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## MEMO

DATE: June 14, 2021

TO: Windham Town Council  
THROUGH: Barry Tibbetts, Town Manager  
FROM: Amanda Lessard, Planning Director  
CC:

RE: Zoning Discussion: June 15, 2021

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The idea of rezoning the Town was raised during recent Town Council discussion about amending the Growth Management Ordinance. The following summary is provided to inform the zoning discussion.

### **Zoning Overview**

Zoning divides the municipality into districts in conformance with the comprehensive plan (where development can happen), applies different standards to each district (what development is allowed, and how much can happen), and generally contains performance standards aimed at regulating the quality of development (how development happens).

### **Comprehensive Planning**

The Town of Windham adopted a [Comprehensive Plan Update](#) in 2017. The Plan was found to be consistent with the State's Growth Management Act. The Growth Management Act, [Title 30-A M.R.S.A Subchapter 2](#), specifies that comprehensive plans include an inventory and analysis addressing state goals and issues of regional or local significance, and policies and implementation strategies ensuring that the goals are met. A required goal is to identify and designate geographic areas in the municipality as growth areas and rural areas.

The Comprehensive Plan is the foundation on which the zoning ordinance is built. Title 30-A M.R.S.A §4352 states that "a zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body" and that "a zoning map describing each zone establish or modified must be part of the zoning ordinance or incorporated in the ordinance."

The Future Land Use Map included in the Comp Plan on page 29 shows the general areas of Windham that should be targeted for growth and those areas that are important to the community to keep at low development levels. The Comprehensive Plan species that the LRPC has responsibility to implement Future Land Use Plan Strategy 2, "To support the locations, types, scales, and intensities of land uses the community desires as stated in its vision," and Goal 2.a, "Using the descriptions provided in the Future Land Use Plan narrative, maintain, enact or amend local ordinances as appropriate to clearly define the desired scale, intensity and location of future development".

### **Existing Zoning**

While the terms "land use ordinance" and "zoning ordinance" are often used interchangeably, Windham uses the term "land use ordinance" as our ordinance contains more than just zoning provisions. For example, Windham's Land Use Ordinance contains site plan review, subdivision, mineral extraction, and impact fee ordinances.

Windham adopted a Land Use Ordinance in 1976 which included 6 zoning districts, and 3 shoreland zoning districts (and included site plan review). The current [Land Use Ordinance](#) (Chapter 140) dates to 2009, which was a reformat for organization and ease of use but did not address zoning district boundaries, dimensional standards, or allowed uses. While there have been numerous amendments over the years, some of the elements have not changed, e.g. the minimum lot sizes are the same. As amended, there are now 10 zoning districts, 5 overlay districts, 3 contract zones, and 4 shoreland zoning districts. The [Land Use Map](#) was last amended in 2020.

Recent efforts to rezone North Windham with a Character Based Code recommend by the 21<sup>st</sup> Century Downtown Plan and the Rural Areas in the 2017 Comprehensive Plan ultimately were not adopted.

### **Next Steps**

The Town Council should discuss the scope of a rezoning effort.

### **Reference**

[How to Prepare a Land Use Ordinance: a Manual for Local Officials](#), Maine State Planning Office (2011)