

## Chapter 120. Land Use

### Article 4. Zoning Districts

#### § 120-410. Commercial District I (C-1).

[Amended 9-14-2010 by Order 10-164; 12-14-2010 by Order 10-230; 5-14-2013 by Order 13-072; 6-28-2016 by Order 16-111; 6-12-2018 by Order 18-099; 7-9-2019 by Order 19-121; 5-26-2020 by Order 20-048; 4-12-2022 by Order No. 22-062; 7-12-2022 by Order No. 22-126; 11-10-2022 by Order No. 22-205; 4-25-2023 by Order No. 23-060; 8-15-2023 by Order No. 23-150; 8-15-2023 by Order No. 23-151; 8-15-2023 by Order No. 23-149; 3-12-2024 by Order No. 24-033; 1-14-2025 by Order No. 25-002; 2-25-2025 by Order No. 25-033]

- A. 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.
- B. Permitted uses. The following uses, as they are defined in Article 3, shall be permitted in the Commercial District I as a matter of right. Refer to Article 5, Performance Standards, or Subsection F, District standards, for additional use information.

Adult business establishment

Adult use marijuana store

Agriculture

Assisted living facility

Automobile gas station

Automobile repair services

Bank

Building, accessory

Business and professional office

Child-care facility

Child care, family home

Club

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  
Marijuana cultivation facility  
Marijuana manufacturing facility  
Marijuana registered dispensary  
Marijuana testing facility  
Medical marijuana registered caregiver  
Medical marijuana registered caregiver (home occupation)  
Medical marijuana caregiver retail store  
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, personal  
Small engine repair  
Solar energy system – roof-mounted, small, medium, and large scale  
Solar energy system – ground-mounted, small scale  
Solar energy system – ground-mounted, medium scale  
Solar energy system – ground-mounted, large scale (see Subsection **F**, District standards, below)

Theater

Use, accessory

Warehousing, private

Wireless telecommunications tower and facility

- C. Conditional uses. The following uses, as defined in Article 3, shall be allowed as a conditional use in accordance with § **120-516**. Refer to Article 5, Performance Standards, or Subsection F, District standards, for additional use information:

(1) Other.

- D. Prohibited uses. Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

- E. Dimensional standards. The following dimensional standards shall apply in the Commercial District I:

(1) Minimum lot size: none.

(2) Net residential density: none.

(3) Minimum frontage: 100 feet.

(4) Front setback:

(a) Building, principal.

[1] On Route 302: 10 feet to 20 feet.

[2] All other streets: 0 feet to 20 feet.

(b) Building, accessory: principal building setback, plus 20 feet minimum.

(c) Dwelling, two-family minimum setback on Routes 35, 115, and 302: 300 feet.

(d) Hotel use: primary street setback for principal building, 10 feet to 75 feet; secondary street setback for principal building, 20 feet minimum.

(5) Minimum side setback: six feet.

(6) Minimum rear setback: six feet.

(7) Maximum building height: 75 feet.

- F. District standards. In addition to Article 5, Performance Standards, these standards shall apply to the following uses in the Commercial District I:

(1) 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 facade of the building. The space between the parking lot and the street shall be landscaped according to an overall plan for the property.

(2) Aquifer Protection Overlay District. See § **120-416** or **120-417**, Aquifer Protection Overlay Districts, and the Town's Official Map.

(3) Building orientation. The facade of all buildings must be oriented parallel to a front lot line. In cases where a property has more than one front lot line, a single building development will orient to the front lot line on the street with the higher traffic volume. Multibuilding development may orient individual buildings to different front lot lines.

(4) Pedestrian access. At least one primary entrance must be located on the building's front facade. Primary entrances must provide ingress and egress and be operable at all times the building is occupied.

- (5) Zoning district boundary buffer. See § **120-511**, Buffer yard, in Article **5**, Performance Standards, for requirements.
- (6) Controlled access street. For standards pertaining to controlled access streets in the C-1 District see Article **3**, Definitions, and Article **5**, Performance Standards.
- (7) Curb cuts. See § **120-522**, Curb cuts and driveway openings, in Article **5**, Performance Standards, for additional standards applicable to the C-1 District. New, enlarged or rebuilt uses on an arterial road, as defined in Article **3**, shall be limited to one curb cut. In addition, the following standards shall apply to these curb cuts:
  - (a) A minimum center-line turning radius of 25 feet must be provided.
  - (b) 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.
- (8) Industry, heavy. In the C-1 District, this use shall not involve any activity defined in Article **3** as "manufacturing, hazardous." (See Article **3**, Definitions.)
- (9) Minimum lot size. The State of Maine minimum lot size, and minimum lot size waiver, standards apply in the C-1 District when the Town's minimum lot size requirements are less restrictive than those of the State of Maine.
- (10) Retail sales, outdoor. The display or sale of products outside of a building shall meet the standards of Article **5**. (See Article **5**, Performance Standards.)
- (11) All new and reconstructed streets must be built to public street, commercial street, curbed lane or residential street standards.
- (12) Block standards.
  - (a) Land must be divided with streets to create blocks conforming with block perimeter, below.
  - (b) Blocks should be generally rectangular in shape, but are expected to respond to natural features and the block pattern of the surrounding street network.
  - (c) Blocks should be a minimum width so as to provide two rows of developable lots.
  - (d) Portions of development sites abutting areas of undeveloped land, areas unsuitable for development, or preexisting incomplete blocks may be granted a waiver from the block size requirements in accordance with the provisions of Article **8** if part of a site plan or Article **9** if part of a subdivision plan.
  - (e) Block perimeter. No block shall have a perimeter of more than 1,600 feet.
- (13) Sidewalks.
  - (a) The Planning Board may require the construction of public sidewalks on Roosevelt Trail (Route 302), Tandberg Trail (Route 35 and 115), River Road, and Manchester Drive as part of a site plan or subdivision application.
  - (b) When the construction of the sidewalk is not required by the Planning Board as part of a site plan approved in accordance with Article **8** of this chapter, the following commercial development activities shall pay the North Windham sidewalk impact fee in § **120-1202** to provide safe pedestrian conditions in the Commercial 1 District:
    - [1] The construction or placement of new building(s) with a cumulative area that is greater than, or equal to, 500 square feet; or
    - [2] The enlargement of existing buildings by more than 500 square feet.

- (14) Marijuana cultivation facility. Cultivation facilities may be of the following types: Tier 1 and Tier 2. (See Article 3, Definitions.) These uses shall only be allowed on a lot where marijuana businesses were in existence prior to September 14, 2022.
- (15) Affordable housing. Affordable housing developments are eligible for increases in residential density and building height and reductions in lot size, frontage and parking requirements identified in Article 5, Performance Standards, if the development meets the applicable criteria in § 120-501.1.
- (16) Solar energy system – ground-mounted, large scale. This use shall only be allowed when co-located with parking lots or to supply the electrical or thermal power to reduce the on-site consumption of utility power or fuels by a principal commercial or residential use on the same parcel or abutting land. See § 120-556, Solar energy systems, in Article 5, Performance Standards, for additional requirements. When not co-located with a parking lot, a solar energy system shall not be designed to generate more than 125% of the power needs of the principal uses on the same parcel or abutting land. Any excess powering from on-site or abutting land usage that is less than the designed capacity may be sold into the grid.
- (17) Marijuana registered dispensary. In the C-1 District, this use shall not involve any cultivation or manufacturing of marijuana on site, notwithstanding the definition of "marijuana registered dispensary" in Article 3. (See Article 3, Definitions.)
- (18) Hotels. Hotels on corner lots in the C-1 District are not subject to § 120-534. All parking areas shall be located along the side or rear of the principal structure. One curb cut is permitted in the front setback. A two-way travel lane for access, as well as a fire lane around the principal structure, are also required. See § 120-511, Buffer yard, in Article 5, Performance Standards, for additional buffer yard requirements.