

DIVISION 2. - IMPACT REVIEW

Sec. 2.00. - Purpose.

The purpose of the impact review process is to ensure that proposed development is designed, located, configured, landscaped and developed to avoid negative impacts on neighboring properties or the town as a whole. In the instances where impact review is applicable, the standards of this division 2 shall be interpreted to operate in concert with the other provisions of these Land Development Regulations in order to achieve the purpose of this division. Consequently, if the proposed building or buildings cannot be designed, located, configured, landscaped and developed in a manner that satisfies the standards of this division 2, then applicants:

- A. May not be entitled to develop all of the floor area and/or building height that are otherwise permitted by the other provisions of these Land Development Regulations; and
- B. May not be entitled to provide only the minimum yards that are otherwise required by the underlying zoning district regulations.

(Ord. No. 302, § 2, 2-15-06)

Sec. 2.01. - Applicability.

Impact review by the impact review committee is required if:

1. The total floor area on the lot proposed for development, including existing and proposed floor area, will be greater than 70 percent of the maximum floor area permitted in the underlying zoning district; and
2. The application:
 - a. Is for a required approval that is not subject to administrative review pursuant to any paragraph of article X, section 1.00 or board of adjustment review pursuant to any provision of article X, division 3, 4, or 5; or
 - b. Has been referred to the impact review committee pursuant to article X, section 1.02; or
 - c. Requests approval of the demolition of a principal building or guest house and is not part of, or concurrently filed with, an application for development approval of a new principal building or guest house.

(Ord. No. 361, §§ 1, 2, 6-14-16)

Sec. 2.02. - Standards for impact review.

The decision-maker shall approve an application for impact review approval if the applicant demonstrates that:

- A. The proposed development will not adversely affect the public interest; and
- B. The proposed development is consistent with the surrounding neighborhood character; and
- C. The visibility of the proposed development from public rights-of-way, adjacent properties, the beach, the ocean and the intracoastal waterway is minimized in a manner that is consistent with the surrounding neighborhood character; and
- D. The landscape treatment along the front lot line is comparable to the character and quantity of the streetscape along lot frontage on the same public road for a distance of 1,000 feet in both directions; and
- E. The proposed ingress and egress is functionally adequate with regard to vehicular and pedestrian safety, separation of automotive traffic, traffic flow and control, provision of services, servicing of utilities, refuse collection, and access in case of fire, catastrophe or emergency; and
- F. Proposed screens and buffers are sufficient to ensure compatibility of uses and buildings with adjacent properties; and
- G. The location, design and character of lighting and sound will not adversely affect adjacent properties; and
- H. The proposed stormwater management system is sufficient to prevent runoff from adversely affecting adjacent properties; and
- I. The proposed development is designed and located so that all buildings are screened from view from adjacent properties and public roads such that the visual character of the proposed development from adjacent properties and public roads is predominantly natural, landscape plant material, and land forms.

(Ord. No. 368, § 3, 7-17-18.)

Sec. 2.03. - Standards for impact review of demolition applications.

The decision-maker shall approve an application for approval of the demolition of an existing structure or building if the applicant demonstrates that:

- A. The proposed demolition will not adversely affect the public interest; and
- B. The proposed demolition will result in the complete removal of all evidence of the former structure or building; and
- C. If the demolition affects all of the buildings on the lot, all impermeable surfaces that were accessory to the demolished structures or buildings, including but not limited to driveways, terraces, courts, slabs, and foundations, will also be removed; and
- D. The landscape treatment along the front lot line will remain comparable to the character and quantity of the streetscape along lot frontage on the same public road for a distance of 1,000 feet in both directions, or will be planted such that it is comparable to the character and quantity of said streetscape if its existing condition is that it is not comparable in character or quantity; and
- E. The building or structure proposed for demolition does not meet the standards for landmark designation set out in article VIII, section 1.02; and
- F. The demolition will not unnecessarily affect existing landscape buffers, and landscape buffers that are affected will be restored upon completion of the demolition.
- G. The demolition will be staged such that:
 - 1. Noise will be minimized in terms of duration and volume; and
 - 2. Demolition equipment will be screened from view from neighboring properties and public rights-of-way to the maximum feasible extent; and
 - 3. No traffic on public streets in the town will be stopped during the period from November 1 to April 15; and
 - 4. Debris will be removed from the site in a manner that minimizes the number and length of additional trips on the public streets in the town; and
 - 5. Dust will be contained to the maximum practicable extent; and
 - 6. Demolition activities will have a minimal impact on adjacent infrastructure.
 - 7. Buildings proposed for demolition will receive pest control services to control rodents before and after the demolition.
- H. All exposed soil will be stabilized with plant material within ten days of completion of the demolition.

(Ord. No. 347, § 3, 9-16-14)

Sec. 2.04. - Standards for impact review of hoisted boats in excess of 31 feet in length or in excess of eight feet in height above mean high water.

The decision-maker shall approve an application for a hoisted boat that exceeds the maximum length and/or height if the applicant demonstrates that:

- A. The proposed hoisted boat will not adversely affect the public interest; and
- B. The proposed hoisted boat is consistent with the surrounding neighborhood character; and
- C. The visibility of the proposed hoisted boat from public rights-of-way and adjacent properties is minimized in a manner that is consistent with the surrounding neighborhood character; and
- D. The landscape buffer along the side property lines minimizes the visibility of the proposed hoisted boat; and
- E. The proposed hoisted boat will not cause substantial injury to the value of any other property in the neighborhood where it is to be located; and
- F. The proposed hoisted boat will be compatible with adjoining properties and the intended purpose of the district in which it is to be located; and
- G. The proposed hoisted boat will not result in an obvious departure from the aesthetic character of the neighborhood; and
- H. The proposed hoisted boat is situated in a manner that does not materially obstruct the waterfront views from neighboring property; and
- I. The proposed hoisted boat will be associated with a dock which is conforming to all town regulations; and
- J. The proposed hoisted boat does not exceed 41 feet in length or contain more than two levels.

(Ord. No. 342, § 2, 9-17-13)

Sec. 2.05. - Duration of approval.

Approvals granted either administratively or as a result of referral to the impact review committee, shall be valid for one year from the time granted. Commencement of work under said approval shall be considered as the date upon which a building permit is granted and work actually having begun on the project. In the event that work is not commenced within one year of the approval, then an extension of up to one year may be approved on good cause shown by application to the board of adjustment. Projects approved under article X, divisions 1 and 2, which have not been commenced prior to the adoption of this section shall have 12 months from the adoption of this section to commence work.

(Ord. No. 323, § 2, 5-5-09; Ord. No. 342, § 3, 9-17-13)