

1 S.328 House General and Housing Proposal

2 * * * Municipal Zoning * * *

3 Sec. 7. 24 V.S.A. § 4412 is amended to read:

4 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

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

7 (1) Equal treatment of housing and required provisions for affordable
8 housing.

9 * * *

10 (B) Except as provided in subdivisions 4414(1)(E) and (F) of this
11 title, no bylaw shall have the effect of excluding mobile homes, modular
12 housing, manufactured housing, or prefabricated housing from any district that
13 allows year-round residential development in the municipality, except upon the
14 same terms and conditions as conventional housing is excluded. A
15 municipality may establish specific site standards in the bylaws to regulate
16 individual sites within preexisting mobile home parks with regard to distances
17 between structures and other standards as necessary to ensure public health,
18 safety, and welfare, provided the standards do not have the effect of
19 prohibiting the replacement of mobile homes on existing lots.

20 * * *

1 (i) an area where residential connections and expansions are
2 available to municipal water and direct and indirect discharge wastewater
3 systems and not prohibited by:

4 (I) ~~State regulations or permits;~~

5 ~~(H)~~ identified capacity constraints; or

6 ~~(HH)~~(II) municipally adopted service and capacity agreements;

7 or

8 (ii) an area established by the municipality by ordinance or bylaw
9 where residential connections and expansions are available to municipal water
10 and direct and indirect discharge wastewater systems or a fire district and
11 which may exclude:

12 (I) flood hazard or inundation areas as established by statute,
13 river corridors or fluvial erosion areas as established by statute, shorelands,
14 areas within a zoning district or overlay district the purpose of which is natural
15 resource protection, and wherever year-round residential development is not
16 allowed;

17 (II) areas with identified service limits established by State
18 regulations or permits, identified capacity constraints, or municipally adopted
19 service and capacity agreements;

20 (III) areas served by sewer and water to address an identified
21 community-scale public health hazard or environmental hazard;

1 (IV) areas serving a mobile home park that is not within an area
2 planned for year-round residential growth;

3 (V) areas serving an industrial site or park;

4 (VI) areas where service lines are located to serve the areas
5 described in subdivisions (III)–(V) of this subdivision (ii), but no connections
6 or expansions are permitted; or

7 (VII) areas that, through an approved Planned Unit
8 Development under section 4417 of this title or Transfer of Development
9 Rights under section 4423 of this title, prohibit year-round residential
10 development.

11 (B) Municipally adopted areas served by municipal sewer and water
12 infrastructure that limit sewer and water connections and expansions shall not
13 result in the unequal treatment of housing by discriminating against a year-
14 round residential use or housing type otherwise allowed in this chapter.

15 (43) “Permitted” means a land use, structure, or activity explicitly
16 allowed within a specific zoning district, provided it complies with all district
17 regulations.

18 Sec. 9. 24 V.S.A. § 4441 is amended to read:

19 § 4441. PREPARATION OF BYLAWS AND REGULATORY TOOLS;

20 AMENDMENT OR REPEAL

21 * * *

1 implementation capacity for community-scale projects. A center reaches Step
2 Two if it:

3 * * *

4 (iv) **has** a portion of the center **is** listed or eligible for listing in the
5 National Register of Historic Places, unless recognized by the program as a
6 preexisting designated new town center.

7 * * *

8 (3) Step Three.

9 (A) Requirements. Step Three is established to create an advanced
10 designation for downtowns throughout the State to create mixed-use centers
11 and join the Vermont Downtown Program. A center reaches Step Three if the
12 Department finds that it meets the following requirements:

13 * * *

14 (ii) Is A portion of the center is listed or eligible for listing in the
15 National Register of Historic Places, unless recognized by the program as a
16 preexisting designated new town center.

17 * * *

18 (Committee vote: _____)

19 _____

20 Representative _____

21 FOR THE COMMITTEE