

Town of Windham

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MEMO

DATE: July 23, 2020

TO: Windham Town Council
THROUGH: Barry Tibbetts, Interim Town Manager
FROM: Amanda Lessard, Planning Director *ALL*
Cc: Long Range Planning Committee

RE: LRPC Proposed Amendments to Farm & Farm Residential Zoning District Standards

A work plan for the Long Range Planning Committee (LRPC) was approved by the Town Council on September 25, 2018 that included developing recommendations on zoning ordinance and zoning map amendments for the Farm (F) and Farm Residential (FR) Zoning Districts. The LRPC held two community workshops in November 2018 to present issues to and hear concerns from members of the public on growth in rural Windham. The majority of participants expressed concern related to community character and the balance between the built and natural environment. The LRPC developed recommended amendments for conservation subdivisions that were adopted in June 2020. The LRPC also developed potential changes to the Farm and Farm Residential zoning district uses, dimensional standards, and zoning map boundaries that were presented to the public in July 2019. The Council held a special workshop on January 9, 2020 to discuss growth concerns and directed the LRPC not to make sweeping changes to the F/FR zoning district boundaries or lot sizes but continue to work on changes to performance standards to address limiting environmental impacts and retaining rural character.

The LRPC has reviewed the F/FR district standards and proposes the following ordinance revisions: establishing a new Farm Enterprise land use to permit a limited number of special events accessory to an Agriculture use, changing the net density from 60,000 sq ft to 1 unit/3 acres in F and from 40,000 sq ft to 1 unit/2 acres in FR, reducing the minimum lot size and adopting a maximum lot size as a way to preserve open space outside of subdivision review (see attached flyer from GrowSmart Maine for more information), and adopting streetscape landscaping performance standards with options for bufferyard depths that are variable based on the density of plantings and frontage on a public or private street. Photographic examples of the landscaped areas will be presented at the July 28 Council meeting.

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
- Farm Enterprise
- 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
- 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 ~~8040~~,000 s.f.
 - (2) Conservation 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) Country Subdivision: 6 acres
 - (4) Rooming House 4 acres
- (b) Maximum Lot Size: ~~80,000~~
 - (1) Maximum Lot Size shall apply to all new lots created after [EFFECTIVE DATE OF ORDINANCE]
 - (2) Lots of 10 acres or more are exempt from Maximum Lot Size standards.
- (c) Net Residential Density: ~~60,000 s.f.1 dwelling unit/3 acres-~~
 - (1) This density standard shall be calculated from existing lots of record as of [EFFECTIVE DATE OF ORDINANCE]
 - (2) Accessory Apartments will not be counted in the calculation of overall Net Residential Density
- (d) Minimum Frontage:
 - (1) Standard 200 ft.
 - (2) Conservation Subdivision 100 ft.
 - (3) Conservation Subdivision, where frontage is entirely on cul-de-sac 50 ft.
- (e) Minimum Front Setback:
 - (1) Standard 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.
 - (ii) The minimum front Setback of a lot may be increased in accordance with streetscape landscaping standard below.

(2)	Conservation subdivision	25 ft.
(3)	Non-Residential Use: Minimum Landscaped Buffer Strip	15 ft.
(f)	Minimum Side Setback:	
(1)	Standard	10 ft.
(2)	Conservation Subdivision:	10 ft.
(g)	Minimum Rear Setback:	
(1)	Standard:	10 ft.
(2)	Conservation 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) Conservation Subdivision. (*See Sec. 900 Subdivision Review*)
- (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. This use shall be an accessory use to a Retail Sales, Nursery use under the following conditions:
 - (1) The Contractor Service, Landscaping and Contractor Storage Yard use 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

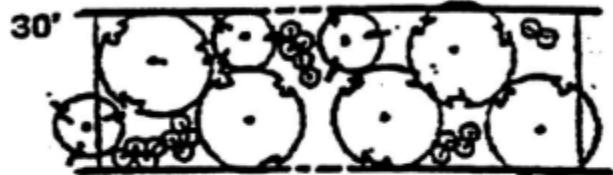
(g) Streetscape landscaping shall be provided along the Frontage of a lot greater than one (1) acre in size to standards established by the following the figures, Landscape Buffer Yard Standards, below. The property owner may choose among the buffer yard widths and plantings to satisfy the requirement. These yard requirements are stated in terms of minimum yard width and the density of required plant material per linear foot of yard. To determine the total number of plants required, the length of the lot frontage shall be divided by one hundred and multiplied by the number of plants shown in the illustration. Agriculture and Forestry Uses are not subject to this standard. J. Streetscape Sculpture and Furniture.

Figure 1 Frontage on Public Street
STANDARD C—LANDSCAPE BUFFER YARDS

WIDTH

1

**4.8 CANOPY
2.4 UNDERSTORY
19 SHRUBS**



2

**5.4 CANOPY
2.7 UNDERSTORY
22 SHRUBS**



3

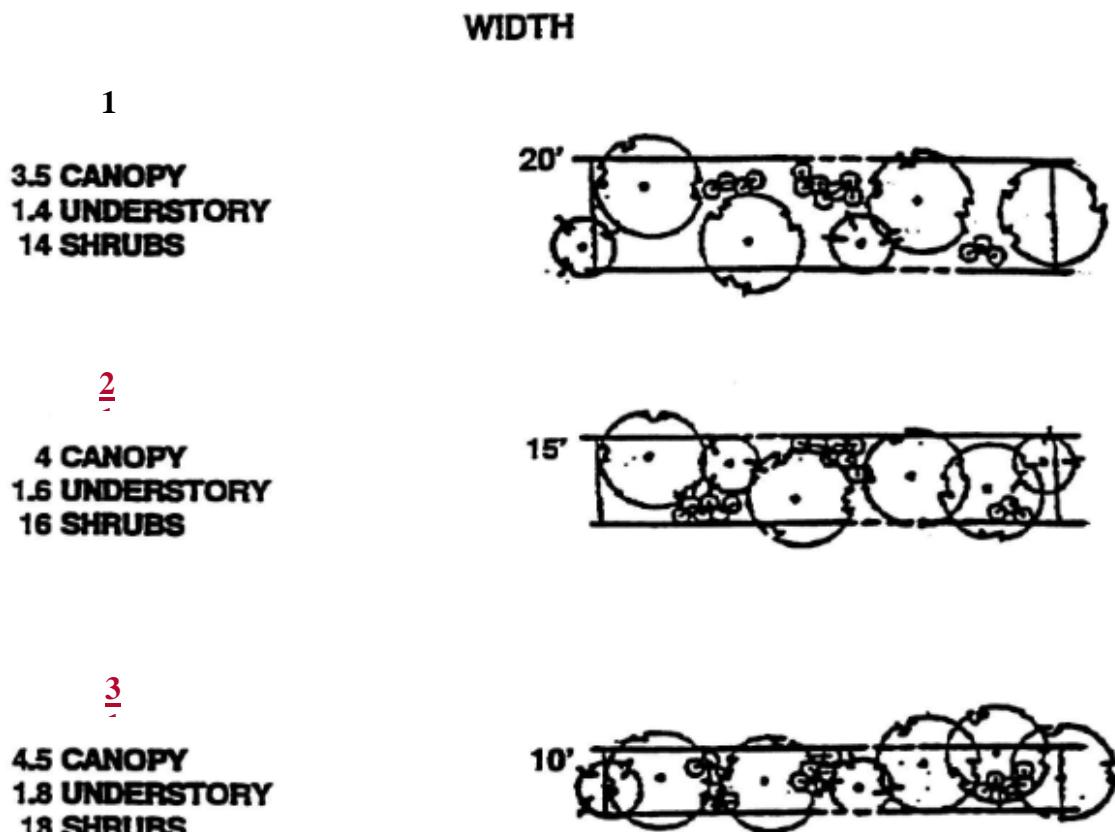
**6 CANOPY
3 UNDERSTORY
24 SHRUBS**



All examples are per 100 linear feet.

4

Front setback increased to 100 feet, one street tree for every 50ft of lot frontage, and a minimum 3 foot tall piled stone wall exists or is constructed at the front lot line. Street trees must be evenly spaced and placed within the right-of-way as close to the property as possible. In the event the lot owner does not have the right to plant within the right-of-way, the street trees will be placed on the new lot as close to the right-of-way as possible.

Figure 2 Frontage on Private Way or Private Road**STANDARD B—LANDSCAPE BUFFER YARDS**

— All examples are per 100 linear feet. —

- (1) Streetscape bufferyard standard may be waived when a Streetscape bufferyards may be reduced by 5 feet of their required width when a minimum 3 foot tall piled stone wall exists or is constructed at the front lot line.
- (2) Landscape buffer yard design and materials
 - i. Existing Native Plant Material. The use of existing plant material is strongly encouraged in landscape buffer yards. Existing natural groundcover should be retained where possible by avoiding scraping, grading and sodding within the landscape buffer yard. Where the planting requirements require additional trees or shrubs to be installed in an existing natural area, installation should minimize disturbances to native species.
 - ii. Trees. Where the planting requirements indicate that additional trees shall be installed, required trees shall be a minimum of six feet in height or two inches in caliper, as appropriate. At least one-half of the required trees shall be locally adapted natural evergreen species. Trees shall be distributed throughout the yards, so that there are no horizontal gaps between trees greater than thirty feet as measured parallel to the property line. Required canopy trees shall have an

expected mature height of thirty feet or greater. Required understory trees shall have an expected mature height of at least fifteen feet.

- iii. Shrubs. Shrubs planted to meet the minimum standards of this article shall be a minimum of one and one-half feet in height when planted and at least one-half shall be expected to reach five feet or greater in height within five years of planting. At least one-half of the required shrubs shall be locally adapted evergreen species. Shrubs planted on berms may have a lesser mature height provided that the combined height of the berm and plantings after five years is at least five feet. Shrubs shall be planted in such a way as to form continuous coverage with no shrub being greater than five feet from another as measured parallel to the property line. Shrubs may be planted in staggered rows or any other pattern which still achieves the desired continuous coverage.
- iv. Compatibility of Landscaping Materials. Supple-mental plantings should be chosen to enhance the existing vegetation within the landscape buffer yard. The species used in the supplemental plantings should be species that occur naturally in the landscape, and should be selected for their noninvasive properties
- v. Grading and Use of Berms. Proposals for grading within a landscape buffer yard shall demonstrate superior enhancement of the buffer function compared to retention of the existing grades. Grading should not endanger or remove existing trees which occur within a landscape buffer yard, unless the proposal clearly demonstrates an enhanced buffer. The use of earthen berms within a landscape buffer yard is encouraged when disturbance to existing vegetation can be minimized. Where berms are incorporated into the yard, the required plantings may have a lesser mature height, provided that the combined height of the berm and plantings will equal the required mature heights of plantings.
- vi. Other uses within landscape buffer yards prohibited. Trails may occur within landscape buffer yards provided that the required effect of the yard is not compromised.
- vii. Buffer yards shall be continuous and unbroken except for driveways or sidewalks required to access parking areas or streets. Driveway/sidewalk penetrations shall cross the buffer yard as close to perpendicular as possible
- viii. Maintenance of required landscape materials. The property owner shall maintain landscaping required by this section.
- ix. Safety Design Standards. Clear lines of sight shall be maintained along streets and driveways to provide for the safety of motorists, pedestrians and bicyclists.

B. Farm-Residential District (FR)

1. Intent

The Town, as a rapidly growing community, recognizes that certain areas of the town will experience residential growth while the basic rural agricultural orientation remains. It is the intent of this chapter to allow these uses to coexist and develop harmoniously.

2. Permitted Uses

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

- Agriculture
- Farm Enterprise
- Building, Accessory
- Campground, Commercial
- Campground, Personal
- Cemetery
- Child Care, Family Home
- Dwelling, Two-Family
- Dwelling, Multifamily
- Dwelling, Single-Family Detached
- Forestry
- Golf Course
- Home Occupation 1
- Home Occupation 2
- Kennel, Minor
- Mineral Extraction
- Place of Worship
- Public Building
- Sawmill, Temporary
- 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:

- Agriculture, Piggery
- Agriculture, Poultry Facility
- 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
- Retail Sales, Nursery
- Riding Stable
- Sawmill, Permanent

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-Residential District:

(a) Minimum Lot Size:	
(1) Standard	5030 ,000 s.f.
(2) Conservation Subdivision:	
(i) All subdivision lots connected to public water	20,000 s.f.
(ii) Subdivision served by wells or a private system	20,000 s.f.
(3) Country Subdivision:	6 acres
(b) Maximum Lot Size:	<u>50,000 s.f.</u>
<u>(1) Maximum Lot Size shall apply to all new lots created after [EFFECTIVE DATE OF ORDINANCE]</u>	
(c) Net Residential Density:	<u>40,000 sf.1 dwelling unit/2 acres</u>
<u>(1) This density standard shall be calculated from existing lots as of [EFFECTIVE DATE OF ORDINANCE]</u>	
<u>(2) Accessory Apartments will not be counted in the calculation of overall Net Residential Density</u>	
<u>(3) Country Subdivision</u>	250,000 s.f.
(d) Minimum Frontage:	
(1) Standard	150 ft.
(2) Conservation Subdivision	75 ft.
(3) Conservation Subdivision, where Frontage is entirely on cul-de-sac	50 ft.
(e) Minimum Front Setback:	
(1) From existing Public Streets	30 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.	
(ii) <u>The minimum front Setback of a lot may be increased in accordance with streetscape landscaping standard below.</u>	
(2) Conservation Subdivision	25 ft.
(3) Non-Residential Use: Minimum Landscaped Buffer Strip	15 ft.
(f) Minimum Side Setback:	
(1) Standard:	10 ft.
(2) Conservation Subdivision:	10 ft.

(g) Minimum Rear Setback:	
(1) Standard:	10 ft.
(2) Conservation Subdivision:	10 ft.
(h) Maximum Building Height:	35 ft.
(1) Agriculture, Public Buildings, Church Steeples	No Limit
(i) Maximum Building Coverage:	20%

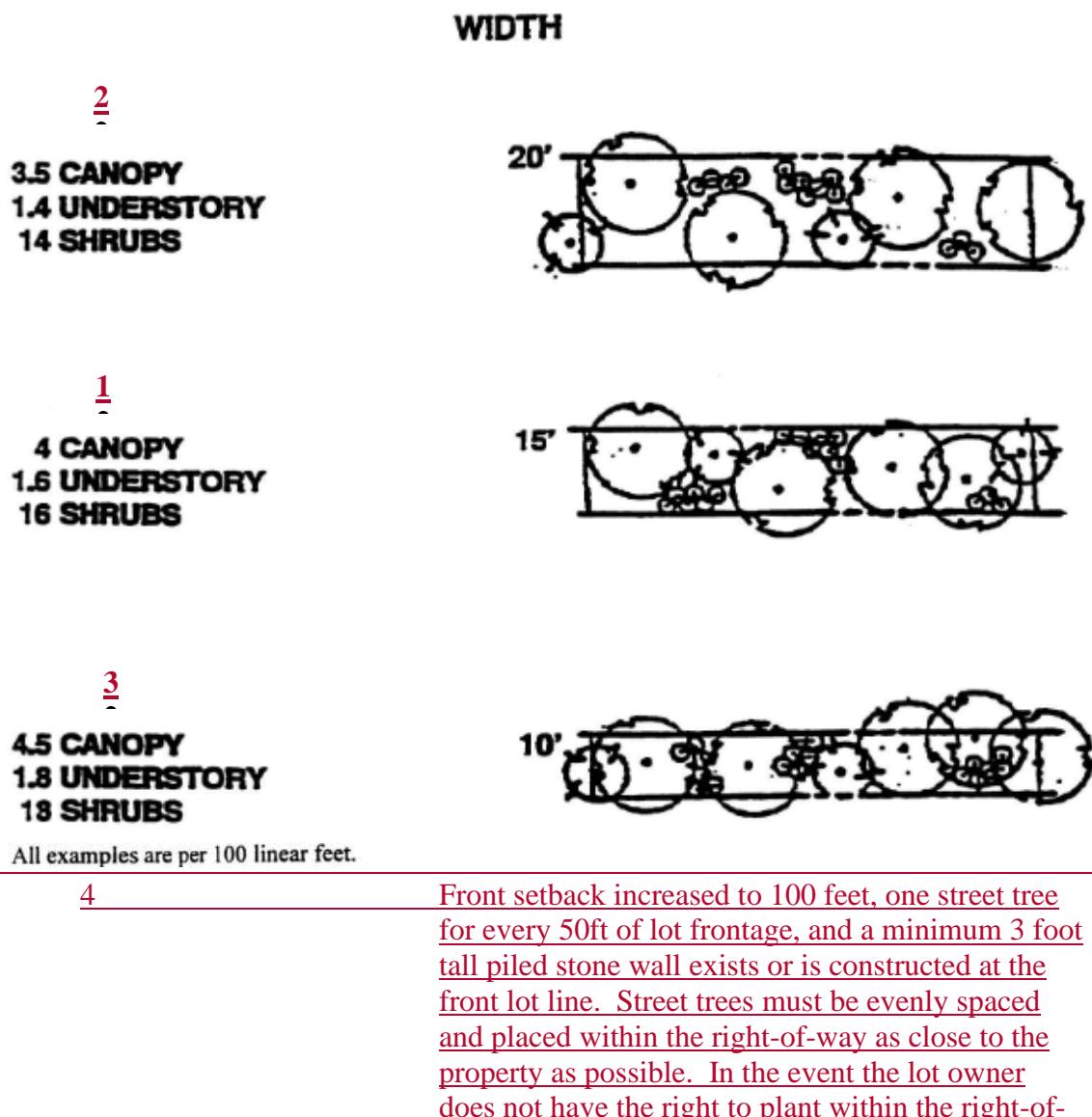
6. District Standards

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

- (a) Agriculture, Poultry Facility
 - (1) A facility may raise twenty-five (25) or fewer birds at any one time.
- (b) Agriculture, Piggery. Piggeries shall conform with the standards for "Agriculture, Piggery" in Section 503 of the Performance Standards.
- (c) Conservation Subdivision (*See Sec. 900 Subdivision Review*)
- (d) Curb Cuts. See "Curb Cuts and Driveway Openings" in Section 500 Performance Standards for standards applicable to the Farm Residential District
- (e) 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.
- (f) Medical Office. See "Medical Office" in Section 500 Performance Standards for size limitations.
- (g) 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

(h) Streetscape landscaping shall be provided along the Frontage of a lot greater than one (1) acre in size to standards established by the following the figures, Landscape Buffer Yard Standards, below. The property owner may choose among the buffer yard widths and plantings to satisfy the requirement. These yard requirements are stated in terms of minimum yard width and the density of required plant material per linear foot of yard. To determine the total number of plants required, the length of the lot frontage shall be divided by one hundred and multiplied by the number of plants shown in the illustration. Agriculture and Forestry Uses are not subject to this standard.

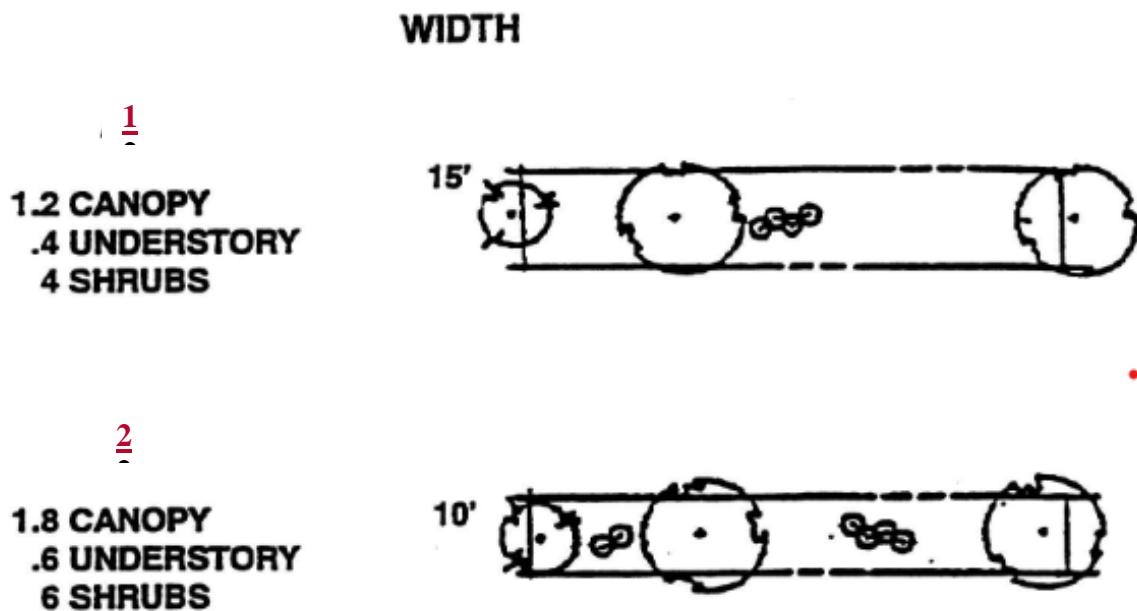
Figure 1 Frontage on Public Street
STANDARD B—LANDSCAPE BUFFER YARDS



way, the street trees will be placed on the new lot as close to the right-of-way as possible.

Figure 2 Frontage on Private Way or Private Road

STANDARD A—LANDSCAPE BUFFER YARDS



All examples are per 100 linear feet.

(1) Streetscape bufferyards may be reduced by 5 feet of their required width when a minimum 3 foot tall piled stone wall exists or is constructed at the front lot line.

(2) Landscape buffer yard design and materials

i. Existing Native Plant Material. The use of existing plant material is strongly encouraged in landscape buffer yards. Existing natural groundcover should be retained where possible by avoiding scraping, grading and sodding within the landscape buffer yard. Where the planting requirements require additional trees or shrubs to be installed in an existing natural area, installation should minimize disturbances to native species.

- ii. Trees. Where the planting requirements indicate that additional trees shall be installed, required trees shall be a minimum of six feet in height or two inches in caliper, as appropriate. At least one-half of the required trees shall be locally adapted natural evergreen species. Trees shall be distributed throughout the yards, so that there are no horizontal gaps between trees greater than thirty feet as measured parallel to the property line. Required canopy trees shall have an expected mature height of thirty feet or greater. Required understory trees shall have an expected mature height of at least fifteen feet.
- iii. Shrubs. Shrubs planted to meet the minimum standards of this article shall be a minimum of one and one-half feet in height when planted and at least one-half shall be expected to reach five feet or greater in height within five years of planting. At least one-half of the required shrubs shall be locally adapted evergreen species. Shrubs planted on berms may have a lesser mature height provided that the combined height of the berm and plantings after five years is at least five feet. Shrubs shall be planted in such a way as to form continuous coverage with no shrub being greater than five feet from another as measured parallel to the property line. Shrubs may be planted in staggered rows or any other pattern which still achieves the desired continuous coverage.
- iv. Compatibility of Landscaping Materials. Supplemental plantings should be chosen to enhance the existing vegetation within the landscape buffer yard. The species used in the supplemental plantings should be species that occur naturally in the landscape, and should be selected for their noninvasive properties
- v. Grading and Use of Berms. Proposals for grading within a landscape buffer yard shall demonstrate superior enhancement of the buffer function compared to retention of the existing grades. Grading should not endanger or remove existing trees which occur within a landscape buffer yard, unless the proposal clearly demonstrates an enhanced buffer. The use of earthen berms within a landscape buffer yard is encouraged when disturbance to existing vegetation can be minimized. Where berms are incorporated into the yard, the required plantings may have a lesser mature height, provided that the combined height of the berm and plantings will equal the required mature heights of plantings.
- vi. Other uses within landscape buffer yards prohibited. Trails may occur within landscape buffer yards provided that the required effect of the yard is not compromised.
- vii. Buffer yards shall be continuous and unbroken except for driveways or sidewalks required to access parking areas or streets. Driveway/sidewalk penetrations shall cross the buffer yard as close to perpendicular as possible
- viii. Maintenance of required landscape materials. The property owner shall maintain landscaping required by this section.
- ix. Safety Design Standards. Clear lines of sight shall be maintained along streets and driveways to provide for the safety of motorists, pedestrians and bicyclists.

Section 300 Definitions

Agriculture. The production, storage, keeping, harvesting, grading, packaging, processing, boarding, or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horse, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees, and forest berries; vegetables; nursery, floral, ornamental, and greenhouse products. Agriculture does not include forestry or sawmills, as defined in this Ordinance. (See Sec. 500 Performance Standards)

Farm Enterprise. A use accessory to Agriculture which is dependent upon the property, buildings or on-site agricultural products or animals that would allow working farms to generate additional income from uses such as indoor or outdoor events, weddings, restaurants, lodging for special events and other on-farm activities not directly related to Agriculture. (See Sec. 500 Performance Standards)

Forestry. The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

526 Farm Enterprise

A. Approval Required. The Board of Appeals must approve all applications for a Farm Enterprise.

1. The granting of a Farm Enterprise shall apply to the applicant and shall not be transferable to a subsequent owner of the property.

B. Public Notification. Notice shall be sent to all owners of abutting property at least seven (7) days prior to the Board's initial consideration of an application.

C. Public Hearing. The Board of Appeals shall hold a public hearing on any application. Notice of the public hearing shall be:

1. Mailed to the owners of all abutting property at least seven (7) days prior to the hearing.

2. Advertised in a newspaper of general circulation at least seven (7) days prior to the hearing.

D. Permitted Uses. Farm Enterprise uses shall be as follows:

1. Uses that meet the standards of Subsection 5XX.F.

a. Uses may include public or private events such as meetings, parties, weddings, receptions, dances, sporting events and on-site lodging for the special event.

E. Standards

1. The property serving as the site for a farm enterprise shall be at least five (5) contiguous acres and principal agriculture use. The property may or may not have a residential use.

2. The farm enterprise shall be owned by the owner of the agriculture use.
2. The farm enterprise is located on property owned by the owner of the agriculture use.
3. Should the farm enterprise not be conducted in an existing structure, new structure(s) constructed, or temporary structures, such as tents, erected for the sole purpose of conducting a farm enterprise shall not exceed a total of 10,000 square feet of ground area.
4. Noise. The standards in Section 812.S shall apply.
5. Hours. Hours of operation shall be limited to the hours of 8:00 am to 10:00 pm.
6. Lighting. All lighting associated with the farm enterprise shall be turned off by 11:00 pm. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky.
7. Parking. In addition to the off-street parking provided to meet the normal requirements of the farm, adequate off-street parking shall be provided for the following:
 - a. Vehicles of each employee, and
 - b. Vehicles of the maximum number of users which the farm enterprise may attract during peak operating hours.
8. Sewage. Evidence shall be provided that the property's subsurface disposal system can accommodate the wastewater generated by the farm enterprise. Temporary use of portable toilet units is allowed for special events. Prior to each event, the location and number of portable toilet units shall be approved by the Code Enforcement Officer.
9. Traffic
 - a. The Board of Appeals may require parking attendant(s) to direct traffic into the facility and towards available parking at the start of the event.
 - b. Temporary directional signage shall be located on any entrance and within the parking area to ensure orderly flow of traffic. Temporary signs shall be placed prior to all events and removed at the conclusion of the event.
10. Operation Limits for public or private events, and other types of periodic uses.
 - a. No more than twenty-four (24) individual events may be held in a calendar year.

F. Conditions. The Board of Appeals may place conditions on the farm enterprise to minimize impacts on area properties. The conditions must be related to the Board of Appeal's findings on the standards listed in Subsection 526.F.

Section 800 Site Plan Review**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 one thousand (1,000) 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 one thousand (1,000) square feet, whichever is greater.
 - 3. The conversion of an existing building in which one thousand (1,000) 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.
 - 6. The construction of a residential building containing three (3) or more dwelling units.
 - 7. The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more in any five (5) year period.
 - 8. The conversion of an existing nonresidential building or structure, in whole or in part, into three (3) or more dwelling units within a five (5) year period.
 - 9. The cumulative Development of an area equal to, or greater than, one (1) acre within any three (3) year period. The applicability of this section does not include the construction of streets that are reviewed as part of a subdivision application under the standards of Section 900 of this Ordinance. *For Developments of less than one (1) acre, the standards of Chapter 142 Surface Water Protection Ordinance may apply.*

B. The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit or other state or local approvals:

1. The construction, alteration, or enlargement of a single family or two-family dwelling, including accessory buildings and structures.
2. The placement, alteration, or enlargement of a single manufactured housing or mobile home dwelling, including accessory buildings and structures on individually owned lots.
3. Agricultural activities, including agricultural buildings and structures, and farm enterprise.
4. Timber harvesting and forest management activities.
5. The establishment and modification of home occupations.
6. Activities involving nonresidential buildings or activities that are specifically excluded from review by the provisions of this section.