

1 H.72

2 Introduced by Representative O'Brien of Richmond

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; zoning bylaws; flood hazard areas; accessory
6 dwellings

7 Statement of purpose of bill as introduced: This bill proposes to allow
8 municipalities to prohibit the construction of accessory dwelling units in flood
9 hazard areas.

10 An act relating to accessory dwellings in flood hazard areas

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

12 Sec. 1. 24 V.S.A. § 4412 is amended to read:

13 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

14 Notwithstanding any existing bylaw, the following land development
15 provisions shall apply in every municipality:

16 (1) Equal treatment of housing and required provisions for affordable
17 housing.

18 * * *

19 (E) ~~No~~ Except for flood hazard area bylaws adopted pursuant to
20 section 4424 of this title, no bylaw shall have the effect of excluding as a

1 permitted use one accessory dwelling unit that is located within or appurtenant
2 to an owner-occupied single-family dwelling. An accessory dwelling unit
3 means an efficiency or one-bedroom apartment that is clearly subordinate to a
4 single-family dwelling, and has facilities and provisions for independent living,
5 including sleeping, food preparation, and sanitation, provided there is
6 compliance with all the following:

7 (i) The property has sufficient wastewater capacity.

8 (ii) The unit does not exceed 30 percent of the total habitable floor
9 area of the single-family dwelling.

10 (iii) Applicable setback, coverage, and parking requirements
11 specified in the bylaws are met.

12 (F) Nothing in subdivision (1)(E) of this section shall be construed to
13 prohibit:

14 (i) a bylaw that is less restrictive of accessory dwelling units;

15 (ii) a bylaw that requires conditional use review for one or more of
16 the following that is involved in creation of an accessory dwelling unit:

17 (I) a new accessory structure;

18 (II) an increase in the height or floor area of the existing
19 dwelling; or

20 (III) an increase in the dimensions of the parking areas.

21 * * *

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2013.