

1 S.328

2 Senator Ram Hinsdale moves that the Senate concur in the House proposal
3 of amendment with further proposal of amendment as follows:

4 First: By striking out Sec. 9, 24 V.S.A. § 4412, in its entirety and inserting
5 in lieu thereof a new Sec. 9 to read as follows:

6 Sec. 9. 24 V.S.A. § 4412 is amended to read:

7 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

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

10 (1) Equal treatment of housing and required provisions for affordable
11 housing.

12 * * *

13 (B) Except as provided in subdivisions 4414(1)(E) and (F) of this
14 title, no bylaw shall have the effect of excluding mobile homes, modular
15 housing, manufactured housing, or prefabricated housing from any district that
16 allows year-round residential development in the municipality, except upon the
17 same terms and conditions as conventional housing is excluded. A
18 municipality may establish specific site standards in the bylaws to regulate
19 individual sites within preexisting mobile home parks with regard to distances
20 between structures and other standards as necessary to ensure public health,

1 safety, and welfare, provided the standards do not have the effect of
2 prohibiting the replacement of mobile homes on existing lots.

3 * * *

4 (D) Bylaws shall designate appropriate districts and reasonable
5 regulations for multiunit or multifamily dwellings. No bylaw shall have the
6 effect of excluding these multiunit or multifamily dwellings from the
7 municipality. In any district that allows year-round residential development,
8 duplexes shall be ~~an allowed~~ a permitted use with dimensional standards that
9 are not more restrictive than is required for a single-unit dwelling, including no
10 additional land or lot area than would be required for a single-unit dwelling. In
11 any district that is served by municipal sewer and water infrastructure that
12 allows residential development, multiunit dwellings with four or fewer units
13 shall be a permitted use on the same size lot as a single-unit dwelling, ~~unless~~
14 ~~that district specifically requires multiunit structures to have more than four~~
15 ~~dwelling units.~~

16 (E) Except for flood hazard and fluvial erosion area bylaws adopted
17 pursuant to section 4424 of this title, no bylaw shall have the effect of
18 excluding as a permitted use one accessory dwelling unit that is located within
19 or appurtenant to a single-family dwelling ~~on an owner-occupied lot~~. A bylaw
20 shall require a single-family dwelling with an accessory dwelling unit to be
21 subject to the same review, dimensional, or other controls as required for a

1 single-family dwelling without an accessory dwelling unit. The criteria for
2 conversion of an existing detached nonresidential building to habitable space
3 for an accessory dwelling unit shall not be more restrictive than the criteria
4 used for a single-family dwelling without an accessory dwelling unit.

5 * * *

6 (15) No bylaw shall require a duplex or multiunit dwelling with three
7 units to be constructed on an owner-occupied lot.

8 Second: By adding a reader assistance heading and new section to be Sec.
9 9a to read as follows:

10 * * * State Community Investment Program * * *

11 Sec. 9a. 24 V.S.A. § 5803 is amended to read:

12 § 5803. DESIGNATION OF DOWNTOWN AND VILLAGE CENTERS

13 * * *

14 (f) Benefits Steps. A center may receive the benefits associated with the
15 steps in this section by meeting the established requirements. The Department
16 shall review applications from municipalities to advance from Step One to
17 Two and from Step Two to Three and issue written decisions. The Department
18 shall issue a written administrative decision within 30 days following an
19 application. If a municipal application is rejected by the Department, the
20 municipality may appeal the administrative decision to the State Board. To
21 maintain a downtown approved under chapter 76A after December 31, 2026,

1 the municipality shall apply for renewal following a regional planning
2 approval by the LURB and meet the program requirements. Step Three
3 designations that are not approved for renewal revert to Step Two. The
4 municipality may appeal the administrative decision of the Department to the
5 State Board. Appeals of administrative decisions shall be heard by the State
6 Board at the next meeting following a timely filing stating the reasons for the
7 appeal. The State Board’s decision is final. The Department shall issue
8 guidance to administer these steps.

9 * * *

10 (2) Step Two.

11 (A) Requirements. Step Two is established to create a mid-level
12 designation for villages throughout the State to increase planning and
13 implementation capacity for community-scale projects. A center reaches Step
14 Two if it:

15 * * *

16 (iv) a portion of the center is listed or eligible for listing in the
17 National Register of Historic Places, unless recognized by the program as a
18 preexisting designated new town center.

19 * * *

20 (3) Step Three.

