PROPOSED AMENDMENT TO

LAND DEVELOPMENT CODE ARTICLE 3

CLARIFYING THE DEFINITION OF SEASONAL RESIDENT

Prepared for the
September 13, 2012 meeting of the Zoning Board

RECOMMENDATION:

That the board consider an amendment to the Land Development Code to clarify the definition of "seasonal resident." The proposed change is shown in underline format below.

BACKGROUND:

The Land Development Code defines "seasonal resident" as "any person or persons occupying any form of dwelling or housekeeping unit, with or without a kitchen for any period of time cumulatively totaling less than six months and one day" but does not say within what period of time that six months applies. This creates an unintended loophole.

For example, under Section 6.04.04.A a property owner is entitled to temporary, or seasonal, use of their RV in an Agriculture zoning district on parcels at least five acres in size. As currently defined, that property owner could stay in their RV for six months, move the unit off the property for a short period of time, and then use the RV for another six months.

The proposed amendment removes that loophole by limiting seasonal use to six months within a 12 month period.

ARTICLE THREE - DEFINITIONS

SEASONAL (OR TRANSIENT) RESIDENT: Any person or persons occupying any form of dwelling or housekeeping unit, with or without a kitchen for any period of time cumulatively totaling less than six months and one day within a 12 month period.