

**Article #?:** Shall the Town vote to adopt an Ordinance entitled “Amendments to the Arundel Land Use Ordinance current section 8.6.4.5 *Criteria for Granting Special Exceptions* in the Stream Protection District?” Text of the proposed revisions are presented in Exhibit ?.

## **Planning Board Recommends Adoption**

### **Exhibit #?**

#### **Proposed Addition of Special Exceptions in the Stream Protection District**

##### **8.6.4.5. Criteria for Granting Special Exceptions:**

The Planning Board may grant a special exception of the 75-foot setback from the resource in a Stream Protection District under extraordinary circumstances and provided all of the standards below are met:

- a. The Special Exception shall not be granted as a remedy for a violation of Shoreland Zoning setbacks requirements.
- b. The affected parcel is not within the Upper Thatcher Brook, Richardson Brook, Goff Mill Brook, or Duck Brook watersheds;
- c. The affected parcel must be a lot of record prior to June 14, 2017 and has no alternative site for a single-family dwelling unit on the property outside of the Stream Protection District;
- d. The setback shall be no less than 50 feet from the upland edge of the resource and associated wetlands
- e. The encroachment into the SP District is permitted only for a single-family residential unit and not accessory structures, walls, decks, permanent boardwalks, paved trails/paths, non-native vegetation or other similar landscape elements;
- f. The applicant compensates for the loss of existing overstory and understory vegetation from the encroachment on the opposite side of the watercourse or along the stream corridor;
- g. The gradient of the bordering upland in the impact area is a natural reverse gradient away from the stream and associated wetlands;
- h. There are no slopes exceeding 20% in the impacted area of the SP district