

No. 107. An act relating to regulation of land uses within flood hazard areas.

(H.676)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 754 is amended to read:

§ 754. FLOOD HAZARD AREA RULES; USES EXEMPT FROM
MUNICIPAL REGULATION

(a) Rulemaking authority.

(1) On or before ~~March 15, 2014~~ November 1, 2014, the Secretary shall adopt rules pursuant to 3 V.S.A. chapter 25 that establish requirements for the issuance and enforcement of permits applicable to:

(i) uses exempt from municipal regulation that are located within a flood hazard area or river corridor of a municipality that has adopted a flood hazard bylaw or ordinance under 24 V.S.A. chapter 117; and

(ii) State-owned and -operated institutions and facilities that are located within a flood hazard area or river corridor.

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(f) Permit requirement. ~~Beginning July 1, 2014~~ March 1, 2015, no person shall commence or conduct a use exempt from municipal regulation in a flood hazard area or river corridor in a municipality that has adopted a flood hazard area bylaw or ordinance under 24 V.S.A. chapter 117 or commence construction of a State-owned and -operated institution or facility located within a flood hazard area or river corridor, without a permit issued under the

rules required under subsection (a) of this section by the Secretary or by a State agency delegated permitting authority under subsection (g) of this section.

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Sec. 2. 24 V.S.A. § 4413(a) is amended to read:

(a)(1) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

~~(1)~~(A) State- or community-owned and operated institutions and facilities.

~~(2)~~(B) Public and private schools and other educational institutions certified by the ~~state department of education~~ Agency of Education.

~~(3)~~(C) Churches and other places of worship, convents, and parish houses.

~~(4)~~(D) Public and private hospitals.

~~(5)~~(E) Regional solid waste management facilities certified under 10 V.S.A. chapter 159.

~~(6)~~(F) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

(2) Except for State-owned and -operated institutions and facilities, a municipality may regulate each of the land uses listed in subdivision (1) of this

subsection for compliance with the National Flood Insurance Program and for compliance with a municipal ordinance or bylaw regulating development in a flood hazard area or river corridor, consistent with the requirements of subdivision 2291(25) and section 4424 of this title. These regulations shall not have the effect of interfering with the intended functional use.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: April 18, 2014