

# Draft Alburgh Land Use and Development Regulations

## Review of Selectboard Changes – December 13, 2017 and January 9, 2018

The following is a review of changes made by the Selectboard to the draft Alburgh Land Use Regulations at their meeting on December 12, 2017.

**Section 107(C)(3) – Limitations and Exemptions** - A sentence was added here to indicate that a State Shoreland Permit may be required for a retaining wall even if the retaining wall is exempt from local regulation.

**Section 201(B) – Establishment of Zoning District and Official Map** - A sentence in the Rural District purpose statement was amended to note that Alburgh is on a peninsula and is not an island.

**Section 302, Table 3.1 – Dimensional Requirements** - A minimum lake frontage requirement was added for lots adjacent to Lake Champlain. In addition, the minimum side yard setback descriptions no include the language “from the property line.”

**Section 303(A) – Vacant Buildings and Structures** – This section was rewritten to just refer to the Town of Alburgh Ordinance to Regulate Nuisance Properties.

**Section 402(A) – Table 4.1 – Regulations by Zoning District** – Campgrounds, year-round mobile home parks, and seasonal mobile home parks were separated in the table. New and expansions to existing campgrounds, year-round mobile home parks, and seasonal mobile home parks (3a, 3c and 3e) were changed from “Conditional Use” to “Prohibited” in the Industrial Zoning District. Industrial uses (6) were changed from “Permitted” to “Conditional Use” in the Industrial Zoning District.

**Section 402(A)(3) – Campgrounds, Year-round Mobile Home Parks, and Seasonal Mobile Home Parks** – Subsections were added to clearly differentiate between campgrounds, year-round mobile home parks, and seasonal mobile home parks. Language was edited to ensure only standards applicable to each use were included (e.g. standards for campgrounds were removed from subsections with standards for seasonal mobile home parks).

**Section 402(A)(5)(d) – Home Occupations** - A standards to ensure that a home occupation meet the “residential character of principal and accessory structures” was removed due to a lack of clarity about how “residential character” would be defined.

**Section 402(A)(12), Figure 4.1 – Telecommunications Facility** – Added a figure to explain what the legal term “de minimus” means.

**Section 402(B)** – The word “be” was inserted between “may” and “approved” in the first sentence.

**Section 501(B) – Application Requirements** – In the second paragraph, second sentence, the word “issued” was replaced with “considered by the Zoning Administrator” to clarify that only applications that contain all required materials will be considered by the Zoning Administrator.

**Section 501(F) – Recording Requirements** – Changed the language to refer to the “Town” Clerk not the “Municipal” Clerk for clarity.

**Section 502(D) – Public Hearing Process and Notice Requirements** – The phrase “must be made” was added at the end of the last sentence to provide clarity to the requirement.

**Section 503(D) – Appeals** – Language was added to clarify that the DRB shall render a decision on an application within 45 days of the close of the public hearing. It was also clarified that if a decision was not issued

**Section 505(A)(3) – Certificate of Occupancy** – Language was added to clarify that the e-911 number is provided by the E-911 Coordinator, not the Town Clerk.

**Section 601 – Existing Small Lots** – This section has been changed to allow for development on lots less than 1/8 acre in size. It has also change to clarify that minimum setbacks standards for existing small lots may be reduced upon receiving conditional use approval from the Development Review Board.

**Section 603(C) and (D) – Nonconforming Uses** – These two subsections were removed because they contained ambiguous language that attempted to accomplish the same relative goals as subsection (B) and were therefore repetitive.

**Article 8** – Amended the definition of mobile home park to differentiate between year-round and seasonal mobile home parks.