

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

voice 207.894.5960

fax 207.892.1916

MEMO

DATE: May 2, 2019

TO: Windham Town Council
THROUGH: Don Gerrish, Interim Town Manager
FROM: Amanda Lessard, Planning Director *AL*
Cc: Tom Bartell, Executive Director, WEDC

RE: Planning Board Recommendation - Ordinance Amendment – Proposed C-3 Zoning District Changes – Contractor Services, Heavy Construction Services, Minor & Contractor Storage Yards

At the Planning Board's meeting on April 22, 2019, a public hearing was held on the proposed ordinance changes to Sections 300, Definitions; 400, Zoning Districts; and 500, Performance Standards for the replacement of the definition of Construction Services and Service Business, Landscaping and the addition of Contractor Services, Contractor Storage Yard, and Heavy Construction Services, Minor as uses in the Commercial 3 (C-3) zoning district.

The Town Council has been asked by the public and the WEDC to consider allowing Construction Services in the C-3 District. As drafted, the proposed changes to the Land Use Ordinance would allow for the establishment of new contractor businesses, offices, indoor storage, and small businesses that may be classified as heavy construction in areas zoned as C-3, while separating out the higher impact uses currently defined as Construction Services and limiting the major heavy construction businesses to current zones. This approach involves the replacement of the existing Construction Services and Service Business, Landscaping uses in the ordinance with newly defined uses for Contractor Services; Contractor Services, Landscaping; Contractor Storage Yard; Heavy Construction Services, Major and Heavy Construction Services, Minor as well as the creation of clear performance standards for each use.

Seven members of the public addressed the Board. Four individuals spoke against the amendment and their comments included concern about additional development along the Route 302 corridor that is not designated for it in the Comprehensive Plan, concern about potential environmental impacts of the new uses due to Highland Lake's proximity to C-3, concern that heavy construction services did not align with the C-3 intent to provide an area for a mixture of light commercial uses and single-family housing, a request that this proposed changed be subject to a more rigorous review by a committee, concern about development contributing to poor water quality when Windham already has impaired watersheds, and concern that these uses along Route 302 would worsen existing traffic congestion. Three individuals spoke in favor of the amendment and their comments included that these proposed uses are similar to other uses that

are already permitted in the zone, that the Comprehensive Plan transitional area states that growth is not necessarily encouraged or discouraged and moderate growth is anticipated, that there is a big price difference between C-1 and C-3 and certain businesses do not need to be in the C-1 district, there is a need for these businesses in town, that people don't want to live where they can't find local trades people, and single-family dwellings and school buses also contribute to traffic.

Following the public hearing members of the Board questioned why the Long Range Planning Committee hadn't vetted this amendment for consistency with the Comprehensive Plan and commented that required screening of storage yards was a positive change, it would be difficult to enforce the number of vehicles in a minor versus major heavy construction service, that additional environmental protections may be needed for these uses, and that heavy construction doesn't meet the intent of C-3.

Following discussion of the proposed changes, the Board made the following motion:

To recommend the proposed amendment to Sections 300, 400 and 500 of the Land Use Ordinance to replace the definition of Construction Services and add Contractor Services and Contractor Storage Yard, but not include Heavy Construction Services, Minor as a use in the Commercial 3 (C-3) zoning district.

Motion: David Douglass

Second: Keith Elder

Vote: 4-3 (G. Bourassa, N. Kalogerakis, and D. Mayo opposed)

Based on the discussion, the opposing votes were due to concerns about the environmental impacts and that the additional uses did not meet the intent of the zone.

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

voice 207.894.5960

fax 207.892.1916

MEMO

DATE: April 17, 2019

TO: Windham Planning Board

FROM: Amanda Lessard, Planning Director *AL*

Cc: Tom Bartell, Executive Director, WEDC

RE: Ordinance Amendment: Proposed C-3 Zoning District Changes – Contractor Services, Heavy Construction, Minor & Contractor Storage Yards
Planning Board Meeting & Public Hearing – April 17, 2019

The Town Council has been asked by the public and the WEDC to consider allowing Construction Services in the C-3 District. The Planning Board discussed the enclosed proposed ordinance changes to the Land Use Ordinance at the Board meeting on April 8, 2019.

As drafted, the proposed changes to the Land Use Ordinance would allow for the establishment of new contractor businesses, offices, indoor storage, and small businesses that may be classified as heavy construction in areas zoned as C-3, while separating out the higher impact uses currently defined as Construction Services and limiting the major heavy construction businesses to current zones. This approach involves the replacement of the existing Construction Services and Service Business, Landscaping uses in the ordinance with newly defined uses for Contractor Services, Contractor Services, Landscaping, Contractor Storage Yard, Heavy Construction Services, Major and Heavy Construction Services, Minor as well as the creation of clear performance standards for each use.

During Planning Board discussion of the proposed changes, the Board asked for additional information related to the 2016 WEDC request to allow construction services in the C-3 District. Included in the packet is a memo to the Town Council with the Planning Board's recommendation to allow construction services as a Conditional Use, and minutes from June 28, 2016 Town Council meeting where the adoption of the ordinance amendment was denied.

A public hearing has been scheduled for the Board meeting on April 22, 2019. After the public hearing and discussion by the Board, the Planning Board may vote on a recommendation to the Town Council similar to the following:

MOTION: To (**recommend/recommend with comments/not recommend**) approval of the proposed amendment to Sections 300, 400 and 500 of the Land Use Ordinance to replace the definition of Construction Services and add Contractor Services, Contractor Storage Yard, and Heavy Construction Services, Minor as a use in the Commercial 3 (C-3) zoning district.

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

voice 207.894.5960

fax 207.892.1916

MEMO

DATE: April 3, 2019

TO: Windham Planning Board
FROM: Amanda Lessard, Planning Director *AL*
Cc: Tom Bartell, Executive Director, WEDC

RE: Ordinance Amendment: Proposed C-3 Zoning District Changes – Contractor Services, Heavy Construction, Minor & Contractor Storage Yards

Planning Board Meeting – April 8, 2019

At their meeting on March 26, 2019, the Town Council voted to forward the enclosed proposed ordinance changes to the Board for review and recommendation. The Town Council had been asked by the public and the WEDC to consider allowing Construction Services in the C-3 District.

As drafted, the proposed changes to the Land Use Ordinance would allow for the establishment of new contractor businesses, offices, indoor storage, and small businesses that may be classified as heavy construction in areas zoned as C-3, while separating out the higher impact uses currently defined as Construction Services and limiting the major heavy construction businesses to current zones. This approach involves the replacement of the existing Construction Services and Service Business, Landscaping uses in the ordinance with newly defined uses for Contractor Services, Contractor Services, Landscaping, Contractor Storage Yard, Heavy Construction Services, Major and Heavy Construction Services, Minor as well as the creation of clear performance standards for each use.

The current uses compared to the proposed uses are summarized in the following tables where P = permitted use, C = conditional use, and X = use not permitted.

Current Uses										
	F	FR	RL	RM	C-1	C-2	C-3	I	ED	VC
Construction Services	X	X	X	X	P	X	X	X	P	P
Service Business, Landscaping	P*	X	X	X	P	X	P	X	X	X

*permitted only as an accessory use to the Nursery use

Proposed Uses										
	F	FR	RL	RM	C-1	C-2	C-3	I	ED	VC
Contractor Services	X	X	X	X	P	X	P	X	P	P
Contractor Services, Landscaping	P*	X	X	X	P	X	P	X	X	X
Contractor Storage Yard	P*	X	X	X	P	X	P	X	P	P
Heavy Construction Services, Major	X	X	X	X	P	X	X	X	P	P
Heavy Construction Services, Minor	X	X	X	X	P	X	P	X	P	P

*permitted only as an accessory use to the Nursery use

Zoning Amendment Process

The Planning Board must hold a public hearing prior to making a recommendation on this item to the Town Council. The Town Council will need to vote on the proposed changes to the Land Use Ordinance for the changes to be officially approved. A public hearing has been scheduled for the Board meeting on April 22, 2019. After the public hearing and discussion by the Board, the Planning Board may vote on a recommendation to the Town Council.

Central Sewage System. A wastewater disposal system that receives wastewater from two (2) or more structures. (*See Sec. 500 Performance Standards*)

Child Care, Facility. A building in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for children under thirteen (13) years of age. (*See Sec. 500 Performance Standards*)

Child Care, Family Home. A home used to provide child care in the resident's home on a regular basis, for consideration, for three (3) to twelve (12) children under thirteen (13) years of age who are not the children of the provider. (*See Sec. 500 Performance Standards*)

Clear Zone. The area adjacent to a street (measured from the edge of the travel lane) in which fixed objects or obstructions are not permitted. Fixed objects include, but are not limited to, trees, signs, utility poles, walls, boulders, and mailboxes. (*See Sec. 900 Subdivision Review*)

Club. A group organized for a common purpose, goal, interest, or activity, usually social, religious, cultural or educational in nature, usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, a constitution, and by-laws.

Cluster Subdivision. A form of development that permits a reduction in lot area and bulk requirements, and the remaining land area is devoted to Open Space, active recreation, preservation of environmentally sensitive areas, or agriculture. (*See Sec. 400 Zoning Districts*) (*See Sec. 900 Subdivision Review*)

Collector Street. See definition of, "Street Classification: Collector Street"

Comprehensive Plan. A document or interrelated documents adopted by the Municipal Officers, containing the elements established under 30-A M.R.S.A. § 4326 sub-1 to 4, including the strategies for an implementation program which are consistent with the State goals and guidelines established under 30-A M.R.S.A. §4311 through § 4350.

Complete Substantial Construction. The completion of a portion of the improvements which represents no less than thirty (30) percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Conditional Use. A use which shall be authorized when all of the conditions of Section 516 and other applicable provisions of this Ordinance have been met. (*See "Conditional Use" in Sec. 500 Performance Standards*)

~~Construction Services. The performance of work or the furnishing of supplies to members of the building trades which requires the storage of materials and/or the location of commercial vehicles on the property of the construction services business. This includes, but is not~~

~~limited to, plumbing, painting, building, well drilling, carpentry, masonry, or electrical installation.~~

Contractor Services. A business engaged in the construction, renovation, maintenance or repair of residential or commercial buildings and structures, including building systems exterior to those buildings or structures. Such businesses include, but are not limited to plumbing, painting, building, well drilling, carpentry, masonry, electrical, roofing, heating, cooling and ventilation systems, and siding. This use includes indoor repair, maintenance, or storage of contractor's vehicles, machinery, equipment or materials and space for the contractor's business office. (See Sec. 500 Performance Standards)

Contractor Services, Landscaping. A business engaged in the decorative and functional alteration, planting and maintenance of residential and commercial grounds, including winter maintenance, like snow plowing and shoveling services. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage or irrigation) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground. (See Sec. 500 Performance Standards)

Contractor Storage Yard. A portion of a lot or parcel used for the outdoor storage of equipment, vehicles, machinery, or materials used by and accessory to onsite Contractor Services or Contractor Services, Landscaping, or Heavy Construction Services. (See Sec. 500 Performance Standards)

Construction Services, Heavy. A business engaged in the construction and maintenance of infrastructure, including road and utility construction or paving. This use is characterized by specialized heavy equipment, including graders, loaders, backhoes, dump trucks, cement mixers, etc. This use includes indoor repair, maintenance, or storage of contractor's vehicles, machinery, equipment or materials and space for the contractor's business office. (See Sec. 500 Performance Standards)

Heavy Construction Services, Major. A business with four (4) or more vehicles types that are classified by the Federal Highway Administration as Class 6-13 vehicles.

Heavy Construction Services, Minor. A business with three (3) or fewer vehicles types that are classified by the Federal Highway Administration as Class 6-13 vehicles.

Controlled Access Street. See definition of, "Street Classification: Controlled Access Street"

Convention Center. A building, or portion thereof, designed to accommodate 300 or more people in assembly. For the purposes of this Chapter, this definition does not include "Places of Worship."

Service Business, Commercial. Establishments primarily engaged in providing services to business establishments on a fee or contract basis. This includes, but is not limited to, advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing.

~~Service Business, Landscaping. The business location of a person engaged in the commercial practice of landscaping and who performs or furnishes the labor, and/or materials necessary to maintain or beautify land by contract or consent of the landowner, including, but not limited to; lawn care, planting, care of trees and shrubs, and winter maintenance services such as snow plowing.~~

Service Business, Personal. Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. This includes, but is not limited to, laundry or dry cleaning services, beauty shops, barbershops, shoe repair, and clothing rental.

Setback. The distance between any structure and the nearest lot line or street.

Setback Line. That line that is the required minimum distance from any lot line and that establishes the area within which any structure may be erected or placed.

Setback, Rear. The distance between any structure and the rear lot line or street and measured perpendicular to the structure to the closest point of the rear lot line or street.

Setback, Required. The minimum distance between any structure and a lot line or street within which no structure is permitted to be located except as provided in this Ordinance.

Setback, Side. The distance between any structure and the side lot line or street and measured perpendicular from the side lot line or street to the closest point of the structure.

Sexually Explicit. The display or depiction of sex organs during actual or simulated sexual intercourse or sexual acts as defined in 17-A M.R.S.A. § 251.

Shipping Container. A free standing container typically assembled with steel and/or aluminum. The container typically does not have wheels, but rather, is transported via a flatbed truck, rail cars, or ship. The container is used for the transportation and/or storage of goods and materials. (*See Sec. 500 Performance Standards*)

Sidewalk. A paved way for pedestrian traffic which is constructed parallel to a road. (*See Sec. 900 Subdivision Review*)

Sign. A name, identification, description, emblem, trade name, trademark, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business.

406 Zoning Districts**A. Farm District (F)****1. Intent**

The Farm district is intended primarily for rural and residential land uses. Development is restricted in order to protect farmlands, woodlands, open space, wildlife habitat and scenic areas.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Farm District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Agriculture, Piggery
- Agriculture, Poultry Facility
- Building, Accessory
- Campground, Commercial
- Campground, Personal
- Cemetery
- Child Care, Family Home
- Contractor Services,
- Landscaping
- Contractor Storage Yard
- Dwelling, Single-Family Detached
- Dwelling, Two-Family
- Dwelling, Multifamily
- Forestry
- Golf Course
- Home Occupation 1
- Home Occupation 2
- Kennel, Minor
- Mineral Extraction
- Place of Worship
- Public Building
- Research Laboratory
- Retail Sales, Nursery
- Riding Stable
- Sawmill, Permanent
- Sawmill, Temporary
- ~~Service Business, Landscaping~~
- Shipping Container
- Use, Accessory
- Wireless Telecommunications Tower and Facility

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:

- Assisted Living Facility
- Bed and Breakfast Inn
- Boarding Home for Sheltered Care
- Kennel, Major

- Medical Office
- Nursing Home
- Public Utility Facility
- Recreation Facility, Indoor
- Recreation Facility, Outdoor
- Retail Sales, Convenience
- Rooming House

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 Farm District:

- | | |
|---|-------------|
| (a) Minimum Lot Size: | |
| (1) Standard (Non-Cluster) | 80,000 s.f. |
| (2) Cluster Subdivision: | |
| (a) All Subdivision lots connected to public water | 30,000 s.f. |
| (b) Subdivision served by wells or a private system | 30,000 s.f. |
| (3) Rooming House | 4 acres |
| (b) Maximum Lot Size: | |
| (1) Cluster Subdivision | 50,000 s.f. |
| (2) Cluster Subdivision: one (1) lot within subdivision | 60,000 s.f. |
| (c) Net Residential Density: | 60,000 s.f. |
| (d) Minimum Frontage: | |
| (1) Standard (Non cluster) | 200 ft. |
| (2) Cluster Subdivision | 100 ft. |
| (3) Cluster Subdivision, where frontage is entirely on cul-de-sac | 50 ft. |
| (e) Minimum Front Setback: | |
| (1) Standard (Non cluster) | 40 ft. |
| (i) The minimum front Setback of a lot may be reduced to the average setback distance of the existing buildings located on the lots to either side of said lot. | |
| (2) Cluster subdivision | 25 ft. |
| (3) Non-Residential Use: Minimum Landscaped Buffer Strip | 15 ft. |
| (f) Minimum Side Setback: | |
| (1) Standard (Non cluster) | 10 ft. |
| (2) Cluster Subdivision: | 10 ft. |
| (g) Minimum Rear Setback: | |

- | | |
|--|----------|
| (1) Standard (Non cluster): | 10 ft. |
| (2) Cluster Subdivision: | 10 ft. |
| (h) Maximum Building Height: | 35 ft. |
| (1) Agriculture, Public Buildings, Church Steeples | No Limit |
| (i) Maximum Building Coverage: | 25% |

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Farm District:

- (a) Automobile Repair Services in existence prior to August 7, 2014.
 - (1) All repair operations shall be conducted inside an enclosed building.
 - (2) No more than three vehicles shall be serviced or stored on the property at any one time.
 - (3) Hours of operation shall be Monday through Saturday from 8:00 A.M. to 5:00 P.M.
- (b) Cluster Subdivision. (*See Sec. 900 Subdivision Review*)
 - (1) Cluster subdivisions shall only be permitted on lots with a minimum of 5 acres of gross land area.
- (c) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the Farm District
- (d) Dwelling, Two-Family and Dwelling, Multifamily. These uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:
 - (1) No more than three (3) dwelling units may be created per lot.
 - (2) All dwelling units shall have a minimum area of 500 s.f.
- (e) Medical Office. See “Medical Office” in Section 500 Performance Standards for size limitations.
- (f) Research Laboratory. This use in the Farm District must conduct investigative research that is primarily related to the items defined in the definition of, “Agriculture.” Refer to Section 300 Definitions.
- (g) ~~Contractor Services, Landscaping, Service Business, Landscaping.~~ This use is shall be an accessory use to a Retail Sales, Nursery use under the following conditions:

- (1) The ~~Contractor Services, Landscaping and Contractor Storage Yard Service Business, Landscaping~~ uses shall not exceed fifty (50) percent of the gross area (both interior and exterior areas) occupied by the principle Retail Sales, Nursery use.
- (h) Buffer Requirements for Specific Non-residential Uses. The following uses shall provide a buffer strip, as defined, from all abutting properties that are solely occupied by a residential dwelling(s):
 - (1) Boarding Home for Sheltered Care
 - (2) Medical Office
 - (3) Nursing Home
 - (4) Retail Sales, Convenience
 - (5) Retail Sales, Nursery
 - (5) Service Business, Landscaping

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

G. Commercial District III (C3)

1. Intent

The intent of the Commercial District III is to provide areas for a mixture of light, low-traffic generating commercial uses and single-family housing.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Commercial District III as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Adult Business Establishment
- Building, Accessory
- Business and Professional Office
- Child Care, Facility
- Child Care, Family Home
- Contractor Services
- Contractor Services, Landscaping
- Contractor Storage Yard
- Construction Services, Heavy, Minor
- Dwelling, Single-Family
- Dwelling, Two-Family
- Dwelling, Multifamily
- Dwelling, Mixed Use
- Forestry
- Home Occupation 1
- Home Occupation 2
- Medical Office
- Place of Worship
- Public Building
- Recreation Facility, Indoor
- Retail Sales
- Retail Sales, Convenience
- Retail Sales, Nursery
- Retail Sales, Outdoor
- ~~Service Business, Landscaping~~
- Service Business, Personal
- Theater
- Use, Accessory
- Warehousing, Private
- Warehousing, Public
- Wireless Telecommunications Tower and Facility

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:

- Assisted Living Facility
- Automobile Repair Services
- Bed and Breakfast Inn
- Campground, Commercial
- Campground, Personal
- Club
- Hotel
- Industry, Light
- Motel
- Nursing Home

- Public Utility Facility
- Restaurant
- Shipping Container
- Small Engine Repair

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 III:

- | | |
|--|-------------|
| (a) Minimum Lot Size: | |
| (1) Dwelling, Single-Family; Two-Family; Multifamily | 80,000 s.f. |
| (2) Dwelling, Mixed Use | 80,000 s.f. |
| (3) Non-Residential | 20,000 s.f. |
| (b) Net Residential Density: | 60,000 s.f. |
| (c) Minimum Frontage: | |
| (1) Dwelling, Single-Family; Two-Family; Multifamily | 200 ft. |
| (2) Non-Residential | 100 ft. |
| (d) Minimum Front Setback: | |
| (1) Arterial Street | 60 ft. |
| (2) Non-Arterial Street | 40 ft. |
| (3) Minimum Landscaped Buffer Strip | 20 ft. |
| (e) Minimum Side Setback: | 10 ft. |
| (f) Minimum Rear Setback: | 10 ft. |
| (g) Maximum Building Height: | |
| (1) Dwellings (All associated structures) | 35 ft. |
| (2) Non-Residential | None |

6. **District Standards**

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Commercial District III:

- (a) Automobile Repair Services. The repair of commercial trucks shall be limited to those vehicles with a Gross Vehicle Weight Rating equal to, or less than, 26,000 lbs.

- (b) Controlled Access Street. For standards pertaining to controlled access streets in the C3 District see Section 500 Performance Standards.
- (c) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the C3 District.
- (d) Dwelling, Two-Family and Dwelling, Multifamily. These uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:
 - 1) No more than three (3) dwelling units may be created per lot.
- (e) 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.
- (f) 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*)
- (g) 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 Strip”, in Section 300 Definitions.

I. Enterprise Development District (ED)

1. Intent

The intent of this district is to provide a unique area within the Town of Windham to allow manufacturing, processing, treatment, warehousing, storage, research and distribution with safe, well regulated vehicle access located off a major street which can conform to the performance standards set forth in this section and in all other applicable ordinances of the Town of Windham.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Enterprise Development District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Auction House
- Automobile Auction Facility
- Automobile Repair Services
- Building, Accessory
- Business and Professional Office
- ~~Construction Services~~
- Contractor Services
- Contractor Storage Yard
- Construction Services, Heavy, Major
- Construction Services, Heavy, Minor
- Convention Center
- Distribution Facility
- Forestry
- Hotel
- Industry, Heavy
- Industry, Light
- Mineral Extraction
- Motel
- Public Utility Facility
- Retail Sales, Accessory
- Small Engine Repair
- Use, Accessory
- Warehousing, Private
- Warehousing, Public
- Wireless Telecommunications Tower and Facility

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:

- Automobile Storage Lot
- Shipping Container

4. Prohibited Uses

J. Village Commercial District (VC)

1. Intent

The intent of the Village Commercial District is to serve as a primarily residential area with a mix of stores, services and commercial enterprises. Growth, at a village scale, is to be well planned in this area of town served by public water and sewer.

2. Permitted Uses

- Agriculture
- Artist Studio
- Assisted Living Facility
- Bank
- Bed & Breakfast Inn
- Boarding Home for Sheltered Care
- Building, Accessory
- Business & Professional Office
- Child Care Facility
- Child Care, Family Home
- ~~Construction Services~~
- Contractor Services
- Contractor Storage Yard
- Construction Services, Heavy, Major
- Construction Services, Heavy, Minor
- Convention Center
- Dwelling, Mixed Use
- Dwelling, Single-Family Detached
- Dwelling, Two-Family
- Dwelling, Multifamily
- Fitness Center
- Funeral Home
- Home Occupation 1
- Home Occupation 2
- Hotel
- Housing for Older Persons
- Industry, Light
- Medical Office
- Nursing Home
- Park, Public
- Place of Worship
- Public Building
- Public Utility Facility
- Recreation Facility, Indoor
- Recreation Facility, Outdoor
- Research Laboratory
- Restaurant
- Retail Sales
- Retail Sales, Convenience
- Retail Sales, Nursery
- Senior Citizen Housing
- Service Business, Commercial
- Service Business, Personal
- Theater
- Use, Accessory
- Wireless Telecommunications Facility

3. Conditional Uses

- Auto Repair Services
- Drive-through Facility
- Small Engine Repair

4. Prohibited Uses

1. The applicant shall be responsible for all third party inspections,
2. An escrow account for the provision of third party inspections shall be established prior to the issuance of a building permit, or installation of the proposed use.
 - (a) All unexpended funds from the escrow account shall be returned to the applicant.

517 Contractor Services

A. Type of Contractor Vehicles. Contractor Services uses are limited to single unit, dual axle vehicles only. These vehicles types are classified by the Federal Highway Administration as Class 1-5 vehicles. See table below.

Class 1 Motorcycles		Class 7 Four or more axle, single unit	
Class 2 Passenger cars	   		 
Class 3 Four tire, single unit	  	Class 8 Four or less axle, single trailer	  
Class 4 Buses	  	Class 9 5-Axle tractor semitrailer	 
Class 5 Two axle, six tire, single unit	  	Class 10 Six or more axle, single trailer	 
Class 6 Three axle, single unit	  	Class 11 Five or less axle, multi trailer	 
		Class 12 Six axle, multi-trailer	 
		Class 13 Seven or more axle, multi-trailer	    

Federal Highway Administration Vehicle Classification Table

B. Storage of Materials. Machinery, trailers, equipment and materials must be stored indoors (see 5XX. Contractor Storage Yard for standards related to outdoor storage).

C. Lighting. Lighting may be used which serves security, safety and operational needs.

- a. All lighting shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.
- b. All lighting shall be designed and directed to minimize light levels at the property line.
- c. The Code Enforcement Officer may require a lighting plan or lighting details when areas to be illuminated are near property lines. Such information may become a condition on a building permit or certificate of occupancy.

518 Contractor Services, Landscaping

A. Type of Contractor Vehicles. Contractor Services uses are limited to single unit, dual axle vehicles only. These vehicles types are classified by the Federal Highway Administration as Class 1-5 vehicles. See table below.

Class 1 Motorcycles		Class 7 Four or more axle, single unit	
Class 2 Passenger cars		Class 8 Four or less axle, single trailer	
			
			
			
Class 3 Four tire, single unit		Class 9 5-Axle tractor semitrailer	
			
			
Class 4 Buses		Class 10 Six or more axle, single trailer	
			
		Class 11 Five or less axle, multi trailer	
Class 5 Two axle, six tire, single unit		Class 12 Six axle, multi-trailer	
			
		Class 13 Seven or more axle, multi-trailer	
Class 6 Three axle, single unit			
			
			

Federal Highway Administration Vehicle Classification Table

B. Storage of Materials. Machinery, trailers, equipment and materials must be stored indoors (see 519. Contractor Storage Yard for standards related to outdoor storage).

C. Lighting. Lighting may be used which serves security, safety and operational needs.

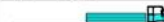
- All lighting shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.
- All lighting shall be designed and directed to minimize light levels at the property line.
- The Code Enforcement Officer may require a lighting plan or lighting details when areas to be illuminated are near property lines. Such information may become a condition on a building permit or certificate of occupancy.

519 Contractor Storage Yard

- A. Visual Screening. All stockpiled materials, including sand, gravel, crushed rock, topsoil, mulch and other similar materials, as well as outdoor storage areas for equipment and Heavy Construction Service vehicles must be screened from abutting properties and public rights-of-way with 6-foot opaque fencing or screened with well-maintained evergreen vegetation a minimum of 6-feet high at the time of planting.
- a. Fencing or landscaping requirements may be reduced by the review authority where the Contractor Storage Yard is adequately screened through existing vegetated areas, the position of buildings on-site, or by using a site's topography to minimize view of the Contractor Storage Yard from abutting properties and public rights-of-way.
- B. Solid Waste and Recycling. All dumpsters or similar large collection receptacles for waste materials and recyclables must be located on level compacted gravel or pavement. These receptacles shall be screened from view with opaque fencing or landscaping.
- C. Lighting. Lighting may be used which serves security, safety and operational needs.
- d. All lighting shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.

520 Construction Services, Heavy (Major and Minor)

- A. Type of Vehicles. Heavy Construction Services uses may include multi-axle vehicles, such as three and four axle dump trucks, cement mixers, multi-unit vehicles and other heavy vehicles. These vehicles types are classified by the Federal Highway Administration as Class 6-13 vehicles. See table below.

Class 1 Motorcycles		Class 7 Four or more axle, single unit	
Class 2 Passenger cars		Class 8 Four or less axle, single trailer	
			
			
			
Class 3 Four tire, single unit		Class 9 5-Axle tractor semitrailer	
			
			
Class 4 Buses		Class 10 Six or more axle, single trailer	
			
		Class 11 Five or less axle, multi trailer	
Class 5 Two axle, six tire, single unit		Class 12 Six axle, multi-trailer	
			
		Class 13 Seven or more axle, multi-trailer	
Class 6 Three axle, single unit			
			
			

Federal Highway Administration Vehicle Classification Table

B. Storage of materials and vehicles. All Heavy Construction Services vehicles, trailers, machinery, equipment and materials must be stored indoors (see 519. Contractor Storage Yard for standards related to outdoor storage).

C. Lighting. Lighting may be used which serves security, safety and operational needs.

- a. All lighting shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.
- b. All lighting shall be designed and directed to minimize light levels at the property line.
- c. The Code Enforcement Officer may require a lighting plan or lighting details when areas to be illuminated are near property lines. Such information may become a condition on a building permit or certificate of occupancy.

517521 Controlled Access Street

- A. For the purposes of this Ordinance, only the following streets shall be classified as controlled access streets: Manchester Drive.
- B. All curb cuts on a controlled access street must be spaced at least three-hundred (300) linear feet from the nearest curb cut on said controlled access street.