

**Chapter 3 – LAND DEVELOPMENT REGULATIONS**

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**ARTICLE III. - APPLICATION REVIEW AND APPROVAL REQUIREMENTS**

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**Sec. 3-33. – Site Plan Application.**

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- (2) *Approval criteria.* The town council shall use the following criteria in making their decision regarding approval or disapproval of a site plan application:
- a. The development permitted by the application, if granted, conforms to the growth management plan, is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered.
  - b. The development permitted by the application, if granted, will have a favorable impact on the environmental and natural resources of the town, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. In addition, the development shall demonstrate compliance with a minimum of three (3) LEED “Neighborhood Green Standards” or similar criteria.

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**ARTICLE IV. - DISTRICTS AND DEVELOPMENT STANDARDS**

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**Sec. 3-63. – CON, Conservation District.**

The conservation district is composed of environmentally sensitive areas. It is intended to preserve and protect open spaces, park lands, wilderness areas, marshlands, watersheds and water recharge areas, scenic areas, beaches, and native flora and fauna. It is also intended to preserve areas for residents and visitors to view wildlife in their natural habitat as a passive recreational opportunity.

- (1) *Permitted uses.*
- a. Elevated walkway (with railing).
  - b. Undeveloped passive park and open space.
  - c. Scenic viewing tower.
  - d. Recreational facility (limited to trail, interpretive centers, viewing areas and other recreation uses deemed to be of low intensity).

- (2) *Site development standards.* Site development standards are as approved by town council. Living shorelines shall be required when shoreline stabilization is deemed necessary, unless an alternative method of shoreline stabilization is approved by the director.

**Sec. 3-64. - WU, Water Use District.**

The economy of the town depends in measure upon the protection and preservation of water areas within the jurisdiction of the town. All designated waters, including, but not limited to, basins, canals, lakes, waterways, and all public or privately owned submerged lands, are included in this district.

(1) *Permitted uses.*

- a. Public and privately owned bodies of water, including ponds, lakes and canals.
- b. Boat ramp, dock and pier incidental to residential uses and marinas where such activities are permitted uses on upland property abutting a WU district. Site plan approval is required for all uses.
- c. Living shorelines and alternative shoreline stabilization.

- (2) *Site development standards .* Ramps, docks, and piers shall be similar in design, height, and appearance to those on adjoining lots. They are limited to one per lot with a minimum width of four feet and extending no more than 20 feet waterward of the lot line for lakes and no more than six feet for canals. Structures shall be setback a minimum of ten feet from side property lines and 20 feet from adjoining docks. Living shorelines shall be required when shoreline stabilization is deemed necessary, unless an alternative method of shoreline stabilization is approved by the director.

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**ARTICLE V. - GREEN STANDARDS**

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**Sec. 3-72. - Standards.**

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- (c) *Hybrid electric vehicles and inherently low emission vehicle parking.* Nonresidential and/or multifamily development requiring 20 or more parking spaces shall provide an area for parking hybrid electric vehicles (HEV), inherently low emission vehicles (ILEV), and golf carts equal to five percent of the off-street parking required for the site. The provisions of this subsection shall also apply to those properties located east of Old Cutler Road requiring ten or more parking spaces. Such parking spaces shall be clearly marked and reserved for such vehicles and are to be located close to the handicapped parking spaces. Vehicles parking in these spaces must display a current state division of motor vehicles issued decal.

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