested critical root zone, and has incurred no damage that would undermine its long-term vitality and quality.
8. Loose surfacing materials, such as gravel and crushed stone, must be stabilized and compacted, and an edge must be installed to minimize the scatter of surfacing materials.
9. Vegetated surfacing material, such as vegetated grid pavers and lawn, must have proper maintenance and management to maintain healthy vegetation and root structure and to reduce exposure of bare soil.
10. Parking lots should consider and anticipate alternative activities and be designed for flexible use.
11. Terminal islands, where provided, must be designed as follows:
 - a. Flush with the parking lot without curbs and landscaped with evergreen hedges, other evergreen plantings, and trees to facilitate stormwater management.
 - b. Depressed beds or swales without curbs designed as rain gardens to facilitate stormwater management.
 - c. Raised, curbed beds designed as rain gardens to facilitate stormwater management.
12. Parking lot landscaping must be integral, where possible, with on-site stormwater management facilities.

I. MAINTENANCE

1. All required plant materials must be maintained in a healthy growing condition over their lifetime and replaced as necessary.
2. All permeable surfacing materials should be maintained and tested periodically to ensure they are still functioning as intended.

3. DRIVEWAYS

A. PURPOSE

1. To provide access to individual properties or to multiple properties that have a shared access agreement.

B. APPLICABILITY

1. This section applies to all new driveways, driveway resurfacing, or driveway relocation.

C. GENERAL

1. The following standards apply to driveways. Driveways are not thoroughfares and cannot be used to meet lot frontage requirements.

D. LOCATION

1. One driveway is permitted per building lot.
2. Driveways may pass through required front, side, and rear setbacks to access parking locations.
3. Curb cuts must be separated by a minimum of 75 feet where possible.
4. Curb cuts must be aligned with curb cuts on the opposite side of a thoroughfare to the greatest extent possible.

E. DESIGN

1. Driveways may not be wider than 10 ft within the frontage zone. The driveway must have a maximum curb radius of 1 ft maximum where it crosses a sidewalk and 2 ft maximum where it does not cross a sidewalk.
2. A maximum 12 ft driveway is permitted by Waiver within the CD4 and CD5 Districts to accommodate commercial vehicles. The driveway must have a maximum curb radius of 12 ft maximum where it crosses a sidewalk and 20 ft maximum where it does not cross a sidewalk.
3. Double-lane driveways with a maximum width of 24 ft are permitted by Waiver for commercial properties, when intended for exclusive use by employees and commercial vehicles accessing loading docks. When practical, double-lane driveways should be accessed off an alley or secondary thoroughfare. The driveway must have a maximum curb radius of 12 ft maximum where it crosses a sidewalk and 20 ft maximum where it does not cross a sidewalk.
4. A garage apron that exceeds the maximum permitted driveway width is permitted to extend for a depth of 25 feet from the garage doors, at which point the driveway must be no wider than the maximum permitted driveway width. The garage apron may only be as wide as the width of the garage.
5. Where driveways on abutting lots are located next to each other, an effort should be made to provide vertical landscaping between the driveways to break up the visual width of the paved areas.

F. SHARED DRIVEWAYS

1. Driveways may provide access in whole or in part on or across from an abutting lot, provided that an access easement exists between owners.

4. LANDSCAPING

A. PURPOSE

1. To ensure that landscaping supports a clear transition between the street and adjacent buildings.
2. To enable landscaping and hardscaping treatments that maintain the character of mixed-use neighborhoods.
3. To minimize soil erosion and protect water quality.
4. To minimize conflicts between landscaping and areas that require easy and safe human access.

B. APPLICABILITY

1. These standards apply to all development that involves new construction of a primary building or expansion of an existing primary building by 2,000 square feet or more.
2. This section applies to commercial properties, frontage zones in CD3, CD4, and CD5, parking lots, and civic spaces.

C. DESIGN & INSTALLATION

1. On commercial properties, landscaping must consist primarily of native species requiring minimal irrigation, fertilization, and maintenance. Planting must be cold hardy, drought tolerant, and able to survive on natural rainfall once established with no loss of health.
2. Plant materials must be installed in soil of sufficient volume, composition, and nutrient balance to sustain healthy growth.
3. Plant materials installed adjacent to thoroughfares that are plowed and typically receive seasonal salt treatment should be non-woody and salt-tolerant to ensure survival.
4. Slopes which currently or are in danger of erosion should receive an erosion-mitigating treatment such as planting of densely-rooted vegetation suitable for its site condition, terracing of the landscape with retaining structures and planting, or similar solution, especially when abutting natural water, located on municipal sewer, or where the slopes of the land causes water to cross property boundaries.
5. Artificial plants and artificial turf are prohibited, excluding active recreation sports fields that are subject to intense use.
6. All portions of a lot not occupied by a building or permitted paved area must be planted with living vegetation, such as grass, groundcover, plants, shrubs, or trees.
7. Permitted paved areas include:
 - a. Pathways that lead to a building entrance.
 - b. Driveways and parking lots.
 - c. Pool decks and patios.
 - i. A pool deck may encompass a paved area extending from the lip of a pool 10 ft horizontally around its perimeter.
 - ii. Patios may not exceed 625 sf of impervious paved area and in CD3 and CD4 may not be located closer than 3 ft to any lot line.
 - iii. In CD4 and CD5, where an existing building has a non-conforming front setback, a patio is permitted in the frontage.

d. Extended Sidewalks

- i. In CD4, and CD5 any building with a setback of less than 12 ft may pave the entire frontage between the building and the adjacent sidewalk as an extended sidewalk.
- ii. In CD4, and CD5 any building with a shopfront and a setback of less than 12 ft must pave the frontage as an extended sidewalk to match the adjacent sidewalk and function as an extension of the public realm.

8. Non-paved areas which do not require landscape improvements include:
 - a. Land area dedicated to agricultural activities.
 - b. Trails.
 - c. Naturally occurring stream beds, rock outcroppings, and similar natural features typically lacking in vegetation.
 - d. Recreation fields and facilities.
 - e. Water features.
9. Permitted non-paved groundcovers excluding vegetation include: rock or gravel, wood chips, bark, or other non-living material typically used in landscaping.
10. Ground vegetation or shrub plantings with spines, thorns, or needles that may present hazards to pedestrians or cyclists are prohibited within 2 feet of any front lot line within the CD3, CD4, and CD5 Districts.
11. Within 3 feet of any fire protection system or when underground or overhead utility or drainage easements are present, ground cover less than 6 inches in height must be planted, unless other plantings are expressly permitted by the utility provider, easement holder, and the municipality.
12. Natural drainage areas must be preserved to the maximum extent. Development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

D. IRRIGATION

1. Where installed, permanent irrigation systems must:
 - a. Utilize low-volume irrigation emitters such as bubbler, drip irrigation, and soaker hose emitters.
 - b. Be equipped with a meter, backflow preventer, and weather-based irrigation controller.

E. MAINTENANCE

1. On commercial properties, any plant material that is significantly damaged, missing, disease-ridden, or dead must be abated by the property owner within one year or the next planting season, whichever occurs first.

5. LANDSCAPE BUFFERS

A. PURPOSE

1. To provide clear standards for the use of buffers that mitigate visual, noise, and light conflicts between abutting properties.

B. APPLICABILITY

1. Landscape buffers are required per Use Performance Standards in Section 500.

C. DESIGN

1. A required landscape buffer must provide a screen along 100% of the length of any shared lot lines.
2. A landscape buffer must be a minimum of 6 ft in height, except when in the frontage zone it may be no more than 4 ft in height.
3. The landscape buffer must be planted with dense evergreen hedges that will provide a solid visual barrier upon maturity.
4. A landscape buffer must be planted with a minimum of 3 large canopy trees for every 100 feet of length along the lot line.
5. Preexisting vegetation that meets the spacing standards may substitute.
6. Accessory parking for motor vehicles is prohibited within a required landscape buffer.
7. Where a landscape buffer is required, it must be continuous, with the following exceptions:
 - a. Pedestrian and vehicle access, plus related signs, may cross a landscape buffer.
 - b. A building or other structure that better mitigates potential impacts between the proposed project and abutting properties may encroach upon the landscape buffer.
 - c. A natural, pre-existing grade separation may be conserved, in lieu of a fence or wall, to the extent that the height of the pre-existing grade separation meets the minimum required height of the fence or wall.

6. SOIL EROSION

A. PURPOSE

1. To mitigate soil erosion and sedimentation of watercourses and water bodies with an active program meeting the requirements of the "Maine Erosion and Sediment Control BMPS" (Maine Department of Environmental Protection), dated March 2003, or other construction management practices system approved by the Planning Board or Development Review Committee, as appropriate.

B. APPLICABILITY

1. All site plans for development must meet the standards of the Town of Windham's Surface Water Protection Ordinance; where applicable (See Chapter 142 Surface Water Protection Ordinance).

C. GENERAL

1. Applicants are encouraged to utilize contractors who are certified in erosion control through the Maine Department of Environmental Protection's Voluntary Contractor Certification Program.

7. FENCES & WALLS

A. PURPOSE

1. To ensure that fences allow for delineation of private yard space while allowing for a street that is visually transparent, safe, and interesting.
2. To allow for rear yard fences that provide privacy.

B. APPLICABILITY

1. The provisions of this Article apply to any fences or walls, including those required per Use Performance Standards in Section 500, to minimize the trespass of undue sound and light between abutting properties.

C. FENCES & WALLS

1. Fences and walls installed directly onto a shared side or rear lot line require consent of the abutting property owner.
2. Fence posts or supporting rails must face inward toward the property being fenced and the finished face must be oriented towards the abutting property, thoroughfare, or civic space.
3. Fences and walls located within the frontage zone may be no more than 4 feet in height, and must be constructed of pickets or pickets set onto a low wall, where the pickets are no more than 50% opaque. Fence and gate posts may not be more than 4.5 feet in height.
4. Fences and walls located behind the frontage zone may be up to 8 feet in height. Fence and gate posts may not be more than 8.5 feet in height.
5. Fences within 4 feet of windows must be a minimum of 70% opaque.
6. Fences and walls must be constructed of durable, natural materials, such as wood, brick, stone, or painted metal. Plastic, vinyl, and chain link fences are prohibited. Barbed wire and concertina wire are prohibited. Stone walls must be laid so that most stones and the predominant visual pattern are horizontal.
7. When required for screening, fences and walls must be a minimum of 6 feet in height and must provide a solid visual barrier.
8. The following are exempt from the above standards:
 - a. An open fence enclosing a tennis, basketball, pickleball, or other recreational court may be erected to a maximum of 12 feet in height and may be constructed of chain link fencing.
 - b. Fences made of plastic mesh, electrified wire, galvanized steel mesh, chicken wire, metal rails, and PVC may be installed on lots used for agricultural activities, except within the frontage zone.

D. RETAINING WALLS

1. Projects should be designed in a way to reduce the need for retaining walls.
2. Retaining walls over 6 feet in height require a waiver by the Planning Board.

8. OUTDOOR STORAGE

A. PURPOSE

1. To ensure that storage areas are allowed everywhere in support of business activity.
2. To ensure that storage areas are located in a way that minimize visual and operational conflicts with thoroughfares and abutting properties.

B. APPLICABILITY

1. This section applies to all outdoor storage, including waste management, materials storage, and other materials associated with the uses contained within buildings.

C. GENERAL

1. The storage of refuse, recycling, or other materials is not permitted in the frontage zone.
2. Storage areas must be located at least 20 feet, or to the extent practicable, away from any structure used for dwelling purposes.
3. Storage areas visible from a thoroughfare must be fully enclosed by a wall or a fence at least 6 feet in height.

9. MECHANICAL EQUIPMENT

A. PURPOSE

1. To allow for mechanical equipment while minimizing negative impacts of noise, blowing air, and smells on pedestrians and abutting properties.

B. APPLICABILITY

1. This section applies to all new buildings or substantial modifications to existing buildings.

C. ROOF-MOUNTED

1. Mechanical equipment must be screened from ground level view, thoroughfares (not including alleys), civic spaces, and abutting properties by a parapet or other screening structure at least one foot above the height of the mechanical equipment.
2. Screens must be of durable, permanent materials.

D. BUILDING OR GROUND MOUNTED

1. Mechanical equipment cannot be located within the frontage zone.
2. Mechanical equipment that is visible from a thoroughfare (not including alleys) or civic space must be screened by a fence, wall, or dense evergreen hedge.
3. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.
4. Screens must be of durable, permanent materials.

10. LOADING FACILITY

A. PURPOSE

1. To provide design guidance for the design and orientation of loading and service areas.
2. To ensure loading and service areas are properly screened when necessary.

B. APPLICABILITY

1. The following standards apply to loading docks, delivery vehicles, and areas used for the storage and staging of materials.

C. GENERAL

1. Loading areas are not permitted within the frontage zone.
2. Where any loading area is located along, within 50 feet of, or visible from a thoroughfare, other than an alley, loading facilities, must be screened from view by a wall or fully closed fence between 6 and 12 feet in height.
3. Loading areas that are fully integrated into a building must be screened with a solid, opaque, self closing door or gate finished to coordinate with the materials and design of the building.
4. Loading facility doors are only permitted to be opened during loading and unloading activities.
5. All loading berths must be signed to indicate "No Idling."
6. Turning movements associated with loading docks may not impede the public right-of-way.

11. OUTDOOR CAFE SEATING

A. APPLICABILITY

1. This provisions of this section are applicable to all outdoor cafe seating located in a frontage or on a public sidewalk.

B. GENERAL

1. The operator of the outdoor cafe seating is responsible for the proper maintenance of the cafe area at all times, including proper disposal of all trash generated.

C. CAFE AREA DIMENSIONS

1. Outdoor cafe seating areas may be located along the face of a building or freestanding within a sidewalk or civic space, provided a 5-foot clear walkway is maintained.

D. FURNITURE

1. Furnishings may only consist of moveable tables, moveable chairs, moveable umbrellas, required enclosures, and portable or mounted heaters.
2. All furnishing must be made of safe, sturdy, and durable materials, such as wood, steel, or wrought iron.

3. When not intended for use during the winter months, outdoor cafe furnishings must be removed and stored indoors.
4. Tables larger than 3 feet 6 inches in length or diameter are not permitted.
5. Standing or stooled table ledges, if provided, must be at least 18 inches in depth.
6. Heaters are encouraged to extend the use of outdoor cafe seating during colder weather. The following standards apply:
 - a. Heating fixtures require approval by the Fire Department.
 - b. Heaters may be freestanding or mounted to the underside of an awning.
 - c. Portable heaters must be stored indoors when the business is closed.

E. ENCLOSURES

1. The perimeter of outdoor cafe seating areas must be defined and enclosed on all sides by any combination of metal fencing, bollards and chain, or planters.
2. Vertical wind breaks may be provided on each end of the cafe area, provided that the wind break is attached to and fits completely under an awning.
3. Any necessary frames or supports for awnings or windbreaks are permitted.
4. Metal Fencing
 - a. Fencing must be 36 inches or less in height.
 - b. The maximum gap permitted between fence segments is 4 inches.
5. Bollards & Chain
 - a. Metal or wooden bollards must be 36 inches or less in height.
 - b. Bollards may be linked with rope or chain that hangs no less than 30 inches from the ground at its lowest point.
6. Planter Boxes
 - a. Planters or planter enclosures must be between 18 inches and 24 inches in height.
 - b. The combined height of planters and live plants must not exceed 4 feet from sidewalk grade.
 - c. Planters and flower boxes must be made of safe, durable material.

12. DRIVE-THROUGHS

A. PURPOSE

1. To permit auto-oriented drive-through services in a predictable manner.
2. To reduce the negative impacts associated with drive-throughs on abutting properties, pedestrians, and bicycle traffic.

B. APPLICABILITY

1. This section applies to all new drive-throughs.
2. Drive-through standards apply to all businesses that service customers directly from their vehicles through a window or electronic interface.

3. Drive-through standards apply to all businesses where vehicles must queue in an on-site driveway while idling.
4. Drive-through standards apply to all businesses where a vehicle must pass under a large illuminated canopy in order to be serviced.

C. GENERAL

1. Nonresidential projects that include drive-through services must be designed and have sufficient stacking capacity to avoid the queuing of vehicles on any public street.
2. Drive-throughs must be accessed from alleys or secondary thoroughfares, when available.
3. When necessary, drive-through canopies, vehicular access, and stacking may occur on driveways or private alleys.
4. Drive-throughs, including their canopies, may not be located in the frontage zone.
5. When located on the side of a building, a drive-through canopy must be attached to the primary building, must be shorter than the eave of the building or no more than 16 ft in absolute height (whichever is lesser), and may not project more than 12 ft.
6. When located on the side of a building, canopy materials must match the materials used on the primary building.

13. LIGHTING

A. PURPOSE

1. To allow adequate night time lighting that provides safety, utility, and security while prohibiting excessive light trespass beyond property boundaries.
2. To protect residential areas from the glare and ambient spillover of lighting in abutting commercial areas.
3. To protect drivers from the glare caused by lighting on properties fronting onto thoroughfares, not including alleys.
4. To reduce the consumption of electricity for lighting purposes.
5. To require lighting fixtures and layout patterns that contribute to unified exterior lighting design of development.

B. APPLICABILITY

1. This section applies to all outdoor lighting fixtures except for the following:
 - a. Sign lighting (see Signage standards).
 - b. Holiday lighting.
 - c. Outdoor lighting used for emergency equipment and work conducted in the interest of law enforcement or for public health, safety, or welfare.
 - d. Ground mounted pedestrian lighting.

C. GENERAL

1. Lighting levels are regulated by District according to total permitted lumens per square foot, a unit of measurement related to light intensity.

2. Maximum lighting levels are located in Table 4.1, Allowed Lighting by District.
3. Light levels must be specified, calculated, and measured in lumens per square foot, as calculated by multiplying the square footage of the paved portion of the area to be lighted by the allowed lumens per District to determine a total maximum number of allowed lumens for that area.
4. Total allowed lighting for any given area should be evenly distributed across the paved portion of a site.
5. Lights may not have a color temperature in excess of 3,000 Kelvin.
6. All outdoor light fixtures must be energy efficient and produce at least 80 lumens per watt of energy consumed, as documented by manufacturer's specifications or the results of an independent testing laboratory.
7. The use of sensors, timers, or other means to activate outdoor light fixtures on demand and only when it is needed is encouraged to conserve energy, provide safety, and promote compatibility between different land uses.
8. Motion sensor light fixtures must shut off after 10 minutes and must not be triggered by off-site activity.

D. OFF-SITE IMPACTS

1. Light levels measured at the front lot line exceeding 2.0 foot candles are prohibited.
2. Light levels measured at any side or rear lot line of any property abutting a CD3 district exceeding 1.0 foot candles are prohibited.
3. Foot candles are measured at the lot line, with the light-reading sensor of a light meter held parallel to the ground, pointed up.

E. FIXTURE HEIGHT

1. Lighting intended to illuminate areas for pedestrian travel and/or seating must be mounted between 12 and 15 feet in height.
2. Lighting intended to illuminate areas for vehicular travel and parking are not permitted to be taller than 20 feet in height.
3. Light fixtures located within 50 feet of the side or rear lot line abutting any residential neighborhood are not permitted above 15 feet in height.

F. SHIELDING

1. All outdoor lighting fixtures must be placed and directed to prevent light trespass or glare onto abutting thoroughfares or properties in a manner that may distract or interfere with the vision of drivers or create a nuisance for abutting residential uses.
2. All outdoor light fixtures must be full cutoff or fully shielded to prevent light at or above horizontal 90° (above nadir) and limited to a value not exceeding 10% of lamp lumens at or above 80°, as defined by the Illuminating Engineering Society of North America (IESNA, or IES).
3. All outdoor light fixtures must be fitted so that no portion of the light source or drop lens is visible below the fixture when viewed directly from the side.

G. PROHIBITED LIGHTING

1. The following is prohibited:
 - a. Lighting that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property.
 - b. Lighting that emits light in excess of 45,000 lumens.
 - c. Low pressure sodium and all mercury vapor gas-discharge lamps.
 - d. Cobra-head fixtures having dish or drop lenses or refractors.
 - e. Searchlights and other high-intensity narrow-beam fixtures.
 - f. Strobe lights and rotating lights.

H. SPECIFIC LIGHTING REQUIREMENTS

1. Vehicular Canopies
 - a. Lighting for any canopy area over fuel sales, drive-through lanes, automated teller machines, or similar structures must use recessed luminaire fixtures and be designed and located so as to prevent glare onto abutting properties.
 - b. Highly reflective material installed on the underside of the canopy is prohibited.
2. Security Lighting
 - a. Building-mounted (wall pack) security light fixtures are not permitted to project above the fascia or roof line of a building.
 - b. Building-mounted (wall pack) security light fixtures are only permitted for loading, storage, or service areas and/or rear entrances to buildings and are not permitted as substitutes for appropriate lighting fixtures for parking areas or pedestrian walkways.
3. Accent Lighting
 - a. Only lighting used to accent architectural features, landscaping, or art may be directed upward, provided that light fixtures are located, aimed, or shielded to reflect the light off surfaces to emphasize form and texture and minimize light spill into the night sky.
 - b. Architectural accent lighting may use multiple light sources to emphasize important architectural features.
4. Entrances and Exits
 - a. All entrances and exits of non-residential buildings open to the general public and residential buildings with more than 6 dwelling units must be lit during nighttime hours to ensure the safety of persons and the security of the building.
5. Parking Area Lighting
 - a. All commercial parking areas in CD5, CD6, and SD Districts are required to provide lighting during night time hours of operation.

TABLE 4.1 ALLOWED LIGHTING BY DISTRICT

	LUMENS PER SF IMPERVIOUS PAVING
CD3	0.5 max
CD4	1.25 max
CD5	5.0 max
SD - CB	7.5 max

14. STORMWATER MANAGEMENT

A. APPLICABILITY

1. All projects requiring major or minor site plan review must provide stormwater management systems to detain, retain, or result in the infiltration of stormwater from the 24-hour storms of the 2-year, 10-year, and 25-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project. The Planning Board may waive the flooding standard in accordance with the following criteria:
 - a. Insignificant Increases in Peak Flow Rates from a Project Site.
When requesting a waiver for a project resulting in an insignificant increase in peak flow rates from a project site, the applicant must demonstrate that insignificant increases in peak flow rates cannot be avoided by reasonable changes in project layout, density, and stormwater management design. The applicant must also demonstrate that the proposed increases will not unreasonably increase the extent, frequency, or duration of flooding at downstream flow controls and conveyance structures. In making its determination to allow insignificant increases in peak flow rates, the Planning Board must consider cumulative impacts.
2. In addition to the standards of this section, all projects requiring Major Site Plan review must submit a stormwater management plan that complies with Section 4B(2) and Section 4B(3) of the General Standards of the DEP Chapter 500 Stormwater Management, as amended.

B. DESIGN

1. On- and off-site downstream channel or system capacity shall be sufficient to carry the flow of a minimum 25-year storm without adverse effects, including but not limited to, flooding and erosion of drainage channels and shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.
2. The Staff Review Committee or Planning Board may require capacity for a storm of greater than 25 years due to soil, topographic, or other factors that affect stormwater drainage.
3. Use of Low-Impact Development (LID) systems are highly encouraged.
4. All natural drainage ways shall be preserved at their natural gradients and shall not be filled or converted to a closed system unless approved as part of the site plan review.
5. The design of the stormwater drainage system shall provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
6. The design of the storm drainage systems shall be fully cognizant of upstream runoff which shall pass over or through the site to be developed and provide for this movement.

15. SEWAGE & WATER INFRASTRUCTURE

A. GENERAL

1. If the project is to be served by a public water supply, the applicant shall secure and submit a written statement from the Portland Water District that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.
2. All sanitary sewage from new or expanded uses shall be discharged into a public sewage collection and treatment system when such facilities are currently available or can reasonably be made available at the lot line and have adequate capacity to handle the projected waste generation.
3. If the public collection system is not at the lot line, but can be extended in the public right-of-way, the collection system shall be extended by the owner and the new or expanded use connected to the public system. Such extension shall be required if the public system is within 100 feet of a new use with a design sewage flow of less than 500 gallons per day or within 300 feet of a new use with a design sewage flow of 500 or more gallons per day and the system has adequate capacity to accommodate the additional flow. The Planning Board may waive this requirement if the use is already served by a properly functioning subsurface disposal system that is properly sized for the projected flows, provided that connection to the public system shall occur if and when the subsurface system needs to be replaced.
4. If the public system cannot serve or be extended to serve a new or expanded use, the sewage shall be disposed of by an on-site sewage disposal system meeting the requirements of the Subsurface Wastewater Disposal Rules.
5. When 2 or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.
6. Industrial or commercial wastewater may be discharged to public sewers in such quantities and/or of such quality as to be compatible with sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution. The pretreatment standards shall be determined by the Portland Water District.
7. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of 2,000 gallons per day or greater shall demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

16. WATER QUALITY PROTECTION

A. GENERAL

1. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.
2. If the project is located within the direct watershed of a 'body of water most at risk from development', as identified by the Maine Department of Environmental Protection (DEP), the following standards shall apply.
3. If the project does not require review under Chapter 500 of the Maine DEP Stormwater Law, the Planning Board may require a Phosphorus Control Plan. The plan shall be submitted to the Town for review by an appropriate third-party reviewer at the applicant's expense.

17. HAZARDOUS, SPECIAL & RADIOACTIVE MATERIALS

A. GENERAL

1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least 75 feet from any lot line, or 40 feet in the case of underground storage. All materials shall be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

1. BLOCK STANDARDS

A. PURPOSE

1. To encourage walkable neighborhoods that provide numerous route options and connectivity.
2. To provide a flexible framework for the creation of buildable land in a form that supports the creation of complete neighborhoods.

B. APPLICABILITY

1. This section applies to development sites that create new or reconfigured blocks or that create any new public or private thoroughfare.
2. Block perimeter in special districts may be increased by waiver.

C. GENERAL

1. Land must be subdivided with thoroughfares to create blocks conforming to Table 5.1, Block Perimeter.
2. A block may not be bounded by alleys.
3. If a block contains multiple character districts, the most intense character district must be used to establish the requirements for block size.
4. Blocks should be generally rectangular in shape, but are expected to respond to natural features, and the block pattern of the surrounding urban fabric.
5. Blocks should be a minimum width so as to provide two rows of developable lots.
6. Portions of development sites abutting areas of undeveloped land, areas unsuitable for development, pre-existing incomplete blocks, or rail rights-of-way may be granted a waiver from the block size requirements in accordance with the provisions of Section 800, if part of a site plan, or Section 900 if part of a subdivision plan.

TABLE 5.1 BLOCK PERIMETER

CD3	2,640 ft max
CD4	1,760 ft max
CD5	1,320 ft max
SD-CB	2,640 ft max

2. ALLEYS

A. PURPOSE

1. To provide shared access for motor vehicles, loading, and service to lots or blocks.
2. To enable alley-loaded blocks that concentrate “back-of-house” elements to the rear of buildings, including utility infrastructure, refuse collection, and access to parking & loading in the block interior.
3. To enable use of alleys for spillover creative, light manufacturing, or service uses.

B. APPLICABILITY

1. Alley standards apply to all thoroughfares designated as alleys on the Windham Zoning Map.
2. This section applies to all newly platted property in CD4 and CD5 that is 1 block or more in size.
3. Alleys cannot be used to meet the requirements for building placement except as specifically allowed in Article 3.

C. DESIGN

1. The following thoroughfare types may be used as alleys: curbed lane and pedestrian passage.
2. Blocks may be accessed by alleys in one of the configurations defined below:
 - a. Common Block: A block where parking and service areas are shared among several buildings and, in some cases, lots.
 - b. “H” – Block: A block with three alleys that intersect to form an “H”, allowing development to front on four block faces.
 - c. “T” – Block: A block with two perpendicular alleys that intersect to form a “T”, allowing development to front on three block faces.
3. To the greatest extent possible, alleys should be aligned to run between opposite block faces where possible provide connections to alleys on the opposite side of the street to allow for a continuous path of travel.

3. SHOPFRONT STREETS

A. PURPOSE

1. To promote intensity of business and pedestrian activity by providing mandatory shopfront windows along certain important thoroughfares, or civic spaces.

B. APPLICABILITY

1. Shopfront street standards apply to every lot that fronts a shopfront street and to all thoroughfares designated as Shopfront streets on the Windham Zoning Map.

C. GENERAL

1. The inner zone of every pedestrian shed is required to provide an aggregate length of shopfront street as determined in Table 5.3, Shopfront Streets by Neighborhood Type.
2. Any project may be required by the planning board to designate a thoroughfare or a portion thereof as a shopfront street.
3. Any project providing more than 1,200 feet of CD5 frontage within a pedestrian shed must designate at least 300 ft of continuous shopfront street within the project.
4. Shopfront streets can be applied to any thoroughfare type, except service alleys.
5. Shopfront streets should be located along portions of thoroughfares that are envisioned as “main streets” and should take the following into account:

- a. The thoroughfare must see sufficient traffic to make commercial uses viable.
 - b. The thoroughfare must be centrally located with regard to new and existing development.
 - c. The thoroughfare must be easily accessible to new and/or existing residents.
 - d. The thoroughfare must be designed in a manner that ensures pedestrian friendliness and safety.
6. Shopfront streets are required to be continuous for at least 100 ft.

TABLE 5.2 SHOPFRONT STREET LENGTH

	FRONTAGE LENGTH	
	5 MINUTE WALK	10 MINUTE WALK
NEIGHBORHOOD CENTER	300 FT	400 FT
DOWNTOWN CENTER	900 FT	1,200 FT

4. THOROUGHFARES

A. PURPOSE

1. To ensure the development of a well-connected thoroughfare network, composed of direct & convenient routes that reinforce North Windham as a walkable, human-scaled environment.
2. To accommodate multiple modes of transportation.
3. To minimize the use of one-way thoroughfares and infrequent intersections that limit connectivity, discourage walking, induce traffic congestion, and increase vehicular air pollutant emissions by reducing the number of possible routes of travel and add unnecessary distance between destinations.
4. To provide a safe pedestrian environment including safe street crossings by avoiding turning lanes, minimizing lane widths, and providing curb extensions or pedestrian refuge islands.
5. To promote streets that increase economic value and attract private sector investment.

B. APPLICABILITY

1. This section applies to any project that provides a thoroughfare, regardless of whether it will be under public or private ownership.
2. Thoroughfares are permitted by character district, in accordance with Table 5.3, Permitted Thoroughfares.
3. Sidewalks must be constructed or reconstructed according to sidewalk standards any time a project proposes new buildings or new uses to existing buildings in CD4 and CD5.
4. Sidewalks must be constructed or reconstructed according to sidewalk standards any time a project proposes a substantial modification to a property, a new or reoccupied shopfront, a new non-single-family use, or if a discontinuous sidewalk exists on the same street within 300 ft of the

project in district CD3.

5. On street parking standards apply to any thoroughfare on which on-street parking is permitted.

C. GENERAL STANDARDS

1. Thoroughfares must be permanently open and provide public access as part of an overall connected thoroughfare network.
2. All thoroughfares must be open to the public, but may be maintained under either public or private ownership.
3. All thoroughfares must conform to the standards of this section and tables in Appendix B, Thoroughfare Standards.

D. DESIGN

1. All thoroughfares must intersect with other thoroughfares, forming a network.
2. To every extent practical, new thoroughfares must align with existing or anticipated thoroughfares on the opposite side of the street to allow for a continuous path of travel.
3. Road rights-of-way must be extended to adjoining property boundaries such that a roadway connection or thoroughfare stub is provided:
 - a. At least every 1,500 feet for each direction in which development abuts vacant lands; or
 - b. The minimum block length as defined in Table 5.1.
4. Project submittals must identify all stubs for thoroughfares and include a notation that all stubs are intended for connection with future thoroughfares on adjoining undeveloped property.
5. Where development is proposed abutting vacant land, or land that is planned to be redeveloped, new thoroughfares adjacent to the project perimeter must be extended to the abutting property boundaries and connect with any existing roadways, or provide a stub to enable future connection.
6. When required, stub thoroughfares must be provided at intervals no further apart than 1,500 ft.
7. Culs-de-sac and other dead-end thoroughfares are prohibited unless granted a Waiver from the intersection requirement on a case-by-case basis to accommodate specific site conditions.
8. Rights-of-way narrower than 40 ft and verge assemblies narrower than 9 ft are exempt from all street planting and street furnishing requirements.

E. MOVEMENT

1. One-way streets are permitted by waiver only, when available narrow thoroughfare types such as lanes are not feasible because of dimensional site constraints and commercial parking needs.
2. When one-way streets are authorized, thoroughfare types apply, adjusted to reflect the lane reduction. Right-of-way and pavement width metrics may be reduced, while all other thoroughfare standards must be met.

F. SIDEWALKS

1. Sidewalks must be installed, widened, or modified according to the minimum dimensions prescribed by Appendix B, Thoroughfares.

2. Sidewalks must be maintained in a state of good repair by the owner of the property fronting any thoroughfare.
3. Sidewalks must be paved with a fixed, non-slip material.
4. Sidewalks must be as straight and direct as possible, except to avoid established trees or unavoidable obstacles.
5. Where sidewalks cross driveways or alleys, the sidewalk must remain level, with no change in cross-slope. The appearance of the sidewalk where it crosses a driveway or alley, including sidewalk material, must be maintained.
6. In CD4 and CD5 where sidewalks do not exist within the public right-of-way, temporary sidewalks made from gravel or other bituminous materials laid on a stabilized base must be provided on private land to enable safe pedestrian travel.

G. CROSSWALKS

1. A crosswalk may be marked or unmarked. Legally, crosswalks must exist at all intersections (including T-intersections) unless specifically prohibited.
2. Marked crosswalks must be installed and maintained on all sides of an intersection, except on alleys, natural lanes, and shared streets.
3. Midblock crosswalks must be provided in the CD5 district when intersection spacing is greater than 800 feet.
4. A marked crosswalk must align with curb ramps and be at least six feet in width. Where large volumes of pedestrians are expected at the intersection, high-visibility piano key striping is required.
5. At intersections, ADA-compliant curb ramps enabling persons with special mobility needs to safely cross a roadway must be installed.
6. Curb ramps must align with the crosswalk, consistent with the direction of pedestrian travel.

H. ON-STREET PARKING

1. Parking stalls may be configured in one of five ways:
 - a. Parallel parking stalls located in a single-file line on pavement directly adjacent to the verge, parallel with the movement of the traffic lanes.
 - b. Perpendicular parking stalls located on pavement directly adjacent to the verge, perpendicular to the movement of the travel lanes.
 - c. Angled parking stalls located on pavement directly adjacent to the verge set at an angle relative to the direction of travel, usually 30,45, or 60 degrees.
 - d. Opportunistic parking unmarked and located partially or entirely within the verge on a stabilized shoulder.
2. When marked, parking lanes may be distinguished from adjacent travel lanes by painted lines, changes in materials, or a combination thereof.
3. Thoroughfares with required parking may drop one or both parking lanes for portions of their length as long as the resulting space is given to the adjacent verge assembly.
4. If perpendicular or angled parking are accommodated, right of way and pavement width may be increased by the additional width required by these parking configurations.

5. When parking meters are proposed, they must be located in the furnishing zone of the adjacent verge assembly.

TABLE 5.3 PERMITTED THOROUGHFARES

	PEDEST. PASSAGE	RESIDENTIAL STREET	CURBED LANE	COMMERCIAL STREET
CD3	P	P	S	S
CD4-R	P	P	P	P
CD4-N	P	P	P	P
CD5	S	S	P	P
SD-CB	P	P	P	P

P = Permitted, S = Special Permit

5. STREET TREES

A. PURPOSE

1. To provide thoroughfares that are shaded with street trees as a way to increase property values and slow vehicular traffic within existing and proposed neighborhoods.

B. APPLICABILITY

1. These standards apply to any project that has 30 feet or more of frontage along a thoroughfare.

C. STANDARDS

1. Street trees must be installed according to the provisions of Appendix B, Thoroughfare Standards.
2. The required shape of street trees will be determined by the abutting character district as indicated in Table 5.4, Street Tree Planting Summary.
3. The Permitting Authority may exempt applicants from the street tree requirement when:
 - a. The minimum number of required street trees already exists in the abutting thoroughfare.
 - b. One or more mature, healthy trees planted on-site in close proximity to the front lot line, with canopy reaching over the abutting thoroughfare, would cause overcrowding of the new street tree.
 - c. The specific location of an existing curb cut, utility line, or other feature conflicts with the proper placement of a street tree.
 - d. When the abutting street has a right-of-way of less than 40 ft.

4. The Permitting Authority may require street tree installation in alternative locations within the Town when installation cannot be accommodated within the abutting thoroughfare.
5. When tree pits are required, they must consist of a rectangle, no smaller than 36 sf in size, with a minimum width of 48 inches, and be spaced along the length of a street by at least 35 feet.

TABLE 5.4 STREET TREE PLANTING SUMMARY

	COLUMNAR	OVAL	BALL	CONICAL	SPREADING	VASE	FORMAL	NATURALISTIC
CD3		P	P	P	P	P	P	P
CD4-R		P	P	S	S	P	P	S
CD4-N		P	P			P	P	
CD5		P	P			P	P	
SD-CB		P	P			P	P	
	SHAPE						ARRANGE- MENT	

P = Permitted, S = Special Permit

6. STREET LIGHTING

A. PURPOSE

1. To provide streets that have appropriate lighting for their content.
2. To maintain dark skies by limiting light pollution.

B. APPLICABILITY

1. These standards apply to any project that creates a new thoroughfare longer than 300 ft, not including alleys.

C. STANDARDS

1. Thoroughfares must provide ambient illumination conforming to standards found in Section 4.13, Lighting Standards.
2. Ambient Illumination should be controlled on a block by block basis.
3. Thoroughfares must not exceed the ambient light level permitted within abutting character districts and civic spaces.
4. When a segment of a thoroughfare is fronted by multiple districts, the lowest ambient illumination level should be used.
5. Thoroughfares may provide higher illumination than their abutting context in high hazard areas at the discretion of the [department of public works].

7. PEDESTRIAN SHEDS

A. PURPOSE

1. To provide a method for enabling walkable neighborhoods.
2. To create and reinforce walkable environments with a mix of housing, civic, retail, and service choices within a compact, walkable, and transit friendly environment.
3. To encourage the social, environmental, and economic benefits provided by a walkable development pattern.

B. APPLICABILITY

1. This section applies to projects within designated pedestrian sheds as delineated on the Windham Zoning Map.

C. GENERAL TO PEDESTRIAN SHEDS

1. Each pedestrian shed is assigned a place type as delineated on the Windham Zoning Map.
2. There are two types of pedestrian shed, linear and standard.
 - a. A standard pedestrian shed defines a neighborhood located a certain radius (5 or 10 minute walk) from a single node, which is typically centered on an important place central to that neighborhood. **a**
 - b. A linear pedestrian shed defines a neighborhood that extends along a corridor located a certain radius (5 or 10 minute walk) from a centerline, which may extend up to a mile in length. **b**
3. Pedestrian sheds are comprised of two sizes:
 - a. 5 minute walk: A pedestrian shed indicating the center and edges of a neighborhood, with a radius of 1/4 mile.
 - b. 10 minute walk: A pedestrian shed indicating a center of regional importance, and consequentially a larger area of coverage, with a radius of 1/2 mile.
4. In order to control the quality and type of development in different areas of a pedestrian shed, each pedestrian shed will be comprised of three zones:
 - a. The Inner Zone: comprises the inner third of a pedestrian shed centered on the node. **c**
 - b. The Middle Zone: comprises the middle third of a pedestrian shed outside of the inner zone. **d**
 - c. The Outer Zone: comprises the outer third of a pedestrian shed extending to the edge and includes parcels that extend over the boundary, as long as part of the parcel is within the boundary of the pedestrian shed. **e**
5. When a project is located within two or more pedestrian sheds of different sizes, the standards for the larger pedestrian shed must be used. **f**
6. When a project is located within two or more pedestrian sheds of the same size, the pedestrian shed with the highest required intensity must be used. **g**
7. All portions of a project located within the center zone of any pedestrian shed must take the standards for that zone **h**, irrespective of whether the project is located in multiple pedestrian sheds or not.

8. DISTRICT MIX

A. PURPOSE

1. To provide a mix of character that reflects authentic feeling places within North Windham.

B. APPLICABILITY

1. District mix standards apply to any project (or portion thereof) located within a pedestrian shed that:
 - a. Creates more than 3 new primary buildings or building lots within 5 years.
 - b. Creates more than 2 new primary buildings or building lots within the inner zone within 10 years.
 - c. Creates 1,200 feet or more of new public or private thoroughfares within 5 years.
 - d. Creates 300 feet or more of new public or private thoroughfares within the inner zone within 10 years.
 - e. Results in extensive modification to any lot or combination of lots by a single individual, business entity, legal trust, foundation, or agent thereof with an aggregate area of 6 acres or more within 5 years.

C. GENERAL

1. In order to control the allocation and density of development within a pedestrian shed, new projects must allocate character districts in accordance with Table 5.5, District Mix by Place Type, and subdivide into lots or hypothetical lots and blocks consistent with the character districts so allocated.
2. Lots in a particular district should be grouped together, either adjacently, or across a street or civic space, such that no individual lot is separated entirely from other lots in the same district.
3. Transitions between character districts are encouraged to occur within the block or alleys, but may occur across a street.
4. Districts of higher intensity should always be clustered around important intersections, civic spaces, and thoroughfares to promote the creation of recognizable places.
5. Districts that do not allow building types with shopfronts are disallowed from fronting on shopfront streets.

6. Values in Table 5.5, District Mix by Neighborhood Type apply to the total area of all lots of record in a project that occur, in whole or in part, within the pedestrian shed. **i** All lots of record included in a project that fall entirely outside the pedestrian shed boundary, do not count towards the totals reflected in this percentage. **i** When calculating the area devoted to a particular district within the inner and middle zones of a pedestrian shed, only those portions of a lot within each zone contribute to the calculation of the total area. **k** The outer zone must include the total area of all lots of record that extend beyond the outer boundary, and all lots resulting from their re-platting as if they were inside the outer zone. **i**

9. BUILDING MIX

A. PURPOSE

1. To ensure a variety of building types along a street to reinforce neighborhood character.
2. To provide neighborhoods with a variety of housing types to serve the needs of the population.
3. To provide neighborhoods with a variety of commercial spaces, where permitted.

B. APPLICABILITY

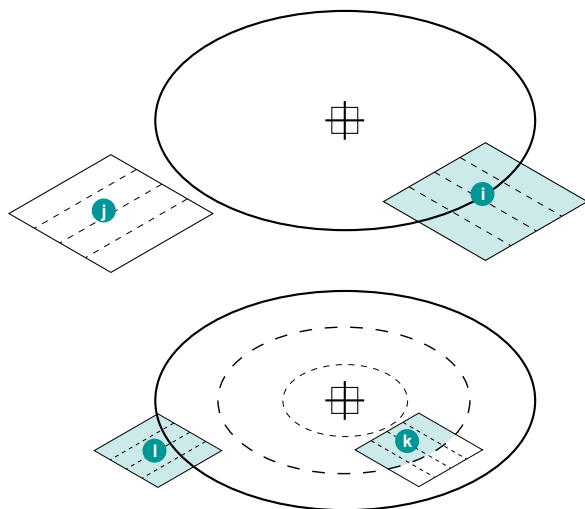
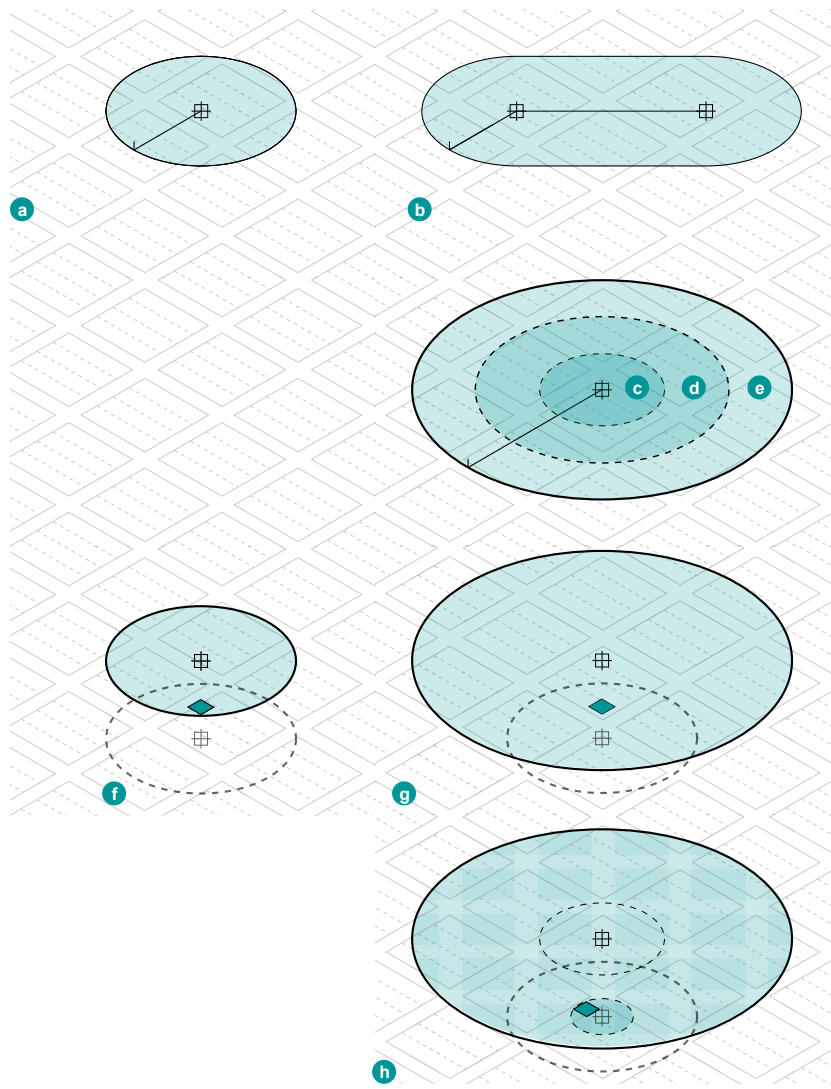
1. Building mix standards apply to any project (or portion thereof) that:
 - a. Creates more than 6 new primary buildings or building lots within 5 years.
 - b. Creates 300 feet or more of new public or private thoroughfares within 5 years.
 - c. Results in extensive modification to any lot or combination of lots by a single individual, business entity, legal trust, foundation, or agent thereof with an aggregate area of 3 acres or more within 5 years.

C. GENERAL

1. Projects must provide 3 building types throughout the project area.

TABLE 5.5 DISTRICT MIX BY NEIGHBORHOOD TYPE

	DOWNTOWN			NEIGHBORHOOD CENTER		
	INNER	MIDDLE	OUTER	INNER	MIDDLE	OUTER
FARM	-	-	-	-	10%	30%
CD3	-	-	10%	50%	50%	70%
CD4	40%	50%	60%	40%	40%	-
CD5	60%	50%	30%	10%	-	-



GENERAL DEFINITIONS

Access:

The way or means to enter and leave property or structure.

Alley:

A thoroughfare typically located internal to a block that provides access to the side or rear of lots and onto which no lot directly fronts. Alleys typically provide access to service areas, parking, and accessory buildings and may contain utility easements.

As-of-right:

Permitted uses and building types.

Attached:

An object may be said to be attached to another when their outer surfaces are permanently in direct contact, or when they share part of their structural system.

Attic:

The non-habitable interior space located directly under a pitched roof of a building.

Basement:

A story of a building that is, in whole or in part, below the ground story.

Blank Wall:

A portion of any facade of a building that does not include windows, doors, columns, pilasters, or other architectural features.

Block:

The aggregate land area, including passages and service alleys, circumscribed by thoroughfares.

Block Face:

The aggregate length of one side of a Block, including all lots and service alleys.

Block Perimeter:

The aggregate of all Block Face lengths of an individual block.

Build-to Line:

A maximum, parallel distance recessed from a front lot line where a building facade must be built and established as the maximum front setback.

Building:

Man-made construction completely enclosed by a roof, window, doors and solid exterior walls, and designed, built, or occupied as a shelter or enclosure for persons, animals, or property, and for the legal occupancy of which a Certificate of Occupancy approved is required, or has been issued prior to the effective date of hereof. Not synonymous with Structure.

Primary Building:

A permitted building capable of occupying a lot as the sole structure, as distinct from accessory buildings and additional structures which are dependent on a primary building.

Building, Accessory:

A second, and typically smaller building, typically located on a lot with a primary building, often times toward the rear of the lot, and sometimes connected to the primary building.

Building Element:

Any part of a Building, including the main building mass, components, accessory buildings, etc.

Building Face:

Any exterior wall of a Building, .

Building Mass:

See Main Building Mass.

Building Type:

A classification or kind of structure characterized and differentiated by its placement on a lot, massing, composition, use, and features.

Building Wall:

See Wall.

Cellar:

See "Basement."

Change of Use:

The change in the purpose or function of a structure or land from one use to another.

Chine:

The break-point or horizontal plane formed where two differently sloped portions of a complex roof system meet.

Character District:

An area that shares common characteristics with other land in the same zoning designation, or is an area that is intended to transition toward a character that has been determined by the community. Character Districts span a range of development intensity from most rural, CD1, to most urban, CD5.

Component:

One of the elements that make up a building, the other being the main building mass. Components are comprised of smaller attachments to the main building mass and provide architectural articulation and additional usable space.

Crosswalk:

A lateral extension of a sidewalk through an intersection.

Curb:

The edge of the vehicular pavement that may be raised or flush to a swale. It usually directs the flow of water to the drainage system.

Depth:

When related to property boundary designations, depth refers to the perpendicular distance between the front lot line and the rear property line. (when the rear property line is not parallel with the front lot line, this measurement is considered to extend to that part of the rear property line closest to the front lot line)

Detached:

A dwelling that is physically separated from any other structure or structures except accessory buildings.

Development:

The construction, reconstruction, alteration, expansion, extension, or relocation of any building or structure; excavation, earth filling, grading, or mining; any use or change in use of any building or structure or land; any change in building type; or, any expansion in the use of land.

Development Site:

The land area encompassed in a development proposal irrespective of the number or configuration of lots, land ownership, and/or municipal boundaries.

Division of Land:

The division of a lot or parcel of land into two smaller lots or parcels of land.

Driveway:

An unimproved vehicular way providing access from a thoroughfare to the interior of a lot, including homes, parking lots, or loading docks. Driveways are not subject to construction specifications required for thoroughfares. Driveways include farm roads and cart paths.

Dwelling:

A building or portion of a building designed or used as living quarters containing 1 or more dwelling units.??

Dwelling Unit:

A single unit providing complete, independent, living facilities containing 1 or more rooms arranged for use by no more than 4 unrelated individuals living together as a single housekeeping unit with cooking, living, sanitary, and sleeping facilities.

Easement:

A liberty, privilege, or advantage without profit, which a person(s) may have in the lands of another person(s).

Eave:

The soffit resulting from the junction of a building wall and an overhanging roof.

Elevation:

The vertical distance between the average ground plane and the top of the finished first floor of a building.

Enclose(d):

To fill in the spaces between structural supports with latticework, walls, windows, or other non-structural wall covering to increase the usability of an outdoor space.

Element:

See Building Element.

Encroach:

To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, above a height limit, or over the sidewalk of a public right-of-way.

Encroachment:

Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, above a height limit, or the breaking of such limit by a structural element.

Engage:

To incorporate within a larger volume; in whole or in part.

Erect:

To construct, reconstruct, excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

Façade:

The exterior wall of a building oriented in whole or in part toward a Civic Space, On-Site Civic Space, or Thoroughfare, not including service alleys.

Face:

The surface of a structure or element, especially one that is presented to the view.

Fenestration:

The arrangement, proportioning, and design of openings on every exterior wall of a building, including windows and doors, but excluding entrances and doors for parking, loading, and service facilities.

First Floor:

See Ground Floor.

Floor Plate:

The total gross floor area of a single story of a building, excluding balconies.

Forecourt:

A landscaped, semi-public area, open to the sky, formed by a recess in a portion of a building facade.

Front Setback:

The distance from the front lot line to the point where any structure may be constructed.

Frontage:

The land that lies adjacent to a thoroughfare, right-of-way, easement, civic space, or natural feature, or the space between a building and the same. Buildings facades that face onto primary and secondary frontages define the public realm and are therefore more regulated than the buildings oriented toward side and rear lot lines.

Frontage Line:

A lot line bordering a thoroughfare, right-of-way, easement, civic space, or natural feature.

Frontage, Primary:

The primary frontage is located along the thoroughfare upon which the lot fronts. For corner lots, the primary frontage is designated by one or more of the following conditions:

-) The property's postal address.
-) The orientation of primary building.
-) The lot line with the narrowest width.
-) The widest thoroughfare, or the thoroughfare with the widest pedestrian

Frontage, Secondary:

On corner lots, the frontage that is oriented toward the second, non-address-bearing thoroughfare.

Front Setback, Primary:

The setback required along a primary frontage.

Front Setback, Secondary:

The setback required along a secondary frontage.

Frontage Zone:

The area between the front line of a property and the first 20 ft of a building and that applies to both the primary and secondary frontages.

Furnishing Zone:

An area of space that allows for the placement of furniture without restricting the movement of pedestrians.

Gable Roof:

A type of roof with a single, central ridge beam

Garage:

An enclosed area integral to a primary building or accessory building that provides space for parking or storage of vehicles. Not synonymous with parking garage.

Glazing.

A component of a window or wall made of glass.

Grade:

The natural finished ground level of land ground level, or the elevation, at any given point.

Ground Floor:

The lowest floor of a building that is not considered a basement.

Half Story:

The habitable space located directly under a pitched roof.

Hipped Roof:

A roof that slopes down on all four sides.

Improvements:

Any man-made alteration of land, a lot, a building or a structure.

Integrated:

See Integral

Landscaping:

The improvement of land the term landscaping may include natural or manufactured materials including, but not limited to, reflecting pools, works of art, walkways, screens, walls, fences, and benches or outdoor furniture. Landscaping excludes curbing and pavement for vehicular use.

Length:

In a three-dimensional measurement system, length is a horizontal measurement, distinct and longer than width.

Lodging:

Premises available for daily and weekly renting of bedrooms.

Lot:

A designated parcel of land , tract, or area of land established by a deed or plat, or as otherwise permitted by law.

Syn: Parcel or Lot of Record.

Lot, Building:

A theoretical lot created as part of a building group to accommodate the building types permitted within that group, in their dimensions and setbacks.

Lot, Theoretical:

A potential lot created by theoretical lot lines demarcated on a plan to show and determine conformance with this Ordinance, without the act of legal subdivision. Syn: Potential Lot Lines

Lot Area:

The total area contained within the boundary lines of a lot, excluding publicly dedicated and accepted rights-of-way.

Lot Depth:

The horizontal distance between the front and rear lot lines measured perpendicular front the front lot line, or perpendicular to the tangent of a curved front lot line.

Lot Line:

The boundary that legally and geometrically demarcates a lot.

Lot Line, Theoretical:

Potential lot lines demarcated on a plan to show and determine conformance with this Ordinance. Theoretical lot lines do not require an act of legal subdivision.

Syn: Potential Lot Lines

Lot Line, Front:

The lot line that abuts the primary thoroughfare. In the case of a through lot, both lot lines that abut a thoroughfare.

Lot Line, Rear:

A lot line that is opposite the front lot line, and does not abut a thoroughfare other than an alley. Where the side lot lines meet at a point, the rear lot line is a line that is five feet in width, within the lot and connecting the side lot lines, that is parallel or radial to the front lot line.

Lot Line, Side:

Any lot line other than a front or rear lot line.

Lot Width:

The length of the front lot line of a lot.

Main Building Mass:

The core massing of a building type.

Mansard Roof:

A complex roof type consisting of a shallow sloped upper portion, and a steeper sloped lower portion.

Master Plan:

A development plan and supporting illustrations and documents providing a framework for future development of a site. A Master Plan provides guidance to the applicant and Town regarding applicable permitting and decision making processes.

Mixed Use:

Multiple uses within the same building through superimposition or adjacency, or in multiple buildings by adjacency or proximity.

Natural Materials:

Includes wood, metal, brick, stone or composites from any of the aforementioned materials.

Nonconformity:

An existing use, structure, lot, site characteristics or sign that, at the time of its legal establishment, was in compliance with the zoning regulations, but after the adoption date of this Ordinance has been made wholly or partially nonconforming.

Opening:

A void space in between the expanse of two solid structures or piers.

Outdoor Cafe Seating:

Outdoor seating, with or without table service, located in a frontage or on a public sidewalk.

Parcel:

See lot.

Parking Area:

An off-street, ground-level, open area within a Lot for parking vehicles as an incidental use to a Principal Use or Primary Building on the Lot. Not synonymous with Parking Lot.

Parking Lot:

An uncovered area used or designed for the off-street parking of 2 or more motor vehicles, excluding a driveway.

Patio:

A hard-surfaced, landscaped space constructed at ground level, usually directly adjacent to a building. A patio is constructed with a finished walking surface laid or poured directly on finished grade. A patio has no permanent roof coverings.

Pedestrian Shed, Standard:

An area that is centered on a common destination and is used as a way to think about the structure of communities and neighborhoods. A standard pedestrian shed is an average 1/4 mile radius or 1,320 feet, approximately the distance of a five-minute walk at a leisurely pace.

Pedestrian Shed, Linear:

A pedestrian shed that is elongated along an important corridor. A linear pedestrian shed extends approximately 1/4 mile or 1,320 feet from each side of the corridor. Syn: elongated pedestrian shed.

Pedestrian Shed, Long:

A pedestrian shed that is an average 1/2 mile radius or 2,640 feet. A long pedestrian shed represents approximately a ten-minute walk at a leisurely pace.

Pier:

A solid support designed to sustain vertical pressure, such as used in a section of a wall between windows or other adjacent openings or as structural member used in the construction of building foundations.

Placement:

The placement of a Building on its Lot.

Planter:

A narrow recessed soil bed bordering on a pathway, sidewalk, or roadway, kept open to air and water flow through the use of landscaping or permeable or pervious pavers.

Primary Building:

See Building, Primary.

Primary Entrance:

The main point of access for pedestrians into a building, upper story use, or ground floor tenant space.

Primary Frontage:

See Frontage, Primary

Primary Use:

See Use, Primary.

Primary Ridge Beam: The highest framing member of a pitched roof to which all rafters attach.

Private Frontage:

See Frontage, Private

Public Frontage:

see Frontage, Public

Rear Setback:

The horizontal distance from a rear lot line to the location of structures or use on a lot, measured perpendicularly from the lot line. This area must be maintained clear of permanent structures with the exception of permitted encroachments.

Refuse and recycling storage areas:

Designated receptacles and storage areas used for trash collection, recycling collection, and other similar services, including any refuse handling areas that accommodate dumpsters or ten or more garbage and recycling totes.

Retail:

Use characterizing premises available for the sale of merchandise and food service.

Retaining Wall:

A wall that holds the earth at one side at a higher elevation than the earth on the other side.

Rezoning:

An amendment to the Official Zoning Map.

Right-of-Way:

The total width of any land reserved or dedicated as a thoroughfare, alley, pedestrian or bicycle way, railway, waterway, or utility line.

Roof, Flat:

A roof that has no slope greater than 2:12.

Ridge Beam: see Primary Ridge Beam.

Roof Line:

The highest point on any building or structure where an exterior wall or parapet wall encloses roof or floor area, including floor area provided for housing mechanical equipment.

ROW:

See Right-of-Way.

Secondary Frontage:

see Frontage, Secondary

Setback:

The horizontal distance required between the closest exterior wall of a Building or parking and a specified element, such as a lot line, easement, or natural feature, measured perpendicularly. This area must be maintained clear of permanent structures with the exception of allowed encroachments.

Setback Area:

The land area of a lot between a minimum and maximum setback or build-to line.

Shed Roof:

A pitched roof that slopes in only one direction.

Storefront:

A first floor building facade occupied by retail use, where substantial glazing is required, and the building entrance is located at the grade of the sidewalk or adjacent walkway.

Short-Term Bicycle Parking:

Accommodations for the parking of a bicycle for two hours or less.

Sidewalk:

The paved section of the public right-of-way dedicated exclusively to pedestrian activity.

Slope:

The ratio of vertical to horizontal distance.

Special District:

An area that due to its intrinsic size, arrangement of buildings, or other unique characteristics cannot conform to an existing Character Districts and is therefore established as a discrete district with a customized set of standards, building standards, site Standards, and civic space standards.

Special Requirements:

Designations related to additional standards on the Town of Windham Official Zoning Map.

Stallriser:

A section of wall below a storefront display window.

Step-back:

A condition where an upper story facade is recessed a set distance behind the facade of the story below.

Story:

An occupiable floor of a building as distinct from an attic or a basement.

Street Tree:

A tree planted within the furnishing zone as an element of a thoroughfare.

Streetscreen:

A freestanding wall built along the frontage line to mask a parking lot from a thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.Syn: Streetwall

Structure:

Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

Substantial Modification:

Alteration of a primary building in such a way as to cause an expansion in the footprint of the main building mass.

Swale:

A low or slightly depressed natural area for drainage.

Thoroughfare:

A public or private way for use by vehicular and pedestrian traffic and providing access to a lot, providing access to abutting properties, and which may also be used to provide space for bicycle facilities, stormwater management facilities, shade trees, and utilities. Driveways are not considered thoroughfares.

Thoroughfare, Primary:

The thoroughfare that is clearly associated with the front facades of primary buildings along a block face. Where a corner lot abuts more than two thoroughfares, the [Zoning Administrator] may determine that all thoroughfares, except for one, are primary thoroughfares, if he or she makes a written finding that such determination is in the interest of protecting the quality of the public realm. If the position of the principal thoroughfare in relation to a corner lot is unclear, the Zoning Administrator will make a determination on this matter, taking into account the following factors:

- A. The orientation of principal buildings at the intersection. Where principal buildings at the intersection are oriented toward one of the thoroughfares, this thoroughfare will generally be considered the principal thoroughfare.
- B. The width of the lot line. Among the lot lines that abut the thoroughfares, the lot line with the narrowest width will generally be associated with the principal thoroughfare.
- C. The width of the thoroughfares. The widest thoroughfare, or the thoroughfare with the widest pedestrian way, will generally be considered the principal thoroughfare.
- D. Pedestrian counts. The thoroughfare with the highest weekday, peak-hour pedestrian counts will generally be considered the principal thoroughfare.

Thoroughfare, Secondary:

A thoroughfare that is not a primary thoroughfare, and is clearly associated with the corner side facades of buildings.

Top Plate:

The highest horizontal framing member of a wall.

Tree Pit:

A hole filled with soil for the planting and growth of a street tree. Tree pits have surface area open to air and water flow.

Turning Radius:

The curved edge of a Thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the Turning Radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn.

Upper Story:

Syn: Upper Floor

Use Category:

A group of uses collapsed into a category of similar types for the purpose of simplifying the regulation of uses.

Variance:

A departure from the strict terms or expressed provisions of this Ordinance, where such departure is authorized in accordance with Section 10 of Chapter 40A of the Maine General Laws. VANESSA

Vertical Plane:

A flat surface perpendicular to the ground or horizontal plane.

Wall:

A structure that defines an area, carries a load, or provides shelter or security.

Width:

In a three-dimensional measurement system, width is a horizontal measurement, distinct and shorter than length.

Windbreak:

A row of trees, fence, wall, or screen that provides shelter or protection from the wind.

Window:

An opening in the envelope of a building intended to admit light or air.

Yard:

A landscaped amenity space, open and unobstructed, on the same lot as a building.

Zoning Map:

The map or set of maps that shows all land areas subject to, or potentially subject to, regulation by this Ordinance and including Character Districts, Special Districts, Shopfront requirements, any other special requirements.

ADDITIONAL STRUCTURES

Above-Ground Storage Tank.

The storage of flammable liquids or gases in a container at or above ground level.

Agricultural Structures:

Includes storage sheds, apiaries, hoop houses, chicken coops, cold frames, compost bin, greenhouses, rain barrels,

Antenna:

Equipment for wireless communication, including but not limited to panel antennas, whip antennas, and satellite dishes.

Antenna Equipment:

Includes Amateur Radio Equipment and Satellite Dish Antennas.

Amateur Radio Equipment:

Antennas located on ground-mounted towers and roof-mounted support structures used to broadcast an amateur (ham) radio station licensed by the Federal Communication Commission (FCC).

Apiary:

A structure for keeping honeybees.

Arbor.

A freestanding landscape structure that is at least 50% open and is designed as a passageway, often to support vines or climbing plants.

Automobile Charging Station.

A public parking space intended for electric vehicles and served by vehicle battery charging equipment.

Carport.

A roofed structure covered on 2 or more sides with fabric, vinyl, plastic, or other similar sheeting material that provides protection from the elements for vehicles or other items.

Chicken Coop:

A structure where hens are kept.

Cold Frame:

An unheated outdoor structure built close to the ground consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

Compost Bin.

An enclosure in which organic waste material, such as yard and food waste, is naturally degraded in a controlled setting to produce a fertilizer or soil amendment.

Game Courts:

Includes tennis, pickleball, and basketball courts.

Garden Furniture:

Includes arbors, gazebos, pergolas, trellis.

Gazebo.

A detached structure covered by a roof, occasionally enclosed with screening, and intended for outdoor recreational use.

Greenhouse.

A temporary or permanent structure, typically made of glass, plastic, or fiberglass, in which plants are cultivated.

Hoop House.

A structure, typically made of piping or other material covered with translucent plastic in a half-round or hoop shape, for the purpose of growing food or ornamental crops.

Materials Storage:

Includes salt domes, aggregate storage.

Pergola:

A structure consisting of parallel colonnades supporting an open roof of girders and cross rafters, often shading an outdoor recreation area.

Rain Barrel / Cistern.

An aboveground receptacle, reservoir, or tank for storing rainwater.

Recreational Equipment:

Includes swing sets and slides, sandboxes, picnic tables.

Satellite Dish Antennas:

A dish antenna for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites, or services. Small satellite dish antennas are one meter or less in diameter and large satellite dish antennas exceed one meter in diameter.

Storage Shed:

An accessory structure used primarily for additional storage.

Stationary Machines:

Includes ATM machines, automobile charging stations.

Swimming Pool:

A below- or above-ground tank or large artificial basin for filling with water for swimming.

Trellis:

A framework of latticework that is at least 50% open, typically made of bars of wood or metal crossed over each other, and chiefly used as a support for vines, fruit trees, or climbing plants.

BUILDINGS

Big Box:

A large one-story building providing one or several units.

Detached Mixed-Use Building:

A medium size detached building type providing multiple units.

House:

A detached building with one unit.

Lined Parking Garage:

A large building chiefly designed for the storage of cars, but providing leasable space along its primary and secondary frontages, providing multiple units.

Mixed-Use Building:

A variably-sized building type providing one or more units and one or more uses.

Townhouse:

A small to medium size attached building type with one unit.

COMPONENTS

Bay Window:

A enclosed window assembly extending from the face of a **Building** Element to permit increased light, multi-directional views, and articulate a building facade.

Cross Gable:

A gable or gambrel roof that projects perpendicular from the roof of the Primary Building to increase the habitable space of a half-story.

Dormer Window:

A window or group of up to 3 windows with a gable, hip, or shed roof that projects vertically from the roof a Building Element, designed to provide increased light and expand the habitable space of a half-story.

Extended Shopfront:

An extension of a building into a front setback providing new or expanded commercial space and a storefront.

Porch:

A raised platform with stairs that provide access to a building entrance.

Rear Addition:

An extension from the rear wall of a Primary Building or Accessory Building.

Shed Dormer:

A room, or portion of a room with a shed roof that projects vertically from the roof a Building Element, designed to provide increased light and expand the habitable space under a roof.

Side Wing:

A multi-story extension from the side walls of a Primary Building or Accessory Building.

THOROUGHFARES

Commercial Street:

A paved thoroughfare that accomodates slow flow traffic for all modes through commercial centers.

Pedestrian Passage:

A paved thoroughfare that provides pedestrian access through blocks.

Curbed Lane:

A paved thoroughfare that provides access through blocks and to the front, sides, or backs of residential or mixed-use building types.

Residential Street:

A paved thoroughfare that accomodates slow flow traffic for all modes through mixed-use neighborhoods.

B. STANDARDS FOR CHARACTER DISTRICTS

1. CD3 RESIDENTIAL (CD3)



a. PURPOSE

- i. To accommodate areas of detached, residential homes.
- ii. To provide opportunities for residential uses on medium-sized lots within walking distance of the downtown.
- iii. To provide the community with a predictable outcome from development and redevelopment.

b. PERMITTED BUILDING TYPES

House	Permitted
-------	-----------

c. LOT DIMENSIONS

Width	60 ft min, 120 ft max
Depth	n/a
Area	20,000 sf min

d. PRIMARY BUILDING PLACEMENT

Primary Front Setback	15 ft min, 60 ft max
Secondary Front Setback	20 ft min
Side Setback	10 ft min
Rear Setback	10 ft min

e. STANDARDS

- i. Existing single family houses (or new single family houses that do not require site review) may be expanded, modified, or rebuilt to meet a maximum lot coverage of 20% in lieu of building type and component standards.

B. STANDARDS FOR CHARACTER DISTRICTS

2. CD4-RESIDENTIAL (CD4-R)



a. PURPOSE

- i. To accommodate areas of tight-knit detached and attached residential homes.
- ii. To promote a mix of housing options on small to medium sized lots near the downtown.
- iii. To provide the community with a predictable outcome from development and redevelopment.

b. PERMITTED BUILDING TYPES

House	Permitted
Townhouse	Permitted
Detached Multi-Use Building	Permitted (i)

c. LOT DIMENSIONS

Width	20 ft min, 100 ft max
Depth	n/a

d. PRIMARY BUILDING PLACEMENT

Primary Front Setback	10 ft min, 20 ft max
Secondary Front Setback	10 ft min
Side Setback	8 ft min, 25 ft max
Rear Setback	10 ft min

e. STANDARDS

- i. Detached Multi-Use Buildings are only permitted on corners.

B. STANDARDS FOR CHARACTER DISTRICTS

3. CD4-NEIGHBORHOOD (CD4-N)



a. PURPOSE

- i. To accommodate fine-grained, multipurpose areas that primarily occur in close proximity to the downtown.
- ii. To promote a mix of housing options within the downtown.
- iii. To provide the community with a predictable outcome from development and redevelopment.

b. PERMITTED BUILDING TYPES

House	Permitted
Townhouse	Permitted
Detached Multi-Use Building	Permitted

c. LOT DIMENSIONS

Width	20 ft min, 120 ft max
Depth	n/a

d. PRIMARY BUILDING PLACEMENT

Primary Front Setback	0 ft min, 16 ft max
Secondary Front Setback	0 ft min, 10 ft max
Side Setback	8 ft min, 15 ft max (i)
Rear Setback	10 ft min

e. STANDARDS

- i. Townhouses may have a 0 ft side setback.
- ii. A streetwall created by attached buildings must be interrupted by breaks of at least 3 feet in width every 180 ft. These breaks may accommodate pedestrian accessways, thoroughfares, or narrow side yards, and may be fenced or gated at the frontage if desired.

B. STANDARDS FOR CHARACTER DISTRICTS

4. CD5 DOWNTOWN (CD5)



a. PURPOSE

- i. To accommodate attached and detached multipurpose buildings within the downtown that provide local and regional access to commercial uses.
- ii. To promote housing on the upper floors of multipurpose buildings.
- iii. To provide the community with a predictable outcome from development and redevelopment.

b. PERMITTED BUILDING TYPES

Detached Multi-Use Building	Permitted
Multi-Use Building	Permitted
Big Box	Permitted

c. LOT DIMENSIONS

Width	20 ft min, 120 ft max
Depth	n/a

d. PRIMARY BUILDING PLACEMENT

Primary Front Setback	0 ft max (ii,iii)
Secondary Front Setback	0 ft max (ii,iii)
Side Setback	5 ft max
Rear Setback	5 ft min

e. STANDARDS

- i. A streetwall created by attached buildings must be interrupted by breaks of at least 3 feet in width every 180 ft. These breaks may accommodate pedestrian accessways, thoroughfares, or narrow side yards, and may be fenced or gated at the frontage if desired.
- ii. Buildings must meet the street wall and extend all the way to their front lot line(s). When this is impractical for reasons of safety or construction feasibility, the building may set back up to 3 ft from the front lot line(s), provided a continuous streetwall is maintained.
- iii. Where the grade of the thoroughfare at the primary or secondary frontages is greater than or equal to a 10% slope, buildings may set back up to 10 ft in order to provide a sidewalk terrace.

C. STANDARDS FOR SPECIAL DISTRICTS

5. SD COMMERCIAL BUSINESS (SD-CB)



a. PURPOSE

- i. To enable the continuation of existing large-format commercial uses, while allowing new multipurpose development.
- ii. To accommodate a mix of small and large floor-plate buildings in a predictable manner that supports the downtown.

b. PERMITTED BUILDING TYPES

Detached Multi-Use Building	Permitted
Multi-Use Building	Permitted
Big Box	Permitted
Parking Garage	Permitted

c. LOT DIMENSIONS

Width	20 ft min, 360 ft max
Depth	n/a

d. PRIMARY BUILDING PLACEMENT

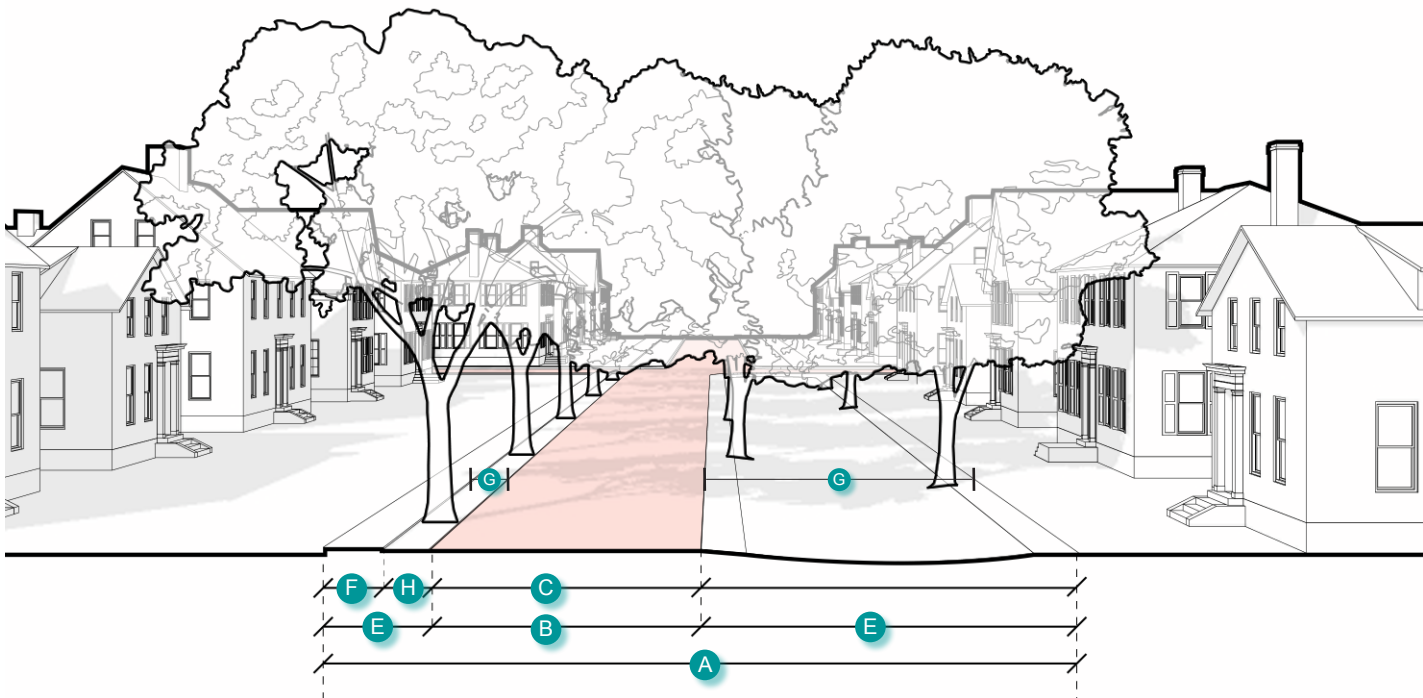
Primary Front Setback	30 ft max
Secondary Front Setback	15 ft max
Side Setback	5 ft max
Rear Setback	5 ft min

e. STANDARDS

- i. A streetwall created by attached buildings must be interrupted by breaks of at least 3 feet in width every 500 ft. These breaks may accommodate pedestrian accessways, thoroughfares, or narrow side yards, and may be fenced or gated at the frontage if desired.

THOROUGHFARE STANDARDS

1. RESIDENTIAL STREET



a. ROADWAY

Right of Way Width	30 ft min, 50 ft max	A
Pavement Width	18 ft min, 20 ft max	B
Movement	yield	
No. of Traffic Lanes	2-lanes, unmarked	
Traffic Lane Width	18 ft min, 20 ft max	C
Parking Lanes	opportunistic	
Parking Lane Width	unmarked	D

b. CURB & DRAINAGE

Curb Type	Granite or none
Drainage Type	Gutter or Swale
Curb Radius	15 ft max

c. VERGE

Margin Width	3 ft min, 2 sides	E
Walkway Type	none, or Sidewalk on 1 or 2 sides	
Walkway Width	4 ft min	F
Planter Type	none or continuous planter or swale (ii)	
Planter Width	3 ft min (ii)	G
Furnishing Zone	1.5 ft min	H

d. STANDARDS

- Planters are optional on margins less than 9 ft wide, and on Thoroughfares with a total ROW width narrower than 40 feet.

THOROUGHFARE STANDARDS

2. COMMERCIAL STREET



a. ROADWAY

Right of Way Width	50 min, 74 ft max	A
Pavement Width	38 ft max	B
Movement	Two-way	
No. of Traffic Lanes	2 lanes	
Traffic Lane Width	10 ft min, 11 ft max	C
Parking Lanes	2 Sides (i)	
Parking Lane Width	7ft min, 8 ft max	D

b. CURB & DRAINAGE

Curb Type	Granite
Drainage Type	Gutter
Curb Radius	12 ft max

c. VERGE

Margin Width	8 ft min, 2 sides	E
Walkway Type	Sidewalk, 2 sides	
Walkway Width	4 ft min	F
Planter Type	Tree Pits (ii)	
Planter Width	3 ft min (ii)	G
Furnishing Zone	1.5 ft min, 6 ft max	H

d. STANDARDS

- Thoroughfare may drop one or both parking lanes for portions of its length as long as the resulting space is given to the adjacent margin assembly .
- Planters are optional on margins less than 9 ft wide, and on Thoroughfares with a total ROW width narrower than 40 feet.

THOROUGHFARE STANDARDS

3. CURBED LANE



a. ROADWAY		
Right of Way Width	18 ft min, 24 ft max	A
Pavement Width	24 ft max	B
Movement	Yielding or one-way	
No. of Traffic Lanes	1 lane	
Traffic Lane Width	9 ft min, 18 ft max, unmarked	C
Parking Lanes	1 side or none, unmarked	
Parking Lane Width	7 ft max	D

b. CURB & DRAINAGE	
Curb Type	Granite
Drainage Type	Center Drain or Gutter
Curb Radius	4 ft max

c. VERGE		
Margin Width	3 ft min on 1 or 2 sides	E
Walkway Type	none, or sidewalk on 1 or 2 sides	
Walkway Width	3 ft min	F
Planter Type	Tree Pits or continuous planter (ii)	
Planter Width	3 ft min (ii)	G
Furnishing Zone	0 ft min, 6 ft max	H

- d. STANDARDS
- i. Thoroughfare may drop one or both parking lanes for portions of its length as long as the resulting space is given to the adjacent margin.
 - ii. Planters are optional on margins less than 9 ft wide, and on Thoroughfares with a total ROW width narrower than 40 feet.

THOROUGHFARE STANDARDS

4. PEDESTRIAN PASSAGE



a. ROADWAY

Right of Way Width	6 ft min, 15 ft max	A
Pavement Width	6 ft min, 15 ft max	B
Movement	Pedestrian	
No. of Traffic Lanes	none	
Traffic Lane Width	n/a	C
Parking Lanes	none	
Parking Lane Width	n/a	D

b. CURB & DRAINAGE

Curb Type	None
Drainage Type	Center Drain or Gutter
Curb Radius	n/a

c. VERGE

Margin Width	none	E
Walkway Type	shared	
Walkway Width	6 ft min, 15 ft max	F
Planter Type	Tree Pits (ii)	
Planter Width	3 ft min (ii)	G
Furnishing Zone	0 ft min, 6 ft max, center	H

d. STANDARDS

- i. Planters are optional on margins less than 9 ft wide, and on Thoroughfares with a total ROW width narrower than 40 feet.

	F	FR	RL	RM	C1	C2	C3	I	ED	VC	CD3	CD4-R	CD4	CD5	SD	STANDARDS
AGRICULTURE																
Agriculture	●	●	●	●	●	●	●	●		●	●	●	●		●	
Agriculture, Piggery	●	○						●								
Agriculture, Poultry Facility	●	○						●								
ARTS & CREATIVE ENTERPRISE																
Artisan, Industrial												●	●	●	●	
Artist Studio										●		●	●	●	●	
Theater					●	●	●			●			●	●	●	
AUTO-ORIENTED																
Automobile Gas Station					●								●			
Automobile Repair Services, Major					○								○			
Automobile Repair Services, Minor	○						○			○			●			
Automobile Sales					○								○		●	
Drive-Through Facility					○	○				○			●		●	
Truck Terminal							●									
CIVIC & INSTITUTIONAL																
Cemetery	●	●	●	●							●					
Convention Center				●	●	●			●	●			●	●	●	
Correctional Facility, Public								○								
District Energy System																
Hospital					●										●	
Park, Public										●		●	●	●	●	
Place of Worship	●	●	●	●	●		●			●		●	●	●	●	
Public Building	●	●	●	●	●	●	●	○		●		●	●	●	●	
Public Utility Facility	○	○	○	○	○	○	○	○	●	●						
Solar Farm																
COMMERCIAL SERVICES																
Animal Care Establishment													●			
Auction House									●						●	
Bank					●	●				●		●	●			
Campground, Commercial	●	●					○									
Campground, Personal	●	●					○									
Child Care, Facility					●	●	●			●		●	●			
Child Care, Family Home	●	●	●	●	●	●	●			●		●	●			
Club					●	○	○					●	●			
Commercial School												●	●	●	●	
Fitness Center					●	●				●			●	●	●	
Funeral Home					●	●				●		●			●	
Golf Course	●	●														
Housing for Older Persons				●	●	●				●		●	●	●	●	

	F	FR	RL	RM	C1	C2	C3	I	ED	VC	CD3	CD4-R	CD4	CD5	SD	STANDARDS
Kennel, Major	○	○														
Kennel, Minor	●	●														
Marina, Dry Storage																
Nursing Home	○	○	○	○	●		○			●						
Parking Lot, Commercial												●	●	●	●	
Recreation Facility, Indoor	○	○	○	○	●	●	●			●		●	●	●	●	
Recreation Facility, Outdoor	○	○	○	○	○	○				●					●	
Riding Stable	●	○														
Senior Citizen Housing										●						
Service Business, Commercial					●					●		●	●	●	●	
Service Business, Landscaping	●				●							●	●	●	●	
Service Business, Personal					●	●	●			●	●	●	●	●	●	
EATING & DRINKING																
Bar or Tavern													●	●		
Restaurant					●	○	○			●			●	●	●	
INDUSTRIAL																
Construction Services					●				●	●		●			●	
Distribution Center					○			●	●							
Industry, Heavy					○			●	●							
Industry, Medium												●			●	
Industry, Light					○		○	●	●	●		●	●	●	●	
Recycling Facility															●	
Self-Storage Facility															●	
Shipping Container	●	●	●	●	○	○	○	○	○						●	
Warehousing, Private					○		●	●	●							
Warehousing, Public					○		●	●	●							
Wireless Telecommunications Tower and Facility	●	●	●		●	●	●	●	●	●						

● Permitted

○ Conditional

Empty cell indicates not permitted

	F	FR	RL	RM	C1	C2	C3	I	ED	VC	CD3	CD4-R	CD4	CD5	SD	STANDARDS
LODGING																
Bed & Breakfast Inn	○	○	○	○		○	○			●		●	●	●		
Boarding Home for Sheltered Care	○	○	○	○						●	○	○				
Hotel			○		○	○	○		●	●			●	●	●	
Motel			○		○	○	○		●							
Rooming House	○											●				
NATURAL RESOURCES																
Forestry	●	●	●	●	●	●	●		●		●					
Mineral Extraction	●	●	○	○	●			●	●		○	○	○			
Sawmill, Permanent	●	○														
Sawmill, Temporary	●	●	●	●	●											
OFFICE																
Business and Professional Office	○	○	○	○	●	●	●		●	●			●	●	●	
Medical Office	○	○	○	○	●	●	●			●		●	●	●	●	
Research Laboratory	●				●	●		●		●			●	●	●	
RESIDENTIAL																
Building, Accessory	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
Dormitory												●	●			
Dwelling, Single-Family Detached	●	●	●	●	●	●	●	●		●	●	●	●			
Dwelling, Single-Family Attached				●	●	●	●	●		●	○	●	●			
Dwelling, Two-Family	●	●	●	●	●	●	●	●		●	●	●	●			
Dwelling, Mixed Use					●	●	●					●	●	●	●	
Dwelling, Multifamily	●	●	●	●	●	●	●	●		●		●	●	●	●	
Home Occupation 1	●	●	●	●	●	●		●		●	●	●	●	●	●	
Home Occupation 2	●	●	●	●	●	●		●		●	●	●	●	●	●	
Assisted Living Facility	○	○	○	○	●		○			●	○	●	●	○	○	
Use, Accessory	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
RETAIL SALES																
Adult Business Establishment					●	●	●						●	●	●	
Farm/Vendor Market												●	●	●	●	
Medical Marijuana Dispensary					●							●				
Retail Sales-and Service, General					●	●	●	●		●		●	●	●		
Retail Sales, Accessory									●							
Retail Sales, Convenience	○	○	○	○	●	●	●			●		●				
Retail Sales, Minimart					○											
Retail Sales, Nursery	●	○	○		●	●	●			●			●	●	●	
Retail Sales, Outdoor					●	●	●						●		●	

801 Purpose

The site plan review provisions set forth in this Section are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that nonresidential and multifamily construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of the groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

802 Applicability

- A. A person who has right, title, or interest in a parcel of land shall obtain site plan approval prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:
1. The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures, if such buildings or structures have a total area for all floors of all structures of ~~two-one~~ thousand (21,000) square feet or more measured cumulatively over a five (5) year period.
 2. The expansion of an existing nonresidential building or structure, including accessory buildings, if the enlargement increases the total area for all floors within a five (5) year period by more than twenty (20) percent of the existing total floor area or ~~two~~ one thousand (21,000) square feet, whichever is greater.
 3. The conversion of an existing building in which ~~two-one~~ thousand (21,000) or more square feet of total floor area are converted from residential to nonresidential use.
 4. The establishment of a new nonresidential use even if no buildings or structures are proposed, that involves the Development of more than twenty-five thousand (25,000) square feet of land. This includes uses such as gravel pits, cemeteries, golf courses, and other nonstructural nonresidential uses.
 5. The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use if the new use changes the basic nature of the existing use such that it increases the intensity of on- or off-site impacts of the use subject to the standards and criteria of site plan review described in Section 812 of this Section.

- (g) Digital transfer of any site plan data on the Town's Horizontal Datum: Maine State Plane Coordinate System: Maine West Zone FIPS Zone 1802, North American Datum 1983; Units: US Survey Feet.
 - (1) The preferable vertical datum is North American Vertical Datum 1988 (NAVD88). However, if only National Geodetic Vertical Datum 1929 (NGVD29) is possible, this is permissible. The choice of vertical datum shall be indicated on the digital submission. The Ellipsoid is GRS 80 (Geodetic Reference System 1980).
 - (2) Data shall have survey grade positional accuracy. Data could be developed using either Real Time Kinematic (RTK) GPS, survey-grade Static GPS data collection or traditional methods of occupying known, high-precision surveyed monuments. The datum, survey methods, and type of survey equipment used shall be identified.
- (h) A traffic impact study, prepared by a Maine Licensed Professional Engineer, demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets, if the project or expansion will generate fifty (50) or more trips during the a.m. or p.m. peak hour based upon the latest edition of the trip generation manual of the Institution of Traffic Engineers, or if required by the Planning Board.

812 Performance Standards and Approval Criteria

The following criteria shall be used by the Planning Board or ~~Site Plan Staff~~ Review Committee in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board or ~~Site Plan Staff~~ Review Committee determines that the applicant has failed to meet one or more of these standards or the standards in the Character Code Articles 1-7, as applicable. In all instances, the burden of proof shall be on the applicant who shall produce evidence sufficient to warrant a finding that all applicable criteria have been met.

A. Utilization of the Site

The plan for the development shall reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities shall be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers shall be maintained and preserved to the maximum extent. Natural drainage

- (c) Accessways shall be aligned with accessways on the opposite side of a public street to the greatest extent possible.
- 4. Internal Vehicular Circulation. The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles through the site.
 - (a) Nonresidential projects that will be served by delivery vehicles shall provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of SU-30 vehicles.
 - (1) If the project is to be served by “tractor-trailer” delivery vehicles, a clear route for such vehicles with appropriate geometric design shall allow for turning and backing for a minimum of WB-50 vehicles.
 - (b) Clear routes of access shall be provided and maintained for emergency vehicles to and around buildings and shall be posted with appropriate signage (fire lane - no parking).
 - (c) The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot.
 - (d) All roadways shall be designed as follows:
 - (1) To harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion,
 - (2) By fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction,
 - (3) The road network shall provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.
 - (e) Nonresidential projects that include drive-through services shall be designed and have sufficient stacking capacity to avoid the queuing of vehicles on any public street.

C. Parking and Loading Requirements

1. Off-street Parking Layout

- (a) Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.

- (b) All parking spaces, access drives, and impervious surfaces shall be located at least five (5) feet from any side or rear lot line, except where a parking lot is shared between two adjoining properties, or where standards for buffer strips require a greater distance. No parking spaces shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
- (c) Parking stalls and aisle layout shall conform to the standards in Table 1 of this Subsection.

Table 1 – Parking Stall and Aisle Layout

Parking Angle (in Degrees)	Stall Width	Skew Width	Stall Depth	Aisle Width
90	9'-0"	0'-0"	18'-0"	24'-0" two way
60	8'-6"	10'-6"	18'-0"	16'-0" one way only
45	8'-6"	12'-9"	17'-6"	12'-0" one way only
30	8'-6"	17'-0"	17'-0"	12'-0" one way only

- (d) In parking lots utilizing a parking angle of 90 degrees, thirty-percent (30%) of the spaces shall be created with a stall width of 10'-0" and a stall depth of 20'-0". Remaining spaces shall be created with a stall width of at least 9'-0" and a stall depth of at least 18'-0".
- (e) In lots utilizing diagonal parking, the direction of proper traffic flow shall be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
- (f) Parking areas for nonresidential uses shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.
- (g) Provisions shall be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.
- (h) Parallel parking spaces may be used along internal driveways or access ways. Stall width and depth shall be at least 9' x 20'.
- (i) Automobile Storage. The parking space dimension requirements in Subsections 812.C.1.(c) to (g) above, do not apply to vehicles stored for display, sale or repair.

However, the operator of the use shall demonstrate that there is enough land area to accommodate all vehicles within any setbacks or required buffer areas of Subsection 812.C.1.(b) and/or the applicable zoning district. (*See Sec. 400 Zoning Districts*)

2. Minimum Off-Street Parking Space Requirements

- (a) No minimum number of parking spaces are required. The applicant should demonstrate that the number of spaces provided onsite will meet the needs of the anticipated uses on the property. Shared parking arrangements are encouraged.
~~The minimum off-street parking space standards of this section, including the minimum off-street parking space requirements listed in Table 2, below, shall be provided unless a waiver is granted (*See Sec. 808 Waivers*):~~
- (1) ~~Except as provided in Section 812.C.2.(c) below, off-street parking spaces shall be provided on the same lot occupied by the use.~~
- (2) ~~The closest boundary of the parking area shall be within 300 ft. of the principle use for which the spaces are required.~~
- (3) ~~All areas pertinent to the use, except those listed in subsection 812.C.2.(a)(4), shall be included in the calculation of gross floor area. (e.g. enclosed or fenced garden centers or storage areas shall be factored into the gross floor area of a use.)~~
- (4) ~~Floor area of rooms occupied by mechanical, electrical, communications, and security equipment shall be deducted from the floor area for the purpose of calculating parking requirements.~~
- (5) ~~Storage of Automobiles. The minimum off-street parking space requirements of this Subsection 812.C.2. do not apply to the storage of automobiles for repair or sale where the operator of the use has control over the movement of all stored vehicles on the property.~~
- (i) ~~The applicant shall demonstrate that adequate area is provided for the storage of all automobiles on the property within any applicable yard setbacks.~~
- (ii) ~~The aisle width requirements in Subsection 812.C.1.(c) shall apply to the storage of automobiles.~~
- (iii) ~~The applicable parking requirements in Table 2—Minimum Off-Street Parking Space Requirements, below, apply to all other cars on the property (e.g. customers and employees).~~
- (6) ~~Motel/Hotel Requirements. Five percent (5%) of the motel or hotel's off-street parking spaces shall be dedicated to vehicles with trailers or buses. Parking spaces for vehicles with trailers or buses shall have a minimum dimension of ten (10) feet~~

~~wide by forty (40) feet deep. Each parking space dedicated to vehicles with trailers or buses shall account for two (2) of the minimum off-street parking spaces required by this ordinance.~~

Table 2—Minimum Off-Street Parking Space Requirements

Use	Parking Spaces Required
Residential	
Dwelling: Single Family, Duplex	2 per dwelling unit
Multifamily:	
Studio	1.25 per dwelling unit
One Bedroom	1.5 per dwelling unit
Two or More Bedrooms	2 per dwelling unit
Accessory/In-Law Dwelling Unit	1 per dwelling unit
Hotel/Motel	1.25 per guest room, plus 10 per k.s.f. restaurant/lounge, plus 30 per k.s.f. meeting/banquet room.
Retirement Community	1.5 per 2-bedroom dwelling unit plus 0.5 per each additional bedroom, plus 1 per employee at the largest shift
Assisted Living Facility	0.5 per dwelling unit, plus 1 per employee at the largest shift
Boarding Home for Sheltered Care	0.5 per room, plus 1 per employee at the largest shift
Rooming House:	
Single Occupancy Unit:	1 per dwelling unit
Double Occupancy Unit:	2 per dwelling unit
Employees	1 per employee
Visitors	As needed
Child Care, Facility	.35 per person of licensed capacity plus staff
Child Care, Family Home	.35 per person of licensed capacity
Hospital/Medical Center	0.4 per employee, plus 1 per 3 beds, plus 1 per 5 average daily outpatient visits, plus 1 per 4 medical staff, plus 1 per student/faculty/staff
Nursing Home	0.5 per room, plus 1 per employee at the largest shift
Retail/Service	
Retail Sales (not in shopping center)	3.5 per k.s.f. of gross floor area
Supermarket (Freestanding)	3.5 per k.s.f. of GFA
Discount Superstore/Clubs	3.5 per k.s.f. of GFA
Home Improvement Superstore	2.5 per k.s.f. of GFA
Other Heavy/Hard Goods (Furniture, Appliances, Building Materials, etc...)	3.0 per k.s.f. of GFA
Shopping Centers	<400,000 s.f. Center: 4.0 per k.s.f. of GFA, or >400,000 s.f. Center: 4.5 per k.s.f. of GFA; Parking demand for restaurants and theaters located within the center will be added to the shopping center minimum parking requirements.

Service Business, Personal	
Beauty Shops/Barber Shops	2 per treatment station, but Not less than 4.3 per k.s.f. of customer service area.
Coin-Operated Laundry/Dry-Cleaning Services	3.5 per k.s.f. of GFA
Other	3.5 per k.s.f. of GFA
Fitness Center/Health Club	1 per 3 persons of permitted capacity
Funeral Home	1 per 3 persons of permitted capacity
Retail/Service (Continued)	
Retail Sales, Automobile Sales	2.7 per k.s.f. of interior sales area GFA, plus 1.5 per k.s.f. of interior area
Automobile Repair Services, Major or Minor	2 per service bay
Food and Beverage	
Restaurant w/ Drive-Through Facility	15.0 per k.s.f. of GFA
Restaurant	16.0 per k.s.f. of GFA
Office and Business Services	
Business and Professional Office	3.35 per k.s.f. of GFA
Service Business, Commercial	4 per k.s.f. of GFA
Medical Arts Building	5.5 per k.s.f. of GFA
Bank	5.5 per k.s.f. of GFA
Industry, Heavy	2 per k.s.f. of GFA
Industry, Light	1.5 per k.s.f.
Warehouse, Private	0.7 per k.s.f. of GFA
Warehouse, Public	0.25 per k.s.f.
Other Retail, Commercial or Business	4 per k.s.f. of GFA
Education	
Elementary and Middle Schools	2 per classroom
High Schools	3 per classroom or administrative room, plus 1 per 4 students
College and University	Per parking study specific to institution
Cultural/Recreational/Entertainment	
Convention Center	0.25 per person of permitted capacity
Library	4.5 per k.s.f. of GFA
Place of Worship	0.6 per seat
Theater	1 for every 4 seats
Recreation Facility, Indoor or Outdoor	1 per 3 persons of permitted capacity

Note: k.s.f. = 1,000 square feet

(b) ~~Shared Parking. Where multiple use occurs on a single site, the required number of off-street parking spaces shall be provided for each use. The Planning Board or Development Review Committee, or Code Enforcement Officer, as applicable, may reduce the required number of parking spaces where the applicant can show,~~

~~through a parking study performed by a Maine Licensed Professional Engineer, that the peak period parking demand of the uses is non-conflicting.~~

(be) Off-Site Parking. Parking spaces may be located off-site if the spaces will adequately serve the principal use for which the spaces are required. In making this determination the Planning Board, ~~Development Staff~~ Review Committee, or Code Enforcement Officer, as applicable, shall consider the following factors:

- (1) Proximity of the off-street parking,
- (2) Ease of pedestrian access to the off-site parking,
- (3) Provision of sidewalks or paths between the off-site parking and the principle use,
- (4) The applicant has sufficient legal interest in the land on which the off-site parking is provided to establish control as long as the use exists.
- (5) Adequate lighting shall be installed to provide for safe pedestrian movement.

~~3. Loading. The minimum off-street loading standards of Table 3 in this subsection shall be met:~~

Table 3 - Loading Bay Requirements for New Structures

Type of Use	Gross Floor Area of Structure (in thousands of s.f.)				
	1-7	8-24	25-100	101-250	Each 250 add.
Retail or Industrial	1	2	3	4	1
Business and Professional Offices, Hotels	1	1	1	3	1
Distribution Facilities, Warehousing 15 bays per 100,000 s.f. of gross floor area					

~~(a) Size of Loading Areas. Each loading bay shall be between 12 and 14 feet wide depending on conditions of ingress and egress.~~

- ~~(1) Access to the bay shall include a minimum maneuvering area of 125 feet in length, or more where required.~~
- ~~(2) The bay area shall be long enough to accommodate standing trucks so as to remove them from the flow of traffic.~~
- ~~(3) Areas shall be provided for trucks to park when waiting for loading activities.~~
- ~~(4) All loading bays and waiting areas shall be screened.~~