Exhibit D

ARTICLE V: ZONING DISTRICT REGULATIONS

This article describes the purposes and intent of each zoning district, identifies permitted and conditional uses by zoning district, and provide size and dimensional regulations for respective zoning districts. All proposed new development shall be required to comply with site plan review requirements of Article XVIII and performance criteria of Chapter III. The following sections present the basic purpose and intent of each zoning district and the uses permitted therein.

SECTION 2-5.1: CONSERVATION DISTRICT (C)

A. INTENT

To implement the comprehensive plan policies for preserving areas designated "Conservation" on the Comprehensive Plan Future Land Use Map (FLUM). These areas primarily consist of environmentally sensitive natural resources and systems including but not limited to the Salt Ponds, tidal wetlands, mangroves, freshwater wetlands, transitional wetlands, upland hammocks, and waters of the State including an area extending 600 feet into the tidal water adjacent to the corporate limits of the City. The intent of this district is to provide for the long term preservation of environmentally sensitive natural resources systems designated "Conservation" on the Comprehensive Plan FLUM.

No development shall be permitted within the Conservation district and/or within waters below mean high water, wetlands, upland habitats or yellow heart hammocks unless the applicant for such development provides proof of permits or proof of exemptions from all applicable State or federal agencies having jurisdiction. Where the City determines that development should be allowed to occur for purposes of avoiding a taking, the density in no case shall exceed one (1) unit per ten (10) acres; and site alteration shall be limited to ten (10) percent of the entire site.

The developer/applicant of lands within the Conservation (C) district shall be required to provide a site engineered delineation of all environmentally sensitive lands, including, but not limited to, wetlands, upland habitat and shall also indicate the location of lands or waters within the jurisdiction of the State and/or federal government. The applicant shall bear the burden of proof in determining that development plans required pursuant to Article XVIII include appropriate mitigative techniques to prevent/minimize adverse impacts to wetlands, transitional wetlands, upland habitat, yellow heart hammocks, tidal waters, including benthic communities, such as seagrass beds and algal beds, as well as other live bottom communities such as reef systems, or other environmentally fragile natural systems. An on site survey by environmental professionals shall be submitted by the applicant. Such determinations shall be based on physical and biological data obtained from specific site investigations and provided with the earliest application for City development approval. These determinations shall be predicated on findings rendered by professionals competent in producing data and analysis necessary to support impact assessments, including finding regarding the impacts of potential development on the physical and biological function and value of environmentally sensitive lands. Any development within the conservation districts shall be required to comply with all performance criteria of Chapter III, especially Article XI, Environmental Protection, as well as all other applicable land development regulations.

B. **Transfer of Development Rights.** A transfer of development right (TDR) shall be provided for all land within the Conservation District at a density of one (1) unit per one (1) acre. These environmentally sensitive sites shall be designated as "sending areas" and land owners within such "sending areas" shall be able to sell their density rights on the open market to land owners of specific parcels of land within the Key West Bight Redevelopment Area which are identified by the City as "receiving areas."

In executing the "TDR" program, during the initial two year period following adoption of the Comprehensive Plan, "sending areas" shall be exclusively restricted to environmentally sensitive wetlands located within the South A1A-Atlantic Boulevard corridor, including but not limited to, the salt pond area. However, following the initial two year period, other sites may be identified as sending areas based on a thorough analysis of the effectiveness of the transfer of development rights program. The addition of new "sending areas" shall require amendment to the land development regulations. Specific "receiving areas" must be identified in the comprehensive plan. These "receiving areas" shall be limited to approved sites in the Key West Bight Redevelopment Area designated "HRCC-2" on the Future Land Use Map.