

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; 1-27-2026 by Order No. 26-009]

- 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.
- (2) Kennel, major.

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.