

Final Proposed Changes to Draft Comprehensive Development Plan

Property owners raised two issues for consideration and possible resolution before approval of the draft comprehensive development plan for state review. These issues are:

1. Current zoning that is inconsistent with existing use of property in the north end of town, especially the Sea Strand property, and designation as “open space” for a strip of property adjoining the Seastrand property.
2. Ensuring that the effects of Ordinance 704 that amended the 2007 plan are appropriately considered and reflected as needed in the new plan. This ordinance included language that excluded height from those bulk standards that could be relaxed in resort business (RB) districts.

Issue 1

While the current NR zoning does not permit multi-family use, the Seastrand property is a nonconforming use and could continue as such. However, if the property were redeveloped, it would have to be done as single-family units, consistent with NR restrictions. Proposed language below would recommend that the Town examine whether zoning should be consistent with existing use on certain properties. It was also noted that Map 6 in the draft plan may not accurately reflect existing usage for certain properties. The proposed language also addresses this concern. Discussion of incorporating the institutional use of the Lifesaving Museum into the RR district is deleted because that parcel is already included in the RR zoning.

In addition, ***it is recommended that the open space designation on Map 7 for the strip of property by Seastrand be removed.*** There are no similar properties in town designated as such, and the property is not owned by the Town.

Proposed Changes to 3.9.2 Future Land Use (page 38)

Map 7 is the Town’s Future Land Use map. ~~This map does not include any proposed changes to existing land use that would impact the current zoning shown in Map 4. However, there are some existing uses shown in Map 6 that are not consistent with current and future permitted uses as defined by the zoning ordinance. While these properties may continue as nonconforming uses, the Town should examine the need for zoning to be consistent with existing use for certain properties, with appropriate consideration for avoiding “spot zoning” concerns. In addition, Map 6, which is based on State data, may not accurately reflect existing usage for some properties. Accordingly, the Town should work with the State to refine its land use data.~~ ~~which has a change in land use incorporated in this map relative to Map 6, the effective Zoning Map. This change includes incorporating the institutional use (Dewey Beach Lifesaving Museum) parcel at 1 Dagsworthy Street into the RR~~

~~Resort Residential zoning district. The municipal use of this parcel is a permitted use in the RR district, and so doing avoids the need to define zoning code and define appropriate bulk standards for an “institutional” zoning district and dealing with the spot zoning concerns and treatment of other institutional use parcels that are already included in the RR district in Map 4.~~

Issue 2

The 2007 comp plan was revised by Ordinance 704 in April 2013. Part of the ordinance addressed relaxation of bulk standards for contiguous tracts of land that total 80,000 square feet for RB zones and 100,000 square feet for NR or RR zones. The ordinance excluded height from those standards that could be relaxed.

2014 revisions to the Town Code (Sections 185.26, 185.26.1, and 185.26.2 specify that height, dwelling unit density, floor area ratio, and external setbacks from front and side streets may not be relaxed in planned overlay districts (PR, PRB-1, and PRB-3). Sections 185-25 and 185-25.1 of the Town Code indicate that relaxed bulk standards are available for large tracts of land in the RB-1 and RB-3 zoning districts but do not specify which standards may be relaxed and do not indicate that these large tracts are to be rezoned as planned overlay districts. Because the sections of the code for planned resort business districts and resort business districts are not connected, it raises the question of whether the bulk standards that cannot be relaxed for PRB-1 and PRB-3 districts apply to the opportunities for relaxed standards described in 185-25 and 185-26 for RB-1 and RB-3 districts.

There is no lack of clarity regarding opportunities for relaxed bulk standards for the residential districts.

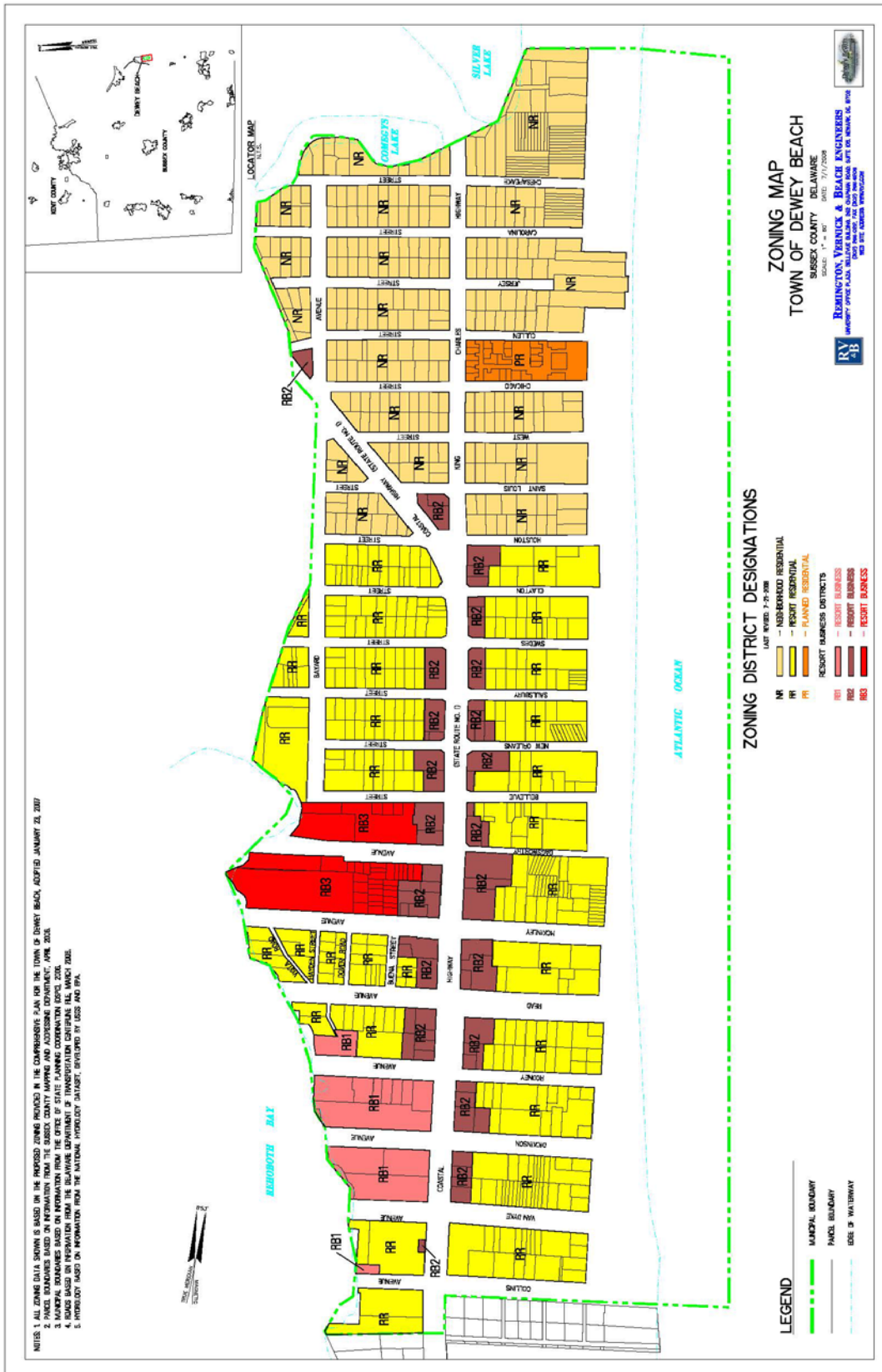
The current draft of the comp plan discusses these overlay districts on page 38 and raises the question of the continuing need for these districts. Additional discussion is needed to make clear the designation of these overlay districts as PR, PRB-1, and PRB-3, so that there is no confusion regarding the opportunities for relaxed bulk standards. The relevant paragraph from page 38, with additional suggested language is included below:

Proposed Changes to 3.9.1 Existing Use (last paragraph of section, page 38)

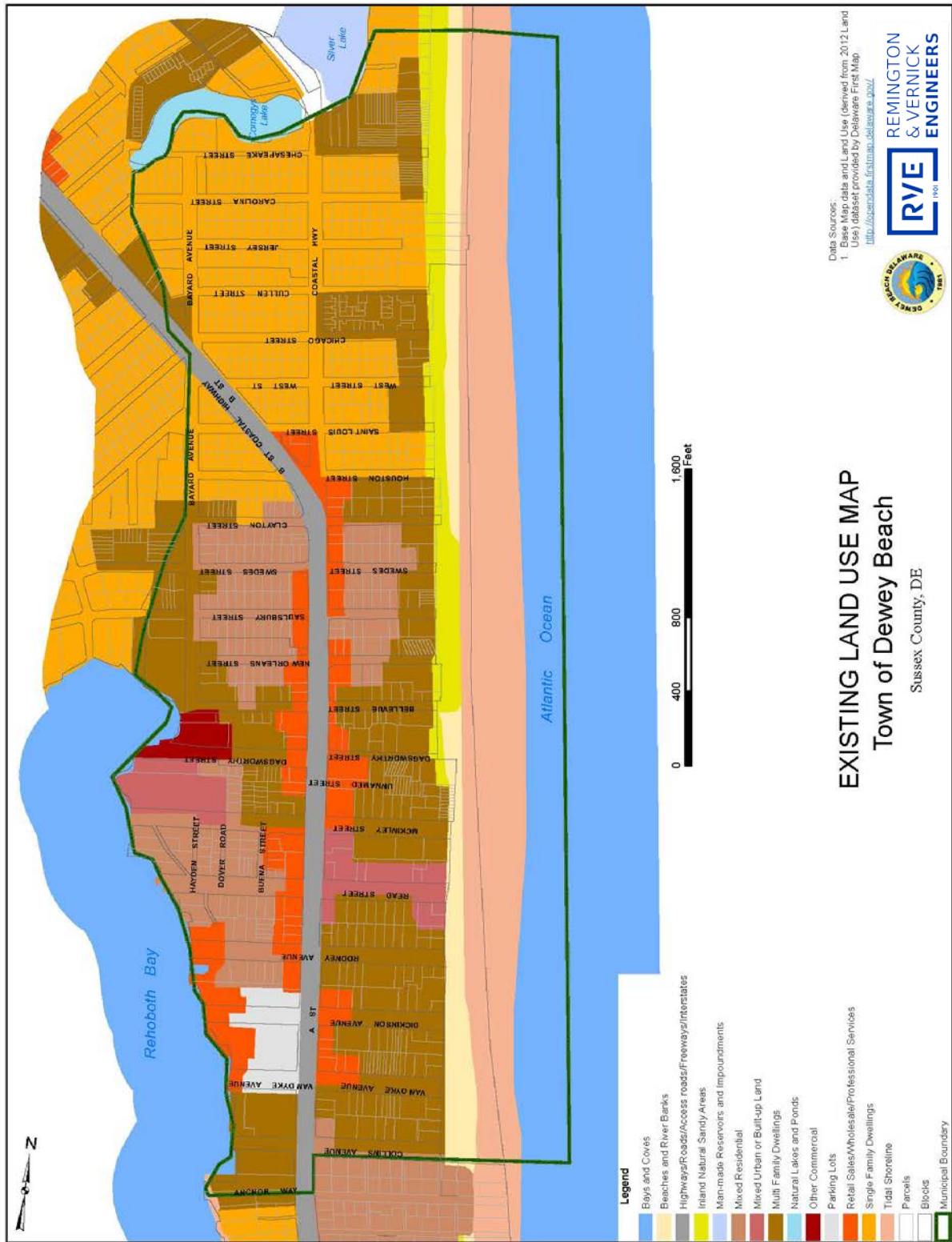
The Town Zoning Code has provisions for planned development overlays in the two residential districts and in the RB-1 and RB-3 districts, including relaxed bulk standards to facilitate residential development (NR and RR districts) and commercial and mixed-use development (RB-1), and commercial, mixed-use and residential-use development (RB-3) for a large block of land (100,000 contiguous square feet required in NR and RR districts; 80,000 contiguous square feet in RB-1 and RB-3 districts) rather than requiring separate structures on individual lots or

parcels. These overlays are designated as Planned Residential (PR), Planned Resort Business 1 (PRB-1), and Planned Resort Business 3 (PRB-3), and the Town should ensure that the Town Code describes the process necessary for rezoning tracts of residential, RB-1, or RB-3 land that meet the minimum requirements to PR, PRB-1, or PRB-3, as appropriate. It should also ensure that specifications for which bulk zoning standards may be relaxed and/or restricted for each type of overlay district are clearly specified in relevant sections of the Town Code and within the Table 2 Bulk Zoning Requirements within the Zoning Code. The Town should also consider whether there is a continuing need for these overlays. In addition, the Town should continue to enforce its current building height limitations/standards (35' in a non-flood zone and 32' in a flood zone) where applicable and possibly revise the standards as necessary.

Map 4



Map 6



Map 7

