

**Town of Arundel – Land Use Ordinance Revisions**  
**Proposed Language for Special Exceptions in the Stream Protection District**  
*September 17, 2020*

**8.6.3.5. 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 provided all of the standards below are met:

- a. The Special Exception provision shall never be applied as a remedy for a violation of Shoreland Zoning provisions.
- b. 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;
- c. The encroachment into the SP District is permitted only for a single-family residential unit and not accessory structures, walls, decks, or landscape elements;
- d. 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;
- e. The gradient of the bordering upland in the impact area is a natural reverse gradient away from the stream and associated wetlands;
- f. There are no slopes exceeding 20% in the impacted area of the SP district