

## FUTURE LAND USE ELEMENT

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### *GOAL 1*

**To preserve and enhance the character of the Town of Longboat Key by the following: 1) ensuring that the location, density, intensity, and character of land uses are responsive to the social and economic needs of the community and are consistent with the support capabilities of the natural and manmade systems; and 2) maintaining an environment that is conducive to the health, safety, welfare, and property values of the community.**

### **OBJECTIVE 1.1**

**The Town will manage land development through the preparation, adoption, implementation, and enforcement of land development regulations.**

#### Policy 1.1.1

The Town has adopted land development regulations, which address the location and extent of land uses, in accordance with the Future Land Use Map and the policies and descriptions of types, densities, and intensities of land uses contained in this element.

#### Policy 1.1.2

The Town will utilize its land development regulations to implement the adopted Comprehensive Plan, which at a minimum will:

- 1) Regulate the subdivision of land;
- 2) Regulate the use of land and surface waters;
- 3) Ensure the compatibility of adjacent land uses;
- 4) Protect the Conservation Lands designated in the Conservation and Coastal Management Element;
- 5) Manage areas subject to seasonal and periodic flooding and provide for appropriate stormwater management;
- 6) Regulate signage;
- 7) Regulate onsite traffic circulation, site access, and parking demands;
- 8) Provide buffering and open space requirements;
- 9) Provide for water conservation principles in landscaping regulations,
- 10) Ensure that development orders and permits will not result in a reduction of the levels of service for the affected public facilities (except transportation facilities) below the level of service standards adopted in this Comprehensive Plan; and,
- 11) Consider the impacts of land use plan amendments and development orders on the transportation system.

### Policy 1.1.3

The Town will review and update its land development regulations and performance standards that ensure the protection of environmentally-sensitive land, which at a minimum will:

- 1) Protect conservation lands as designated in the Conservation Element.
- 2) Adhere to appropriate Florida Department of Environmental Protection (FDEP) and Southwest Florida Water Management District (SWFWMD) regulations regarding development.
- 3) Adhere to appropriate federal, state and local regulations and standards regarding designated wetlands, dunes, surface waters, and other environmentally-sensitive lands.

### Policy 1.1.4

As required or as necessary, the Town will review and update its land development regulations implementing this Comprehensive Plan, which will be based on and consistent with the standards for land use densities and intensities, as indicated on Table 1 and Policy 1.1.10.

### Policy 1.1.5

The Land Development Code will specify standards for redeveloping lawfully existing property that does not currently conform to the future land use density and building volume limits provided elsewhere in this Plan—and may establish standards to conform certain property with lawfully existing nonconforming density.

### Policy 1.1.6 [RESERVED]

### Policy 1.1.7

In development planning efforts, emphasis will be placed upon the protection of the visual and aesthetic character of neighborhoods, including open space.

### Policy 1.1.8

The Town has developed a waterbody classification system and map to assist with the implementation of the land development regulations.

### Policy 1.1.9

The Town will use overlay zone districts, planned unit developments (PUD), and other innovative land use controls in planning for redevelopment. Planned unit developments may allow for height and lot coverage (building coverage) that exceed the standard maximums, as set forth in Policy 1.1.10 and Table 1, as necessary or desirable to encourage flexibility in design and development, to promote the most appropriate use of the PUD, to facilitate the adequate and economical provision of infrastructure and public spaces, to preserve the natural and scenic qualities of open areas, and to improve site qualities, while ensuring public health, safety, comfort, order, appearance, convenience, and general welfare.

### Policy 1.1.10

The Future Land Use Map, Figure 2, contains the following future land use categories that are further detailed in and implemented by the land development regulations. Table 1 divides real property on the island into two (2) overarching types of future planning areas: Opportunity Areas and Established Areas. Opportunity Areas are real properties suitable for dynamic redevelopment. Established Areas are real properties the development of which are mature in nature and whose development character is not anticipated to change beyond what is currently existing, foreseen by the current future land use categories of the Comprehensive Plan, or the applicable uses and standards of the land development regulations. Table 1 provides the maximum densities and intensities of development for each future land use category in the Established Areas. Height restrictions for each category do not apply to antennae, enclosed elevator shafts, enclosed stairwells and their parapet walls, enclosed mechanical equipment areas, chimneys, or house of worship spires, but the Town land development regulations limit their height. Additional development criteria, parameters, and standards for future land use categories in the Opportunity Areas are provided in the land development regulations.

**Opportunity Areas (OSO).** This category includes lands that are publicly-owned or controlled, and are designed, used or intended to be used for open space and recreational activities by residents and visitors. Additional development criteria, parameters, and standards are provided in the land development regulations.

**Open Space – Active Established Area (OS-A).** Uses include, but are not limited to, on-site improvements, structures or other active, player-oriented facilities such as recreation centers, community centers, playgrounds, ballfields, tennis courts and associated accessory facilities. Impervious surface coverage is limited to 30 percent of the lot or parcel.

**Open Space – Passive Established Area (OS-P).** Uses include those that allow for primarily less-active leisure pursuits such as, but are not limited to, nature trails, nature centers and associated accessory structures such as restrooms, boardwalks, docks and parking areas (including ingress/egress aisles). Impervious surface coverage is limited to 15 percent of the lot or parcel.

**Open Space – Conservation Established Area (OS-C).** Uses include those that allow for the protection and management of natural areas or archaeological sites to remain in their natural state with little or no disturbance. Structures are limited to improvements such as boardwalks, permeable pathways and signage necessary for conservation management, limited public access, and resource-related educational activities.

**Island Preserve Established Area (IP).** This residential category addresses residentially developed islands offshore of the mainland of Longboat Key. Density is limited to one dwelling unit per five acres. Public service facilities must be provided by the developer prior to construction of any habitable structures.

**Single-Family Residential Opportunity Areas (SFRO).** This category permits single-family dwelling units. Additional development criteria, parameters, and standards are provided in the land development regulations.

Low-Density Single-Family Residential Established Area (RL-1). This category is intended to protect and preserve opportunities for detached single-family units, at a density of up to one (1) unit per acre. This category is located at highly valued water-oriented sites along the bay, bayou or gulf. It provides for land area to accommodate a unique lifestyle that cannot be accommodated in the more dense residential areas. Development and redevelopment must be compatible with the need for preserving an estate residential character and minimize potential adverse impacts to fragile natural systems, including estuaries and dune systems.

Low-Density Single-Family Residential Established Area (RL-2). This category is intended to protect and preserve single-family residential areas for detached single-family units, at a density up to two (2) units per acre. This category is appropriate for larger lots located along Gulf of Mexico Drive adjacent to saltwater bodies. It provides land area to accommodate a unique lifestyle that cannot be accommodated in the more dense residential areas. Development and redevelopment must be compatible with the preservation of the prevailing density pattern and minimize potential adverse impacts to fragile natural systems.

Multiple-Family Residential Opportunity Area (MFRO). This category permits multiple-family residential development. Additional development criteria, parameters, and standards are provided in the land development regulations.

Medium-Density Single-Family/Mixed Residential Established Area (RM-3). This category allows medium-density residential development, including single-family detached units, multiple-family units, or a mixture of single-family detached units and multiple-family units, at a density of no more than three (3) units per acre.

Medium Density Single-Family/Mixed Residential Established Area (RM-4). This category allows medium-density residential development, including single-family detached units, multiple-family units, or a mixture of single-family detached units and multiple-family units, at a density of no more than four (4) units per acre.

High Density Single-Family/Mixed Residential Established Area (RH-6). The high density single-family/mixed residential category permits dwelling units and community residential homes with six or fewer residents plus staff per dwelling unit. This category allows high density residential development, including single-family detached dwelling units, multiple-family dwelling units, or a mixture of single-family detached dwelling units and multiple-family dwelling units, at a density of no more than six dwelling units per acre. Specific density of future development proposals within these areas must provide for smooth transitions in residential density and compatibility with the surrounding area, shall preserve stability of established residential areas, and include sufficient open space, parking and landscaping to reinforce goals and objectives for quality living areas.

Commercial Tourism Destination Opportunity Areas (CTDO). This category permits resort-style tourism uses. Additional development criteria, parameters, and standards are provided in the land development regulations.

Tourist Resort Commercial Established Areas (TRC-3 / TRC-6). These categories permit the unique needs for resort-oriented facilities. These facilities generally are marketed as vacation accommodations for tourists and other transients seeking an environment with a high level of amenities. Uses include multifamily dwelling units, time-share units, and tourism units. Associated resort amenities, such as restaurants, shops, and recreational facilities, may be permitted on the site in conjunction with a tourist resort commercial development. All commercially provided recreational activities requiring shoreline or near-shore water utilization must be concentrated at the commercial hotel facilities. Additional tourism units may be allowed pursuant to Future Land Use Policy 1.1.11. Lot coverage may exceed the standard lot coverage by up to 10%, and height may exceed the standard height by one story as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations. Table 1 provides associated density, height, and lot coverage allowances and limits for these categories. The additional story as shown in Table 1 for TRC-6 may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations.

Commercial / Residential Mixed Use Opportunity Area (CRMO). This category permits a vertical mix of residential and nonresidential uses. Additional development criteria, parameters, and standards are provided in the land development regulations.

Mixed Use Community. The mixed use community (MUC) categories allow a mix of residential and nonresidential uses in planned communities developed through the planned unit development (PUD) procedures and standards of the land development regulations. The MUC categories encompass mixed use communities approved under prior adopted resolutions and ordinances of the Town Commission, which prior approved uses, densities and intensities are hereby recognized and affirmed. In each MUC, density is calculated on the basis of the average overall density of tourism and dwelling units per acre of all property included in the respective MUC. Clustered development patterns are encouraged and thus the density of separate parcels within each MUC may exceed the average overall density of the MUC category. No boundary of any existing MUC shall be expanded to include additional lands unless contiguous to the boundaries of the MUC as it existed as of December 31, 2010. Redevelopment may occur up to the maximum densities designated herein and consistent with the public health, safety and welfare, best quality design, expanded recreational and open space amenities, and adequate public infrastructure and services. Within the acreage allocated for nonresidential uses, tourism units and associated resort amenities, commercial/office uses, and institutional uses must not exceed a maximum lot coverage of 30 percent of a project site per use, except an additional 10% of lot coverage per use may be permitted through the PUD procedures and standards of the land development regulations to improve the design of the community and functionality of the uses, as shown on Table 1. Similarly, the standard height of nonresidential structures in MUC-1 may be increased by one story through the PUD procedures and standards of the land development regulations to improve the design of the community and functionality of the uses, as shown on Table 1.

A minimum of 50% of the total property within the MUC must be maintained in open space. Open space means an area comprised of permeable open surfaces excluding

structures and impermeable surfaces. Recreation uses include, but are not limited to, those uses allowed in the Open Space – Active and Open Space – Passive land use categories, the recreational facilities identified in Table 1 of the Recreation and Open Space Element, and golf courses. Recreational acreage is not limited. The mix of uses within the contiguous boundaries of each MUC, as calculated prior to the application of the 50% open space requirement, is allocated as follows:

Mixed Use Community – Bay Isles Established Area (MUC-1). This category encompasses the Bay Isles community, formerly delineated as the Planned Development (PD) FLUM category. Average overall density within the entire contiguous boundaries of the MUC-1 must not exceed 3.26 dwelling units per acre. The maximum percentages of uses do not include 7.1% for existing recreational uses including, but not limited to, the clubhouse, yacht club and recreational maintenance buildings.

<u>Use</u>	<u>Maximum Percent of Total Property Within the MUC</u>
Residential	37%
Tourism (units and associated resort amenities)	0%
Commercial/Office	4%
Institutional	2.5%

Mixed Use Community – Islandside Established Area (MUC-2). This category encompasses the Islandside community, formerly delineated as the Gulf Planned Development (GPD) FLUM category. Average overall density within the entire contiguous boundaries of the MUC-2 must not exceed 5.05 units per acre. The maximum percentages of uses do not include 1.5% for existing recreational uses including, but not limited to, the clubhouse and recreational maintenance buildings.

<u>Use</u>	<u>Maximum Percent of Total Property Within the MUC</u>
Residential	33%
Tourism (units and associated resort amenities)	12%
Commercial/Office	1.5%
Institutional	0%

Mixed Use Community – Promenade/Water Club Established Area (MUC-3). This category encompasses the Promenade/Water Club communities, formerly delineated as the Negotiated Planned Development (NPD) FLUM category. Density in this category recognizes the transfer of density accomplished by Town Resolution 81-8, for 175 dwelling units to the NPD in exchange for approximately 18.64 acres of land on a site located near the mid-point of the key that became Joan M. Durante Park. Average overall density within the entire contiguous boundaries of the MUC-3 must not exceed 11.26 dwelling units per acre.

<u>Use</u>	<u>Maximum Percent of Total Property Within the MUC</u>
Residential	100%
Tourism	0%
Commercial/Office	0%
Institutional	0%

Institutional Established Area (INS). This category is for use by public and semipublic facilities including, but not limited to schools, government buildings, civic centers, utilities, houses of worship, parks and recreation areas, cemeteries, and nursing homes. Lot coverage may exceed the standard lot coverage by up to 10%, as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations.

Office-Institutional Established Area (OI). This category allows for a variety of office and private institutional uses including, but not limited to, banks and other financial institutions. Tourism units may be allowed pursuant to Future Land Use Policy 1.1.11. A maximum of 15% additional lot coverage may be granted as a waiver in conjunction with the revitalization of the development, as further detailed in and implemented by the land development regulations. Lot coverage also may exceed the standard lot coverage by up to 10%, as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations.

Commercial Opportunity Area (COMO). This category permits office-institutional uses as well as retail sales and services. Additional development criteria, parameters, and standards are provided in the land development regulations.

Limited Commercial Established Area (CL). This category is intended to provide essential tourist or household services in locations highly accessible to residential areas and major thoroughfares. Uses may include neighborhood shops with limited inventory or goods, and specialty shops oriented to services and goods for resort uses in the immediate vicinity, and those uses allowed in the Office/Institutional category. Structures may not exceed lot coverage of 30 percent, and maximum height is 30 feet.

General Commercial Established Area (CG). This category is intended to accommodate general retail sales and services located in highly accessible areas adjacent to major or minor arterials. Uses may include those uses allowed in the Office/Institutional and Limited Commercial categories but not activities or trades that generate nuisance impacts such as noise, air pollutants or fire hazards, nor is wholesaling or warehousing allowed. Structures may not exceed lot coverage of 30 percent, and maximum height is 40 feet.

Highway Commercial Established Area (CH). This category is intended for uses that require access to major arterials and sufficient area for internal vehicular circulation and parking. Uses may include, but are not limited to, vehicular service stations, hotels, motels and restaurants, and retail sales and services oriented to the motoring public or transient resident. Lands designated in this category must not be located adjacent to residential development. Office/Institutional, Limited Commercial and General Commercial uses may be allowed. Structures may not exceed

lot coverage of 40 percent and maximum height is 40 feet. Tourism units must not exceed three units per acre, except as allowed by Future Land Use Policy 1.1.11.

Marine Commercial Service Established Area (MCS). This category is intended for sales and services oriented to the marine industry, such marine repair and services, employee services, storage and commercial support services. One accessory dwelling unit located on the same lot may be permitted as provided in the land development regulations. Structures may not exceed lot coverage of 40 percent and maximum height is 30 feet.

In each of the Commercial Established areas (CL, CG, CH, and MCS) described above, tourism units may be allowed pursuant to Future Land Use Policy 1.1.11. A maximum of 15 % additional lot coverage may be granted as a waiver in conjunction with the revitalization of the commercial development, as further detailed in and implemented by the land development regulations. Lot coverage also may exceed the standard lot coverage by up to 10%, as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations. A waterfront restaurant may be allowed an additional five feet in building height above the maximum allowed in the land use category.

Whitney Beach Overlay (WBO). The Whitney Beach Overlay category is intended to provide incentives that encourage redevelopment in a mixed use pattern that promotes high quality site design while protecting adjacent residential areas. Owners within the WBO may choose to develop pursuant either to the underlying Future Land Use categories for their properties, or the WBO standards herein. Development proposals must include a substantial consolidation of properties within the WBO and at least two (2) land use types from the following: residential, tourism units, commercial, office, public facility, private institutional, or recreational. One land use type must not exceed 80% of the total site. Residential uses must not exceed 30% of a mixed use project. Development approval must follow the outline development process of the land development regulations. A complete application for development approval pursuant to the WBO will receive priority for Town development review and determination. Development densities and intensities of the underlying Future Land Use categories may be transferred within and between properties that are combined in one (1) development proposal under the WBO criteria. The nonresidential intensities of the underlying Future Land Use category may be increased by 10% additional lot coverage through the planned unit development or outline development plan processes. Administrative waivers for parking flexibility, setbacks, awning overhangs, internal circulation, and open space may be provided pursuant to the land development regulations.

#### Policy 1.1.11

Historically, tourism has been an important element of the Town's economy. The Town will maintain land development regulations that implement the Town referendum vote of March 16, 2008, that permits a limited increase of no more than a total additional 250 tourism units islandwide to help restore the historic balance between residential and tourism uses. Development of the 250 tourism units, which are additional to allowed under the Comprehensive Plan at the time of the referendum, will be limited to parcels within the Medium Density Tourist Resort/Commercial (TRC-3), High Density Tourist Resort/Commercial (TRC-6), Limited



Commercial (CL), General Commercial (CG), Highway-Oriented Commercial (CH), Office-Institutional (OI), and Marina Commercial Service (MCS) future land use categories and parcels in residential future land use categories that contain an existing legal tourism use. Tourism units on Longboat Key must provide transient lodging accommodations of less than 30 consecutive calendar days or one entire calendar month, whichever is less, and are not to be used as dwelling units for permanent occupancy. The standard maximum lot coverage and height of the future land use category in which the tourism units are located applies, except that up to an additional 10% of lot coverage and an additional story as shown in Table 1 may be approved through the Outline Development Plan (ODP) process of the land development regulations. The additional story shown on Table 1 for TRC-6 may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations. In the residential land use categories, the standard maximum lot coverage and height of the zoning district in which the tourism units are located applies, except that up to an additional 10% of lot coverage may be approved through the ODP process of the land development regulations. The town must find by competent substantial evidence that the project incorporating the tourism units is in the best interest of the town and its citizens and does not adversely impact or affect the public interest.

**Table 1**  
**Land Use Densities and Intensities in the Town of Longboat Key**

<u>OPPORTUNITY AREAS</u>		<u>ESTABLISHED AREAS</u>						
<u>Symbol</u>	<u>Category</u>	<u>Symbol</u>	<u>Category</u>	<u>Density</u>	<u>Nonresidential Intensities</u>			
					<u>Maximum Lot Coverage</u>		<u>Maximum Height (stories/feet)</u>	
					<u>Standard</u>	<u>PUD or ODP</u>	<u>Standard</u>	<u>PUD or ODP</u>
OSO	Open Space							
		OS-A	Open Space – Active		30%			
		OS-P	Open Space – Passive		15%			
		OS-C	Open Space – Conservation		See Policy 1.1.10			
		IP	Island Preserve	1 du/5 ac				
SFRO	SF Residential							
		RL-1	Low Density SF Residential	1 du/ac				
		RL-2	Low Density SF Residential	2 du/ac				
MFRO	Multiple-Family Residential							
		RM-3	Medium Density SF/Mixed Residential	3 du/ac				
		RM-4	Medium Density SF/Mixed Residential	4 du/ac				
		RH-6	High Density SF/Mixed Residential	6 du/ac				
CTDO	Commercial Tourist Destination							
		TRC-3	Medium Density Tourist Resort/Commercial	3 u/ac	25%	35%	3/40	4/55
		TRC-6	High Density Tourist Resort/Commercial	6 u/ac	30%	40%	4/50	5/65**

**Table 1—continued**  
**Land Use Densities and Intensities in the Town of Longboat Key**

<u>OPPORTUNITY AREAS</u>		<u>ESTABLISHED AREAS</u>						
<u>Symbol</u>	<u>Category</u>	<u>Symbol</u>	<u>Category</u>	<u>Density</u>	<u>Nonresidential Intensities</u>			
					<u>Maximum Lot Coverage</u>		<u>Maximum Height (stories/feet)</u>	
					<u>Standard</u>	<u>PUD or ODP</u>	<u>Standard</u>	<u>PUD or ODP</u>
CRMO	Commercial/Residential Mixed Use							
		MUC-1	Mixed Use Community (Bay Isles)	3.26 du/ac	30%	40%	4/50	5/65
		MUC-2	Mixed Use Community (Islandside)	5.05 u/ac	30%	40%	4/50	12/130 (tourism units) 8/87 (other)
		MUC-3	Mixed Use Community (Promenade/Water Club)	11.26 du/ac				
		INS	Institutional		30%	40%	2/30	
COMO	Commercial							
		OI	Office-Institutional		30%	40%	2/30	
		CL	Limited Commercial		30%	40%	2/30*	
		CG	General Commercial		30%	40%	3/40*	
		CH	Highway Commercial	3 tourism u/ac	40%	50%	3/40*	
		MCS	Marina Commercial Service	1 accessory du located on the same lot	40%	50%	2/30*	

Note: Dwelling units per acre (du/ac) refers to residential units; units per acre (u/ac) includes both tourism units and residential units.

\* An additional five feet in building height allowed for a waterfront restaurant.

\*\* This additional story for TRC-6 properties may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations.

## **OBJECTIVE 1.2**

**The Town will protect natural and/or historic resources through periodic review of the resources and existing land development regulations, as well as enforcement of the appropriate land development regulations and related ordinances.**

### Policy 1.2.1

Proposals for development within the floodplains will be approved only if significant alteration of the functions of the floodplain will not occur (i.e., no increase in flood hazards will be permitted) and if the proposed development is consistent with the regulations of the appropriate agencies regulating development within floodplain areas.

### Policy 1.2.2

The property owner of any new development will be responsible for the on-site stormwater management.

### Policy 1.2.3

Property owners that have an existing obligation, shall maintain the applicable stormwater systems to the standards and regulations adopted at the time the permit was issued.

### Policy 1.2.4

Except for stormwater management and access to isolated uplands, development will be directed away from wetlands.

### Policy 1.2.5

The developer/property owner will be responsible for full mitigation of impacts upon wetlands that result from permitted activity.

### Policy 1.2.6

In order to direct development away from wetlands, a density credit will be provided to on-site upland areas. The density credit will be derived from the density assigned to on-site wetland areas as reflected by the Future Land Use designation.

### Policy 1.2.7

At least every ten years (beginning 1999), the Town will review the inventory of historic resources, and if appropriate, consider the development of a local historic designation program.

### Policy 1.2.8

The Town supports the submittal of eligible historic resources for consideration to be included on the National Register of Historic Places, through the US Department of the Interior.

### Policy 1.2.9

The Town will assist, when requested, professionals and interested citizens in identifying significant pre-historic or historic resources in need of protection.

### **OBJECTIVE 1.3**

**All development orders and permits will be issued only if public or private facilities necessary to meet level of service (LOS) standards (which are adopted as part of the Capital Improvements Element of this Plan) are available concurrent with the impacts of the development.**

#### **Policy 1.3.1**

The development of land will be coordinated in conjunction with the provision of public facilities and services consistent with the Town's concurrency management system.

#### **Policy 1.3.2**

Public facilities and utilities will be located to best: a) maximize the efficiency of services provided; b) minimize costs; and c) minimize impacts on the natural environment. Where feasible, all utilities will be located underground.

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### **OBJECTIVE 1.4**

**The Town will coordinate with appropriate governments and agencies to maximize information and awareness of potential impacts of development.**

#### **Policy 1.4.1**

Upon request to the Town Clerk, the Town will provide the agendas for all Town Commission workshop meetings, regular meetings and special meetings.

#### **Policy 1.4.2**

Upon request to the Town's Planning, Zoning and Building Department, the Town will provide the agendas for all Planning and Zoning Board (Local Planning Agency) workshop meetings, regular meetings and special meetings.

### **OBJECTIVE 1.5**

**Planning activities within the Town will be governed by the Comprehensive Plan and the Town Code.**

#### **Policy 1.5.1**

Each element in the adopted Plan contains one or more goals, lists objectives to be achieved in order to reach the associated goals and identifies policies, which act as enforcement requirements of the Comprehensive Plan directed toward achievement of the associated objective. Goals, objectives and policies are not listed in order of importance. All policies are to be considered of equal importance except where the conflict or two or more policies arises in the course of simultaneously applying those policies to a specific set of circumstances. If two or more policies are conflicting when applied to a particular set of factual circumstances, such conflict shall be resolved first by administrative interpretation of the Plan's policies. The objective of any such interpretation shall be to obtain a result, which maximizes the degree of consistency between the proposed development activity and this Comprehensive Plan when considered as a whole.

However, the final arbiter as to which policy applies shall be the elected or appointed board with whom the final decision rests.

#### Policy 1.5.2

All proposed amendments to this Comprehensive Plan will comply procedurally with state laws, the Town's Charter, and land development regulations.

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### **OBJECTIVE 1.6**

**To assist in redeveloping and revitalizing key areas of the Town in a sustainable, mixed use pattern of development in order to support a continued recreation-oriented lifestyle for Town residents and visitors.**

#### Policy 1.6.1

The Town may encourage the realization of a vibrant Town Center that includes the Town Hall and the public tennis complex area as well as commercial, office, institutional, residential and tourism uses. The Town may maintain a Town Center zoning overlay district within the MUC-1 future land use category for the area depicted on Figure 2. Within the Town Center zoning overlay district, additional nonresidential lot coverage up to 10%, and additional nonresidential and residential height up to one story may be allowed through the Outline Development Plan process to achieve a compact, pedestrian-friendly, attractive design supportive of mixed uses. Residential uses are limited to predominantly senior living communities including but not limited to age-restricted, independent living senior communities. The zoning overlay district may also provide additional incentives for design flexibility and expedited permitting to encourage the development of a central place within the Town for civic and community life.

#### Policy 1.6.2.

The Town will encourage revitalization of the Whitney Beach area for a mix of land uses appropriate to the northern gateway to the Town and the surrounding neighborhood, through regulatory incentives that include the Whitney Beach Overlay Future Land Use category, depicted on Figure 3, and implementing land development regulations.

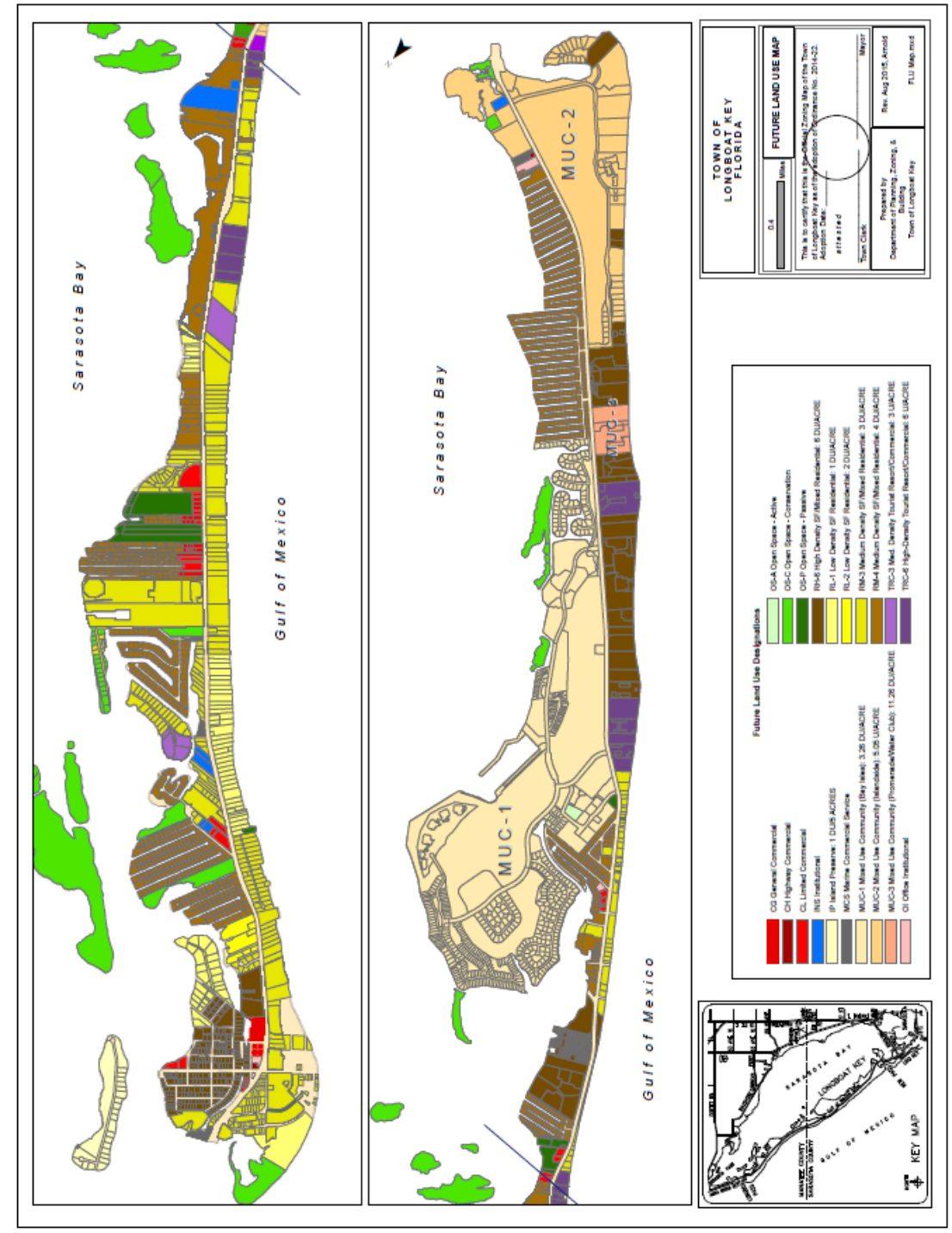
#### Policy 1.6.3

The Town may provide fiscal incentives to the revitalization of the Town Center and Whitney Beach areas as available and appropriate. These incentives may include, but are not limited to, infrastructure or landscaping improvements, public street abandonment, and public transportation access that support a sustainable development pattern.

#### Policy 1.6.4

Because adequate Town-wide wireless communication infrastructure is important to safety and the continued economic and social vitality of Town life, the Town will encourage the location of such infrastructure in suitable areas, consistent with criteria that include safety, aesthetics and neighborhood compatibility and as provided by state and federal law.

Figure 2: Future Land Use Map



\* Increased densities and intensities for tourism uses may be available in the tourist resort commercial, commercial, office, and marina commercial service future land use categories under the land development regulations for utilization of no more than 250 tourism units islandwide, as set forth in the Future Land Use Map above, reflected by the referendum vote of March 18, 2008.

\*\* Whitney Beach Overlay