

## M E M O R A N D U M

**DATE:** May 12, 2015

**TO:** David Bullock, Town Manager

**FROM:** Alaina Ray, AICP, Director  
Planning, Zoning and Building Department

**SUBJECT:** Scenarios to Conform Existing Non-conforming Density

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With the progress of Ordinance 2015-02 and 2015-10, which removes regulatory language related to nonconforming properties from the Comprehensive Plan and establishes flexible Future Land Use categories, various regulatory implementation scenarios have been analyzed to conform the Town's existing nonconforming density. The creation of new Zoning Districts with new density ranges is proposed, which would allow properties to be reclassified into appropriate districts based upon the actual density that currently exists on each property.

Staff's overarching goal within this analysis was to ensure that all properties remained whole. Any scenario that produced an outcome resulting in the potential loss of existing units was noted as being in contrast to the intent of the 2008 Referendum, which established that properties could be rebuilt to their existing densities.

Three scenarios are included in the final analysis. Scenarios 1 and 3 encompass all properties currently zoned Tourism and Multi-Family. Both scenarios keep all properties whole, meaning no loss of existing units would result from implementation of either scenario. Both scenarios would require a referendum for potential additional density. Both scenarios could address all tourism and multi-family properties that are currently nonconforming for density.

Scenario 2 deals only with properties that are either zoned for Tourism use or have legally-nonconforming Tourism uses. Like the other scenarios, this option would also require a referendum for potential additional density. However, unlike the other scenarios, the potential exists in this option for certain properties to lose existing density if the use reverts from Tourism use to Residential use. In addition, Mixed-Residential properties that are not used for Tourism and are currently nonconforming for density would remain nonconforming.