

September 2, 2016

Draft Amendments to the Basic Land Use Ordinance, Shoreland Zoning Ordinance, and Subdivision Ordinance Dealing with the Deduction of Wetlands and Other Areas from the Area of a Lot

Proposed additions to the ordinances are underlined;
proposed deletions are ~~struck-out~~.

Basic Land Use Ordinance

1. Amend Section 11.1.3 to read as follows:

~~11.1.3. Land below the maximum high water line of a water body, tributary stream, or upland edge of a wetland and land which is part of a road, or a transportation right-of-way, or easement serving more than two (2) lots, except rights-of-way or easements used exclusively for pedestrian access, shall not be included when calculating minimum lot area. The following land shall not be included in the calculation of the area of a lot for the purposes of meeting minimum lot size or other density or dimensional requirements:~~

11.1.3.1 Land below the maximum high water line of a great pond, stream, or tributary stream,

11.1.3.2 Land below the HAT of a coastal wetland,

11.1.3.3 Land below the upland edge of a freshwater wetland with a contiguous area of more than twenty thousand (20,000) square feet,

11.1.3.4 Land which is part of a road, or a transportation right-of-way, or easement serving more than two (2) lots, except rights-of-way or easements used exclusively for pedestrian access, and

11.1.3.5 Land created by the filling or draining of a great pond, stream, tributary stream, or coastal or freshwater wetland.

Shoreland Zoning Ordinance

1. Amend Section 15.1.1 to read as follows:

~~15.1.1. Land below the maximum high water line of a great pond, stream, tributary stream, HAT of the coastal wetland or upland edge of a freshwater wetland described in Section 3 of this Ordinance, and land that is part of a road or transportation right-of-way serving more than two (2) lots except rights-of-way or easements used exclusively for pedestrian access, shall not be included when calculating minimum lot area. The following land shall not be included in the calculation of the area of a lot for the purposes of meeting minimum lot size or other density or dimensional requirements:~~

15.1.1.1 Land below the maximum high water line of a great pond, stream, or tributary stream,

15.1.1.2 Land below the HAT of a coastal wetland,

15.1.1.3 Land below the upland edge of a freshwater wetland with a contiguous area of more than twenty thousand (20,000) square feet,

15.1.1.4 Land which is part of a road, or a transportation right-of-way, or easement serving more than two (2) lots, except rights-of-way or easements used exclusively for pedestrian access, and

15.1.1.5 Land created by the filling or draining of a great pond, stream, tributary stream, or coastal or freshwater wetland.

Subdivision Ordinance

1. Amend Section 9.5 to read as follows:

9.5. Land Not Suitable for Development

The following land may not be included in the calculations of lot area: The following land shall not be included in the calculation of the area of a lot for the purposes of meeting minimum lot size or other density or dimensional requirements:

9.5.1 Land below the maximum high water line of a great pond, stream, or tributary stream,

9.5.2 Land below the HAT of a coastal wetland,

9.5.3 Land below the upland edge of a freshwater wetland with a contiguous area of more than twenty thousand (20,000) square feet,

9.5.4 Land which is part of a road, or a transportation right-of-way, or easement serving more than two (2) lots, except rights-of-way or easements used exclusively for pedestrian access, and

9.5.5 Land created by the filling or draining of a great pond, stream, tributary stream, or coastal or freshwater wetland.

~~9.5.1. Land below the maximum high water mark of a water body, tributary stream, or pond;~~

~~9.5.2. Land which is part of a road or transportation right-of-way or easement, except rights-of-way or easements used exclusively for pedestrian access;~~

~~*Citizen's Note: The intent of excepting rights-of-way or easements used exclusively for pedestrian access is to not discourage the development of walking paths, bike trail, bridle path, and other paths for pedestrian travel or recreational use.*~~

~~9.5.3. Wetland areas greater than twenty thousand (20,000) contiguous square feet; and~~

~~9.5.4. Land created by the filling or draining of a water body, tributary stream, or wetland.~~